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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051963
Party	Plaintiff Slyvester Stewart, pka Sly Stone, d/b/a Sly and the Family Stone
Correspondence Address	Rod Rummelsburg Allan Law Group, P.C. 22917 Pacific Coast Hwy., #350 Malibu, CA 90265 UNITED STATES rod@rjallanlaw.com
Submission	Motion to Compel Discovery
Filer's Name	Rod Rummelsburg
Filer's e-mail	rod@rjallanlaw.com
Signature	/Rod Rummelsburg/
Date	06/23/2010
Attachments	Petitioner's Motion to Compel Production of Documents.pdf (6 pages)(359242 bytes) Declaration of Rummelsburg in Support of Motion to Compel.pdf (26 pages)(986166 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 2,920,734
Trademark: SLY AND THE FAMILY STONE

SYLVESTER STEWART, an individual,
pka **SLY STONE**, pka **SLY AND THE
FAMILY STONE**,

Petitioner,

Cancellation No.: 92051963

vs.

EVEN ST. PRODUCTIONS LTD., a New
York corporation.

Respondent.

**MOTION FOR ORDER COMPELLING RESPONDENT EVEN ST. PRODUCTIONS
LTD. TO PRODUCE DOCUMENTS AND REQUEST FOR SANCTIONS;
DECLARATION OF ROD RUMMELSBURG IN SUPPORT THEREOF
[FILED CONCURRENTLY]**

I. INTRODUCTION

This Motion to Compel (“Motion”), brought by Petitioner Sylvester Stewart p/k/a Sly Stone and p/k/a Sly and the Family Stone (“Sly Stone” or “Petitioner”) against Respondent Even St. Productions Ltd. (“Even St.,” “Registrant,” or “Respondent”) arises from Even St.’s failure to produce any requested documents or respond in any way to Petitioner’s First Set of Requests for Production of Documents to Respondent (“RPD”). Sly Stone seeks an order from the Trademark Trial and Appeal Board (“TTAB”) compelling Even St. to produce documents in response to the RPD. Sly Stone also seeks an order imposing an evidentiary sanction against Even St. for willfully refusing to respond to discovery.

II. STATEMENT OF FACTS

On January 15, 2010, Petitioner Sly Stone filed the instant Petition for Cancellation for trademark “Sly and the Family Stone” (the “Mark”) against registrant Even St.

The TTAB set April 15, 2010 as the date “Discovery Opens.” [Declaration of Rod Rummelsburg (“Rummelsburg Decl.”) at ¶ 3; Rummelsburg Decl., Ex. 1 at p. 1 (TTAB Trial Dates)].

On April 28, 2010, Sly Stone’s attorney, Rod Rummelsburg, served RPD with 51 document requests on counsel for Even St. to be answered within thirty (30) days of service pursuant to Fed. R. Civ. P. 34, 37 C.F.R. § 2.120 (2005), and TBMP § 406.01 *et seq.* [Rummelsburg Decl. at ¶ 4; Rummelsburg Decl., Ex. 2 at p. 10 (RPD)].

The deadline for Even St. to produce the documents was June 2, 2010 (“Deadline”), calculated as 30 days from the service of the RPD plus five (5) days for mailing. 37 C.F.R. § 2.119(c) (2005); TBMP § 113.05. Even St. failed to produce any documents in response to the RPD and failed to object to any document requests in the RPD by the Deadline. [Rummelsburg Decl. at ¶ ¶ 5,6].

Even St. served an Initial Disclosure statement (“Initial Disclosure”) on or about May 17, 2010. [Rummelsburg Decl. at ¶ 7; Rummelsburg Decl., Ex. 3 at p. 3 (Registrant’s Initial Disclosures)]. Section B of the Initial Disclosure indicates that documents likely to be responsive to the document requests in the RPD are located at the Even St. offices in Los Angeles and/or at Stop and Stor in Queens, New York. [Rummelsburg Decl. at ¶ 8, Rummelsburg Decl., Ex. 3 at pp. 2-3 (Registrant’s Initial Disclosures)]. Even St. did not produce any documents with its Initial Disclosure. [Rummelsburg Decl. at ¶ 9].

On June 8, 2010, six (6) days *after* the Deadline, Mr. Rummelsburg sent a letter via both email and U.S. mail to Even St.’s attorney of record, Robert A. Becker, demanding Even St. produce the requested documents by June 15, 2010 (“June 8th Letter”). [Rummelsburg Decl. at ¶ 10; Rummelsburg Decl., Ex. 4 at p. 1 (the June 8th Letter)].

Even St. did not respond to the June 8th Letter. [Rummelsburg Decl. at ¶ 11].

Even St. did not produce any documents in response to the June 8th Letter. [Rummelsburg Decl. at ¶ 11].

Instead, On June 14, 2010, just *one* (1) day before the June 8th Letter's extended deadline, Even St. served a motion to suspend proceedings. [Rummelsburg Decl. ¶ 12].

To date, Even St. has failed to produce any documents in response to the RPD. [Rummelsburg Decl. at ¶ 13]. Even St. has also failed to produce documents in conjunction with its Initial Disclosure. [Rummelsburg Decl. at ¶ 13].

III. EVEN ST. SHOULD BE ORDERED TO PRODUCE DOCUMENTS IN RESPONSE TO SLY STONE'S PROPERLY SERVED DISCOVERY REQUESTS

Responses to requests for production must be served within thirty (30) days after the date of service of the requests. Fed. R. Civ. P. 34(b)(2)(A); 37 C.F.R § 2.120(a) (2005); TBMP § 403.03. If any party fails to produce and permit the inspection of any document, the party seeking discovery may file a motion for an order to compel production. 37 C.F.R § 2.120(e) (2005); Fed. R. Civ. P. 37(a)(3)(B); TBMP § 523.01(1).

Sly Stone served the RPD on Even St. on April 28, 2010, [Rummelsburg Decl. ¶ 4; Rummelsburg Decl., Ex. 2 at p. 10 (RPD)], well within the discovery period established by the TTAB. [Rummelsburg Decl., Ex. 1 at p. 1 (TTAB Trial Dates)]. More than 30 days have passed, and Even St. still has not produced *any* documents in response to the RPD. (Rummelsburg Decl. at ¶ 13). Even St. chose to ignore both the RPD and the June 8th Letter.

The RPD asked for examples of Even St.'s use of the mark [Rummelsburg Decl., Ex. 2 at nos. 22 - 24, 27, 28, 31 (RPD)]; documents relating to Even St.'s control of the mark, [Rummelsburg Decl., Ex. 2 at nos. 20, 21, 25, 26, 29, 30 (RPD)]; and contracts and agreements between Even St. and other entities, including Petitioner Sly Stone [Rummelsburg Decl., Ex. 2 at nos. 1 - 8, 10 - 19, 32 - 34, 50].

Even St. admits in its Initial Disclosure that it keeps in either Even St.'s office in Los Angeles or storage in Queens, New York, relevant documents including: "i. Examples of use of the Mark; ii. Documents relating to Registrants control of and quality control relating to the Mark,"

and “iv. Contracts between or among Registrant, its predecessors, Petitioner, other members of the group Sly and the Family Stone, Sony Music Entertainment, Inc., and/or its predecessors.” [Rummelsburg Decl., Ex. 3 at pp. 2-3 (Registrant’s Initial Disclosure)]. However, Even St. has not produced these documents. [Rummelsburg Decl. at ¶ 13].

Clearly, Even St. will not produce relevant and responsive documents, or indeed *any* documents, unless and until the TTAB forces it to do so. Petitioner Sly Stone requests that the TTAB order Even St. to immediately produce all documents responsive to the RPD.

IV. EVEN ST. WAIVED ANY RIGHT TO OBJECT TO PETITIONER’S DOCUMENT DISCOVERY REQUESTS

A party that fails to respond to requests for production by the given deadline, and which fails to show that its failure was the result of excusable neglect, forfeits its right to object to the requests on their merits. TBMP §§ 403.03 & 406.04(a); *Richmark Corp. v. Timber Falling Consultants*, 959 F.2d 1468, 1473 (9th Cir. 1992) (“failure to object to discovery requests within the time required constitutes a waiver of any objection”).

Even St. did not produce requested documents by the Deadline and does not offer any good reason for its failure. [Rummelsburg Decl. at ¶¶ 5-6]. Even St. did not even bother to respond to the June 18 letter. [Rummelsburg Decl. at ¶ 11].

Because Even St. failed to respond to the RPD by the Deadline and offers no valid excuse for its failure, Even St. waives its right to object. Even St. should therefore be ordered to produce all requested documents without objection.

V. EVEN ST. DID NOT PRODUCE PETITIONER’S REQUESTED DOCUMENTS IN CONJUNCTION WITH EVEN ST.’S INITIAL DISCLOSURE

A party must disclose to other parties certain information “*without awaiting a discovery request,*” including a copy of documents or a description by category and location of *all* documents the party has in its possession, custody or control and may use to support its claims or defenses. *See Fed. R. Civ. P. 26(a)(1)(A)* (emphasis added). The party also has an affirmative

duty to supplement such disclosure “*in a timely manner*” if the party learns in some material respect the disclosure is incomplete. *See Fed. R. Civ. P. 26(e)(1)* (emphasis added).

Even St.’s initial disclosure comes nowhere close to meeting the above standards. Even St. knows with specificity the documents Petitioner Sly Stone seeks because they are set forth in the RPD. However, Even St. refuses to identify these documents with specificity in its Initial Disclosure or in a supplemental disclosure. Even St. simply refuses to produce the documents.

It is again clear that unless Even St. is ordered to produce the documents in response to the RPD, Even St. will not produce or even *identify* responsive documents notwithstanding Even St.’s affirmative duty to do so.

VI. EVIDENTIARY SANCTIONS ARE APPROPRIATE GIVEN THAT EVEN ST. IS INTENTIONALLY IGNORING DISCOVERY REQUESTS

The TTAB is authorized to impose sanctions on a party for failure to provide discovery. TBMP § 411.04; *Nat’l Hockey League v. Metro. Hockey Club, Inc.*, 427 U.S. 639, 643 (1976) (“The most severe in the spectrum of sanctions provided by statute or rule must be available...not merely to penalize..., but to deter those who might be tempted to such conduct in the absence of such a deterrent”).

Possible evidentiary sanctions include striking all or part of the pleadings of the disobedient party; refusing to allow the disobedient party to support or oppose designated claims or defenses; drawing adverse inferences against the uncooperative party; prohibiting the disobedient party from introducing designated matters into evidence; and entering judgment against the disobedient party. TBMP § 411.04.

If Even St. were the proper or rightful owner of the Mark, Even St. would certainly be able and willing to provide documentation supporting that position. Instead, Even St. is stonewalling by refusing to respond to discovery. Even St. even ignored the June 8th Letter. [Rummelsburg Decl. at ¶ 11]. In light of Even St.’s behavior, it is appropriate that TTAB draw an inference that Even St. is not the rightful owner of the Mark.

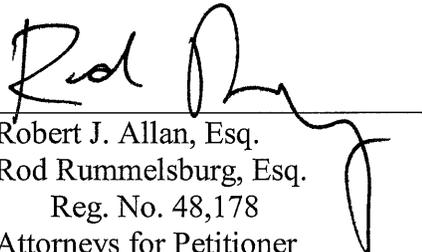
VII. CONCLUSION

Based upon the foregoing points and authorities, Petitioner Sly Stone respectfully requests that the TTAB grant this motion, compelling Even St. to promptly serve full and complete responsive documents, without objection, in compliance with Sly Stone's RPD. Sly Stone also respectfully requests that the TTAB sanction Even St. for its willfully uncooperative behavior by drawing an inference that Even St. is not the rightful owner of the Mark.

Dated: June 22, 2010

Respectfully submitted,

ALLAN LAW GROUP P.C.

By: 

Robert J. Allan, Esq.

Rod Rummelsburg, Esq.

Reg. No. 48,178

Attorneys for Petitioner

Allan Law Group P.C.

22917 Pacific Coast Hwy., #350

Malibu, CA 90265

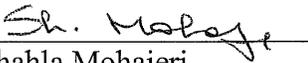
Tel: (310) 456-3024

Fax: (310) 317-0484

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing MOTION FOR ORDER COMPELLING RESPONDENT EVEN ST. PRODUCTIONS LTD. TO PRODUCE DOCUMENTS AND REQUEST FOR SANCTIONS, has been served on June 23, 2010, by mailing said copy via first class mail, postage prepaid to the following:

Robert Becker, Esq.
Attorney for Even St. Productions Ltd.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017


Shahla Mohajeri

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 2,920,734
Trademark: SLY AND THE FAMILY STONE

SYLVESTER STEWART, an individual,
p/k/a **SLY STONE**, p/k/a **SLY AND THE
FAMILY STONE**,

Petitioner,

Cancellation No.: 92051963

vs.

EVEN ST. PRODUCTIONS LTD., a New
York corporation.

Respondent.

**DECLARATION OF ROD RUMMELSBURG IN SUPPORT OF PETITIONER'S
MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

I, Rod Rummelsburg, declare and state as follows:

1. I am an attorney duly licensed to practice law in the State of California and am an associate in the law firm of Allan Law Group, P.C., attorneys of record for Petitioner Sylvester Stewart, p/k/a Sly Stone, p/k/a Sly and the Family Stone ("Sly Stone" or "Petitioner"). I am also a patent attorney registered with the United States Patent and Trademark Office, registration number 48,178. The facts set forth herein are within my personal knowledge and, if sworn as a witness, I could and would testify competently thereto under oath.

2. I submit this declaration in support of Petitioner's motion to compel production of documents.

3. On or about March 10, 2010, the United States Patent and Trademark Office, Trademark Trial and Appeal Board ("TTAB") set April 15, 2010 as the date "Discovery

Opens.” A true and correct copy of the trial dates, including the “Discovery Opens” date, issued by the TTAB on or about March 10, 2010 is attached hereto as Exhibit 1.

4. On April 28, 2010, I caused to have served Petitioner’s First Set of Requests for Production of Documents to Respondent (“RPD”) to counsel for Respondent Even St. Productions Ltd. (“Even St.”), to be answered within thirty (30) days of service hereof pursuant to Fed. R. Civ. P. 34, 37 C.F.R. § 2.120 (2005), and TBMP § 406.01 *et seq.* Attached hereto as Exhibit 2 is a true and correct copy of the RPD.

5. Even St. failed to produce any documents in response to the RPD. The deadline for Even St. to produce the documents was June 2, 2010, calculated as 30 days from the service of the RPD plus five (5) days for mailing. 37 C.F.R. § 2.119(c), TBMP § 113.05.

6. Even St. failed to object to any document requests in the RPD by the June 2, 2010 deadline.

7. Even St. served an Initial Disclosure statement on or about May 17, 2010 (“Initial Disclosure”). A true and correct copy of the Initial Disclosure is attached hereto as Exhibit 3.

8. Section B of the Initial Disclosure indicates that documents likely to be responsive to the document requests in the RPD are located at the Even St. offices in Los Angeles and/or at Stop and Stor in Queens, New York.

9. Even St. did not produce any documents with the Initial Disclosure.

10. Having received no response to the RPD, on June 8, 2010, six (6) days after the deadline to produce documents responding to the RPD, I sent a letter (“June 8th Letter”) via both email and U.S. mail to Even St.’s attorney of record, Robert A. Becker. Attached hereto as Exhibit 4 is a true and correct copy of the June 8th Letter.

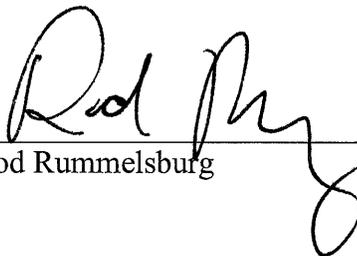
11. The June 8th Letter demanded that Even St. produce the requested documents by June 15, 2010. Even St. did not respond to the June 8th Letter. Even St. did not produce any documents in response to the June 8th Letter.

12. On June 14, 2010, Even St. served on our firm Registrant’s Motion to Suspend Proceedings.

13. In sum, Even St. has not produced any documents to date in response to the RPD. Also, Even St. has not provided documents in conjunction with its Initial Disclosure.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated this 21 day of June, 2010 at Malibu, California.


Rod Rummelsburg

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing DECLARATION OF ROD RUMMELSBURG IN SUPPORT OF PETITIONER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS, has been served on June 23, 2010, by mailing said copy via first class mail, postage prepaid to the following:

Robert Becker, Esq.
Attorney for Even St. Productions Ltd.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017

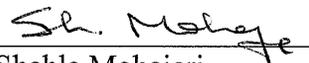

Shahla Mohajeri

EXHIBIT 1

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: March 10, 2010

Cancellation No. 92051963

Slyvester Stewart, pka Sly
Stone, d/b/a Sly and the
Family Stone

v.

Even St. Productions, Ltd.

Amy Matelski, Paralegal Specialist

Registrant's consented motion filed March 9, 2010 to extend time to file its answer to the petition to cancel is granted. Trademark Rule 2.127(a).

Accordingly, answer and trial dates, including conferencing and disclosure dates, are reset as indicated below:

Time to Answer	3/16/10
Deadline for Discovery Conference	4/15/10
Discovery Opens	4/15/10
Initial Disclosures Due	5/15/10
Expert Disclosures Due	9/12/10
Discovery Closes	10/12/10
Plaintiff's Pretrial Disclosures	11/26/10
Plaintiff's 30-day Trial Period Ends	1/10/11
Defendant's Pretrial Disclosures	1/25/11
Defendant's 30-day Trial Period Ends	3/11/11
Plaintiff's Rebuttal Disclosures	3/26/11
Plaintiff's 15-day Rebuttal Period Ends	4/25/11

Cancellation No. 92051963

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

EXHIBIT 2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 2,920,734
Trademark: SLY AND THE FAMILY STONE

SYLVESTER STEWART, an individual,
pka **SLY STONE**, pka **SLY AND THE
FAMILY STONE**,

Petitioner,

vs.

EVEN ST. PRODUCTIONS LTD., a New
York corporation.

Respondent.

Cancellation No.: 92051963

**PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION
OF DOCUMENTS TO RESPONDENT**

Petitioner SYLVESTER STEWART files his First Set of Requests for Production of Documents to Respondent EVEN ST. PRODUCTIONS LTD. to be answered within thirty (30) days of service hereof pursuant to Fed.R.Civ.P. 34, 37 C.F.R. § 2.120, and T.B.M.P § 406.01 *et seq.*

The DOCUMENTS, defined infra, requested herein are to be produced for inspection and copying at the offices of Allan Law Group P.C., 22917 Pacific Coast Highway, Suite 350, Malibu, California 90265 on **Wednesday June 2, 2010 at 10:00 a.m. PST.**

INSTRUCTIONS

1) Each request is to be responded to pursuant to the instructions and definitions contained herein. The DOCUMENT requests seek the production of the original and all non-identical copies of the specified DOCUMENTS, including, without limitation, copies that may contain handwritten or other notations recorded after the creation or publication of the original document.

2) Each request is to be set forth immediately above the answer or objection to such Request.

3) The request pursuant to which DOCUMENTS are produced shall be meaningfully designated in association with the various DOCUMENTS.

4) No specific DOCUMENT request, or listing of DOCUMENTS contained in a DOCUMENT request, shall be construed or understood to limit any general language in the same requests or any other DOCUMENT request.

5) In the event RESPONDENT (as defined below) claims any privilege as a reason not to produce any particular DOCUMENT, record or other tangible item requested herein, please produce any parts of the DOCUMENT, record or other tangible item not subject to privilege and create a privilege log identifying the DOCUMENT, record or other tangible item by author, date and subject matter sufficient to identify the DOCUMENT, record or other tangible item for a motion to compel production.

6) This request for production of DOCUMENTS shall be continuing, and RESPONDENT is required to supplement its response to this request for production of DOCUMENTS by immediately producing for inspection and copying any requested DOCUMENT that comes into its possession or becomes subject to its custody or control subsequent to the date of this request.

DEFINITIONS

1. The terms "YOU" or "YOUR" means EVEN ST. PRODUCTIONS LTD. and/or anyone acting on its behalf, including any of its predecessors, predecessors-in-interest, successors, and each of their past and current members, managers, directors, officers, partners, trustees, employees, independent contractors, assigns, agents, employees, representatives, accountants, attorneys, affiliated entities, or any other persons or entities acting on its behalf, or entitled to act on its behalf, or purporting to act on its behalf.

2. "RESPONDENT" or "EVEN ST." means respondent Even St. Productions Ltd., formerly Stone Fire Productions Ltd., and/or anyone acting on its behalf, including any of its predecessors, predecessors-in-interest, successors, and each of their past and current members, managers, directors, officers, partners, trustees, employees, independent contractors, assigns, agents, employees, representatives, accountants, attorneys, affiliated entities, or any other persons or entities acting on its behalf, or entitled to act on its behalf, or purporting to act on its behalf.

3. "SLY STONE" means SYLVESTER STEWART, professionally known as SLY STONE, and professionally known as Sly and The Family Stone, and/or anyone acting on his behalf, including any of his predecessors, successors, assigns, agents, employees, investigators, accountants, attorneys, affiliated entities, or any other persons or entities acting on his behalf, or entitled to act on his behalf, or purporting to act on his behalf.

4. "DOCUMENT" or "DOCUMENTS" means any written, printed, typed, recorded or other graphic matter of any kind or nature in each and every form in which information and electronically-stored information is kept, all mechanical and electrical sound records (and any transcripts thereof) and all computer files, information, tapes, disks and other means of electronically or magnetically maintained information or printouts in the actual or constructive possession, custody or control of RESPONDENT or known by RESPONDENT to exist; it shall also mean all copies of documents by whatever means made.

To the extent not clarified above, a request for DOCUMENTS specifically includes electronically stored information in its native format, including, but not limited to, electronic mail messages (e-mail) and other electronic communications that may or may not be reduced to hard copy in the normal course of business and that may be stored or archived on file servers, hard drives, hard or floppy disks or diskettes, back-up tapes, or other storage media and should be construed consistently with Fed. R. Civ. P. 26.

"DOCUMENT" or "DOCUMENTS" includes, without limitation, all originals and non-identical copies. "DOCUMENT" or "DOCUMENTS" includes a copy of the original when the

original is not in the possession, custody or control of RESPONDENT, and every non-identical copy of the original.

5. "REFER(S)," "RELATE(S)" or "PERTAIN(S) TO" means mentioning, describing, discussing, memorializing, concerning, consisting of, containing, evidencing, reflecting, depicting, or referring to in any way, directly or indirectly.

6. "SLY AND THE FAMILY STONE" means the trademark "Sly and The Family Stone," registered with the United States Patent and Trademark Office, Registration No. 2,920,734.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1

Each and every DOCUMENT that REFERS, RELATES, or PERTAINS TO the mark SLY AND THE FAMILY STONE allegedly being assigned to RESPONDENT, including extensions of any assignments.

REQUEST NO. 2

Each and every DOCUMENT that REFERS, RELATES, or PERTAINS TO the mark SLY AND THE FAMILY STONE allegedly being licensed to RESPONDENT, including extensions of any licenses.

REQUEST NO. 3

Each and every DOCUMENT that REFERS, RELATES, or PERTAINS TO how RESPONDENT allegedly acquired any ownership right to the mark SLY AND THE FAMILY STONE prior to November 10, 2003.

REQUEST NO. 4

Each and every DOCUMENT that REFERS, RELATES, or PERTAINS TO how RESPONDENT allegedly acquired any right to use the mark SLY AND THE FAMILY STONE prior to November 10, 2003.

REQUEST NO. 5

Each and every DOCUMENT signed by both SYLVESTER STEWART and a person on behalf of EVEN ST.

REQUEST NO. 6

Each and every DOCUMENT signed by both a person on behalf of SYLVESTER STEWART and a person on behalf of EVEN ST.

REQUEST NO. 7

Each and every employment agreement between SYLVESTER STEWART and EVEN ST.

REQUEST NO. 8

Each and every extension to any employment agreement between SYLVESTER STEWART and EVEN ST.

REQUEST NO. 9

Each and every DOCUMENT that REFERS, RELATES, or PERTAINS TO how PETITIONER allegedly abandoned the mark SLY AND THE FAMILY STONE prior to November 10, 2003.

REQUEST NO. 10

Each and every DOCUMENT that indicates EVEN ST. represents the interests of SLY STONE.

REQUEST NO. 11

Each and every DOCUMENT that indicates EVEN ST. represented the interests of SLY STONE.

REQUEST NO. 12

All agreements between EVEN ST. and band members of the music group Sly and The Family Stone.

REQUEST NO. 13

All agreements signed by any of the band members of the music group Sly and The Family Stone.

REQUEST NO. 14

All DOCUMENTS signed by or on behalf of Cynthia Robinson.

REQUEST NO. 15

All DOCUMENTS signed by or on behalf of Gerald L. Martini.

REQUEST NO. 16

All DOCUMENTS signed by or on behalf of Fredrick Stewart.

REQUEST NO. 17

All DOCUMENTS signed by or on behalf of Rose Stewart.

REQUEST NO. 18

All DOCUMENTS signed by or on behalf of Lawrence Graham.

REQUEST NO. 19

All DOCUMENTS signed by or on behalf of Gregory Errico.

REQUEST NO. 20

Each and every DOCUMENT that REFERS, RELATES, or PERTAINS TO how RESPONDENT allegedly controlled the quality of posters containing the mark SLY AND THE FAMILY STONE.

REQUEST NO. 21

Each and every DOCUMENT that REFERS, RELATES, or PERTAINS TO how RESPONDENT allegedly controlled the source of posters containing the mark SLY AND THE FAMILY STONE.

REQUEST NO. 22

A copy of every poster containing the mark SLY AND THE FAMILY STONE offered for sale by EVEN ST. in interstate commerce.

REQUEST NO. 23

A copy of every poster containing the mark SLY AND THE FAMILY STONE that EVEN ST. caused to be offered for sale in interstate commerce.

REQUEST NO. 24

Each and every DOCUMENT that REFERS, RELATES, or PERTAINS TO RESPONDENT's first use in commerce of posters containing the mark SLY AND THE FAMILY STONE.

REQUEST NO. 25

Each and every DOCUMENT that REFERS, RELATES, or PERTAINS TO how RESPONDENT allegedly controlled the quality of musical sound recordings associated with the mark SLY AND THE FAMILY STONE.

REQUEST NO. 26

Each and every DOCUMENT that REFERS, RELATES, or PERTAINS TO how RESPONDENT allegedly controlled the source of musical sound recordings associated with the mark SLY AND THE FAMILY STONE.

REQUEST NO. 27

Each and every copy of the artwork containing the mark SLY AND THE FAMILY STONE associated with musical sound recordings offered for sale by EVEN ST. in interstate commerce.

REQUEST NO. 28

Each and every copy of the artwork containing the mark SLY AND THE FAMILY STONE associated with musical sound recordings that EVEN ST. caused to be offered for sale in interstate commerce.

REQUEST NO. 29

Each and every DOCUMENT that REFERS, RELATES, or PERTAINS TO how RESPONDENT allegedly controlled the quality of any and all websites associated with the mark SLY AND THE FAMILY STONE.

REQUEST NO. 30

Each and every DOCUMENT that REFERS, RELATES, or PERTAINS TO how RESPONDENT allegedly controlled the source of any and all websites associated with the mark SLY AND THE FAMILY STONE.

REQUEST NO. 31

Each and every copy of web page(s) controlled by EVEN ST., where such web page(s) contain the mark SLY AND THE FAMILY STONE.

REQUEST NO. 32

All DOCUMENTS to/from Richard Spencer that REFERS, RELATES, or PERTAINS TO SLY STONE.

REQUEST NO. 33.

All DOCUMENTS to/from Mark Ferjulian that REFERS, RELATES, or PERTAINS TO SLY STONE.

REQUEST NO. 34.

All DOCUMENTS to/from Richard Joseph that REFERS, RELATES, or PERTAINS TO SLY STONE.

REQUEST NO. 35

All DOCUMENTS that REFERS, RELATES, or PERTAINS TO money EVEN ST. has received from use of the mark SLY AND THE FAMILY STONE.

REQUEST NO. 36

All DOCUMENTS that REFERS, RELATES, or PERTAINS TO money EVEN ST. expects to receive from use of the mark SLY AND THE FAMILY STONE.

REQUEST NO. 37

All DOCUMENTS that REFER, RELATE, or PERTAIN TO EVEN ST. enforcing its alleged rights to the mark SLY AND THE FAMILY STONE.

REQUEST NO. 38

All DOCUMENTS that REFER, RELATE, or PERTAIN TO EVEN ST. policing its alleged rights to the mark SLY AND THE FAMILY STONE.

REQUEST NO. 39

All DOCUMENTS listing the current directors of EVEN ST.

REQUEST NO. 40

All DOCUMENTS listing the current officers of EVEN ST.

REQUEST NO. 41

All DOCUMENTS listing the current shareholders of EVEN ST.

REQUEST NO. 42

All DOCUMENTS listing the current managers of EVEN ST.

REQUEST NO. 43

All DOCUMENTS listing the directors of EVEN ST. as of November 10, 2003.

REQUEST NO. 44

All DOCUMENTS listing the officers of EVEN ST. as of November 10, 2003.

REQUEST NO. 45

All DOCUMENTS listing the shareholders of EVEN ST. as of November 10, 2003.

REQUEST NO. 46

All DOCUMENTS listing the managers of EVEN ST. as of November 10, 2003.

REQUEST NO. 47

The bylaws of EVEN ST., including amendments thereto.

REQUEST NO. 48

All EVEN ST. meeting minutes of directors that REFER, RELATE, or PERTAIN TO the mark SLY AND THE FAMILY STONE.

REQUEST NO. 49

All EVEN ST. meeting minutes of shareholders that REFER, RELATE, or PERTAIN TO the mark SLY AND THE FAMILY STONE.

REQUEST NO. 50

All DOCUMENTS from Sony Music Entertainment, including any of its predecessors, that REFER, RELATE or PERTAIN to royalties owed to the band members of Sly and The Family Stone from 1989 to 1992.

REQUEST NO. 51.

All DOCUMENTS that REFER, RELATE, or PERTAIN TO any money EVEN ST. paid to anyone to allegedly acquire the mark SLY AND THE FAMILY STONE.

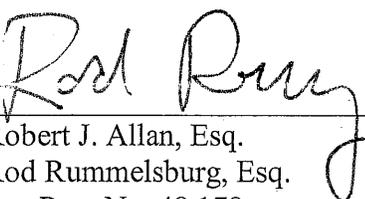
REQUEST NO. 51

All DOCUMENTS that REFER, RELATE, or PERTAIN TO any non-monetary consideration EVEN ST. gave to anyone to allegedly acquire the mark SLY AND THE FAMILY STONE.

Dated: April 28, 2010

Respectfully submitted,

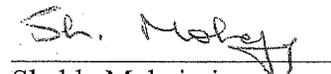
ALLAN LAW GROUP P.C.

By: 
Robert J. Allan, Esq.
Rod Rummelsburg, Esq.
Reg. No. 48,178
Attorneys for Petitioner
Allan Law Group P.C.
22917 Pacific Coast Hwy., #350
Malibu, CA 90265
Tel: (310) 456-3024
Fax: (310) 317-0484

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO RESPONDENT, has been served on April 28, 2010, by mailing said copy via first class mail, postage prepaid to the following:

Robert Becker, Esq.
Attorney for Even St. Productions Ltd.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017



Shahla Mohajeri

EXHIBIT 3

application for and registration of the Mark; Petitioner's failure to use and control the Mark and his abandonment of the Mark.

ii. Glenn Stone, Consultant to Even St. Productions, Ltd., 1233 Beech Street, #22, Atlantic Beach, NY 11509, 516-670-9615. Subjects of Information: Registrant's use of the Mark; Registrant's communications with Petitioner; Registrant's and its predecessors' contractual relations with Petitioner, other members of the group Sly and The Family Stone, Sony Music Entertainment, Inc., and its predecessors; Registrant's good faith assertion of rights in and ownership of the Mark; Petitioner's acquiescence to Registrant's use and ownership of the Mark; Registrant's control of and quality control relating to the Mark; Registrant's efforts to pursue infringements of the Mark; the application for and registration of the Mark; Petitioner's failure to use and control the Mark and his abandonment of the Mark.

iii. Sylvester Stewart, 10975 Bluffside Drive, Unit 3101, Los Angeles, CA 91604 and 430 North Oakhurst, Apt. 101, Beverly Hills, CA 90210. Subjects of Information: Abandonment and lack of use and control over the Mark; acquiescence to Registrant's use and ownership of the Mark; contractual relationship with Registrant; factual assertions made in the Petition for Cancellation.

PLEASE NOTE: Jerry Goldstein and Glenn Stone may be contacted only through counsel for Registrant.

B. Documents Believed to be in Registrant's Possession, Custody or Control that it May Use to Support its Defenses:

Categories of documents listed below are located at the offices of Even St. Productions, Ltd., 1801 Avenue of the Stars, Suite 421, Los Angeles, CA 90067, and at Stop & Stor – MP, 74-04 Grand Ave., Queens, NY 11373. Such documents concern:

i. Examples of use of the Mark.

- ii. Documents relating to Registrant's control of and quality control relating to the Mark.
- iii. Communications between Registrant and Petitioner, including e-mails and other documents.
- iv. Contracts between or among Registrant, its predecessors, Petitioner, other members of the group Sly and The Family Stone, Sony Music Entertainment, Inc., and/or its predecessors.
- v. Documents relating to Registrant's efforts to pursue infringements of the Mark.
- vi. Documents relating to the application for and registration of the Mark.

Registrant has not concluded its investigation of the facts relating to this case and has not completed formal discovery or preparation for trial. Accordingly, there may exist witnesses, documents, or information that Registrant does not yet have knowledge of or has not yet located, identified, or reviewed. All of the foregoing disclosures are therefore based on such information currently known or available to Registrant after a reasonable inquiry pursuant to Federal Rule of Civil Procedure 26(a)(1)(E). Registrant reserves the right to alter, amend, or supplement its disclosures herein pursuant to Federal Rule of Civil Procedure 26(e) as made applicable to this proceeding pursuant to Trademark Rules of Practice 2.116.

Dated: May 17, 2010
New York, New York

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 
Robert A. Becker
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Registrant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Registrant's Initial Disclosures is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the attorney for Petitioner, Rod Rummelsburg, Esq., Allan Law Group, P.C., 22917 Pacific Coast Highway, #350, Malibu, CA 90265, this 17th day of May, 2010.

A handwritten signature in black ink, appearing to read "Robert Becker", written over a horizontal line.

Robert A. Becker

EXHIBIT 4



June 8, 2010

VIA EMAIL: rbecker@frosszelnick.com

ORIGINA VIA U.S. MAIL

Robert A. Becker, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017

Re:	Failure to Respond to Discovery
Trademark:	SLY AND THE FAMILY STONE
Registration No.:	2,920,734
TTAB Cancellation No.:	92051963
Petitioner:	Sylvester Stewart, p/k/a/ Sly Stone. p/k/a Sly and The Family Stone
Respondent:	Even St. Productions Ltd.
Our File No.:	10-4038

Dear Mr. Becker:

As of today, we have not received any response regarding the discovery we propounded to registrant and respondent Even St. Productions, Ltd. ("Even St.") on April 28, 2010 in the above-referenced matter.

Specifically on April 28, 2010, I caused to have served on your firm Petitioner's First Set of Requests for Production of Documents to Respondent ("RPD"). The deadline to have served Even St.'s response, which includes five days for mailing, was June 2, 2010. The date the documents were to be produced for inspection and copying was also June 2, 2010.

Please be advised that failing to respond to the above discovery demands within the time permitted waives all objections to the demands – including claims of privilege and work product. *Richmark Corp. v. Timber Falling Consultants*, 959 F.2d 1468, 1473 (9th Cir 1992) ("failure to object to discovery requests within the time required constitutes a waiver of any objection."); *see also Coregis Ins. Co. v. Baratta & Fenerty, Ltd.*, 187 F.R.D. 528, 529 (E. Dist. PA 1999).

Even St. has waived all objections to the RPD.

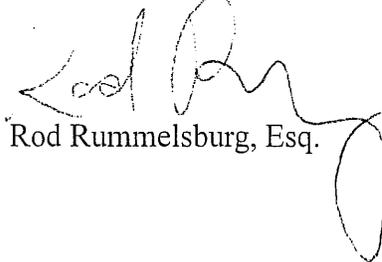
Please submit complete responses without objections and the requested documents to all the above-referenced discovery demand no later than **Tuesday June 15, 2010**. If we do not receive adequate responses and production of documents by this date, we shall file a motion to

compel discovery responses and will request evidentiary sanctions pursuant to TBMP Section 411.04. Such sanctions may include striking all or part of Even St.'s pleadings, refusing Even St. to support or oppose designated claims or defenses, drawing adverse inferences against Event St., prohibiting Even St. from introducing designated matters into evidence, and entering judgment against Even St. *Trademark Trial and Appeal Board Manual of Procedure* Section 411.04.

We find no requirement to "meet and confer" in an instance where a party has failed to timely respond to discovery. We are, however, sending this letter in the hope we can receive full responses to the discovery demands without need for Court intervention.

Yours truly,

ALLAN LAW GROUP P.C.


Rod Rummelsburg, Esq.

RR:sm