

ESTTA Tracking number: **ESTTA465792**

Filing date: **04/05/2012**

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

Proceeding	92053355
Party	Defendant Wyman Von Mohr & Associates
Correspondence Address	EDWARD M. WEISZ COZEN O'CONNOR 277 PARK AVENUE NEW YORK, NY 10172 UNITED STATES ipdocketing@cozen.com
Submission	Motion to Compel Discovery
Filer's Name	Lisa A. Ferrari
Filer's e-mail	lferrari@cozen.com, rwalker@walkermckenzie.com
Signature	/Lisa A. Ferrari/
Date	04/05/2012
Attachments	Wyman - L Ferrari Declaration.pdf ( 28 pages )(765042 bytes )

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

In the matter of :  
STRIKE KING LURE COMPANY, : Cancellation No. 92,053,355  
Petitioner, : Mark: ROCKET FISHING ROD  
v. : Registration No. 3,500,147  
WYMAN VON MOHR & ASSOCIATES, :  
Registrant. :

**DECLARATION OF LISA A. FERRARI**

Lisa A. Ferrari, being duly sworn, hereby submits the following Declaration in support of the motion of Wyman von Mohr & Associates (“Registrant” or “Wyman”) to compel discovery and the service of pretrial disclosures.

1. Attached as Exhibit A is a copy of Registrant’s First Request For Production Of Documents And Things, served February 6, 2012.
2. Attached as Exhibit B is a copy of Registrant’s First Set Of Interrogatories To Petitioner, served February 6, 2012.
3. Attached as Exhibit C is a letter dated March 26, 2012, from the undersigned to Russell H. Walker, Esq.
4. Attached as Exhibit D is a copy of a letter dated March 29, 2012, from Russell H. Walker to the undersigned.
5. Attached as Exhibit E is a copy of an email dated April 2, 2012, from the undersigned to Russell H. Walker. I also sent a confirmation copy of this email by facsimile to ensure its receipt.

6. Attached as Exhibit F is a copy of email correspondence between the undersigned and Russell H. Walker, dated April 5, 2012.

7. At Strike King's request, the Trademark Trial and Appeal Board suspended this proceeding four times, for almost one year, so as to give the parties time to negotiate a settlement. During that time, I attempted, by telephone and email, to obtain from Strike King a draft settlement agreement, but none was forthcoming.

8. I certify that I made a good faith effort, by correspondence, to resolve with Petitioner's counsel the issues presented in this motion.

Dated: April 5, 2012

By:     /Lisa A. Ferrari/    

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that on this day, a copy of the foregoing **DECLARATION OF LISA A. FERRARI, with exhibits**, is being electronically filed with the United States Patent and Trademark Office, Trademark Trial and Appeal Board at <http://estta.uspto.gov/>.

Date: April 5, 2012

By:     /Lisa A. Ferrari/

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, I served, by U.S. Mail, postage prepaid, and electronic delivery, a copy of the foregoing **DECLARATION OF LISA A. FERRARI**, **with exhibits**, upon counsel for Petitioner, addressed as follows:

Russell H. Walker, Esq.  
WALKER, McKENZIE & WALKER, P.C.  
6363 Poplar Ave., Suite 402  
Memphis, Tennessee 38119-4896  
[rwalker@walkermckenzie.com](mailto:rwalker@walkermckenzie.com)

Date: April 5, 2012

By:           /Lisa A. Ferrari/

**EXHIBIT A**



3. The term "Petitioner's Canceled Mark" means the mark incorporated in U.S. Trademark Registration No. 2,464,463, registered June 26, 2001.
4. The term "Petition" means the Petition For Cancellation filed on December 2, 2010, in this Cancellation Proceeding No. 92,053,355.
5. The term "Registrant" means Wyman Von Mohr & Associates, Registrant in the above-identified proceeding, and all subsidiaries, predecessors, successors, and/or affiliates thereof, past or present, and all past and present officers, directors, employees, agents, consultants, representatives, and/or any other person or entity acting on its behalf.
6. The term "Registrant's Mark" means U.S. Trademark Registration No. 3,500,147, registered as of September 9, 2008.
7. The term "Spin Master" means Spin Master Ltd., the applicant for U.S. Trademark Application No. 78/776,427, filed on December 19, 2005.
8. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
9. The term "document" is defined to be synonymous in meaning and equal in scope to the usage of term "documents or electronically stored information" in Fed.R.Civ.P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term.
10. The term "person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
11. The term "concerning" means relating to, referring to, describing, evidencing or constituting.
12. The following rules of construction apply to all discovery requests:

- (a) The terms “all”, “any”, and “each” shall each be construed as encompassing any and all.
- (b) The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
- (c) The use of the singular form of any word includes the plural and vice versa.

## **REQUESTS**

### **REQUEST NO. 1:**

All documents and things concerning Registrant.

### **REQUEST NO. 2:**

All documents and things concerning Registrant’s Mark.

### **REQUEST NO. 3:**

All documents and things concerning Spin Master.

### **REQUEST NO. 4:**

All documents and things concerning Petitioner’s use of Petitioner’s Mark and/or Petitioner’s Canceled Mark in connection with any goods or services.

### **REQUEST NO. 5:**

All documents and things concerning Petitioner’s first use of Petitioner’s Mark and/or Petitioner’s Canceled Mark.

### **REQUEST NO. 6:**

All documents and things concerning Petitioner’s first use in commerce of Petitioner’s Mark and/or Petitioner’s Canceled Mark.

### **REQUEST NO. 7:**

All documents and things supporting or contradicting the allegation in paragraph 2 of the Petition that “Petitioner has adopted and continuously used the trademark ROCKET SHAD . . .

in commerce since at least as early as July 31, 1999, to the present, on or in connection with fishing lures.”

**REQUEST NO. 8:**

All documents and things supporting or contradicting the allegation in paragraph 23 of the Petition that “[f]ishing lures and fishing rods are sold in the same channels of trade.”

**REQUEST NO. 9:**

All documents and things supporting or contradicting the allegation in paragraph 24 of the Petition that “[f]ishing lures and fishing rods are used together by those who fish for sport and by those who purchase goods for sport fishing.”

**REQUEST NO. 10:**

All documents and things supporting or contradicting the allegation in paragraph 25 of the Petition that “[f]ishing lures and fishing rods are related goods.”

**REQUEST NO. 11:**

All documents and things supporting or contradicting the allegations in paragraph 31 and 32 of the Petition that purchasers and prospective purchasers of Registrant’s fishing rods are likely to be confused.

**REQUEST NO. 12:**

All documents and things concerning the cancellation of Petitioner’s Canceled Mark.

**REQUEST NO. 13:**

All documents and things concerning a likelihood of confusion between Petitioner’s Mark and Registrant’s Mark and/or Petitioner and Registrant and/or Petitioner’s goods and Registrant’s goods.

**REQUEST NO. 14:**

All documents and things concerning Registrant's actual use of Registrant's Mark on fishing rods for children and juniors.

**REQUEST NO. 15:**

All documents and things concerning any trademark search involving Petitioner's Mark and/or Petitioner's Canceled Mark.

**REQUEST NO. 16:**

All documents and things concerning any measures taken by Petitioner to determine the availability of Petitioner's Mark and/or Petitioner's Canceled Mark, including any investigative or background materials on marks or entities reflected in any trademark search.

**REQUEST NO. 17:**

Documents and things sufficient to show each manner in which Petitioner's Mark and Petitioner's Canceled Mark are used, have been used, or are intended to be used, whether in block-letter form, stylized form, or with or without a design.

**REQUEST NO. 18:**

Documents sufficient to reflect all geographic areas, within the United States or its territories, in which goods or services bearing Petitioner's Mark and/or Petitioner's Canceled Mark have been distributed, are distributed, or are intended to be distributed.

**REQUEST NO. 19:**

All documents and things concerning the advertising and promotion of goods or services bearing Petitioner's Marks and/or Petitioner's Canceled Mark.

**REQUEST NO. 20:**

All documents and things concerning the channels of trade through which goods or services have been offered, are offered, or are intended to be offered bearing Petitioner's Mark and/or Petitioner's Canceled Mark.

**REQUEST NO. 21:**

Documents sufficient to reflect the wholesale and retail price for each good or service sold or intended to be sold bearing Petitioner's Mark.

**REQUEST NO. 22:**

All documents and things concerning the demographics and sophistication of Petitioner's current and prospective purchasers of goods or services sold, offered for sale or intended to be sold bearing Petitioner's Mark.

**REQUEST NO. 23:**

All documents and things concerning when and under what circumstances Petitioner first learned of Registrant's use, intended use, or planned use of Registrant's Mark.

**REQUEST NO. 24:**

All documents and things concerning the filing of Petitioner's Mark and Petitioner's Canceled Mark.

**REQUEST NO. 25:**

All documents and things concerning any communication between Petitioner and Registrant, and/or Petitioner and Spin Master, concerning Registrant's Mark.

**REQUEST NO. 26:**

All documents and things concerning any contacts or communications between Petitioner and any person(s) with knowledge of facts or discoverable matter concerning this Opposition.

**REQUEST NO. 27:**

All documents and things concerning any opinions of counsel as to the use, intended use, registration or availability of Petitioner's Mark and/or Petitioner's Canceled Mark.

**REQUEST NO. 28:**

All documents and things concerning the prosecution history of Petitioner's Mark and Petitioner's Canceled Mark, including, but not limited to, all correspondence with the United State Patent and Trademark Office.

**REQUEST NO. 29:**

All minute entries of meetings of Petitioner's board of directors or any executive committee(s) concerning Petitioner's Mark, Petitioner's Canceled Mark, and/or Registrant's Mark.

**REQUEST NO. 30:**

All documents and things identified, referenced or relied upon in Petitioner's responses to Registrant's First Set Of Interrogatories To Petitioner.

**REQUEST NO. 31:**

All documents and things upon which Petitioner intends to rely upon to support any of its contentions or to introduce into evidence during its testimony period.

**REQUEST NO. 32:**

All documents and things concerning any surveys, formal or informal, conducted by or for Petitioner concerning any of Petitioner's Mark, Petitioner's Canceled Mark, and/or Registrant's Mark.

**REQUEST NO. 33:**

All documents and things concerning Petitioner's license, use, purchase or acquisition of Petitioner's Mark and/or Petitioner's Canceled Mark.

**REQUEST NO. 34:**

All documents and things concerning any period of time in which Petitioner did not use Petitioner's Mark and/or Petitioner's Canceled Mark.

**REQUEST NO. 35:**

Documents and things sufficient to identify each of the goods and services on which Petitioner's Mark and/or Petitioner's Canceled Mark has been or is being used.

**REQUEST NO. 36:**

Samples of the goods on which Petitioner's Mark has been or is being used.

**REQUEST NO. 37:**

Samples of the goods on which Petitioner's Canceled Mark has been or is being used.

**REQUEST NO. 38:**

Documents and things sufficient to identify the customers, purchasers, distributors, and end users of Petitioner's goods and services bearing Petitioner's Mark and Petitioner's Canceled Mark.

**REQUEST NO. 39:**

Documents and things sufficient to fully describe Petitioner's corporate structure, including, but not limited to, tables and organization charts.

**REQUEST NO. 40:**

Documents sufficient to show Petitioner's policies and procedures concerning document retention and/or the destruction of documents.

Dated: February 6, 2012

/s/ Lisa A. Ferrari  
Lisa A. Ferrari  
Edward M. Weisz  
COZEN O'CONNOR  
277 Park Avenue  
New York, New York 10172  
Tel.: (212) 883-4900  
Fax: (212) 986-0604

*Attorneys for Registrant Wyman Von Mohr &  
Associates*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of February, 2012, a true and correct copy of the foregoing **REGISTRANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS** was served by electronic delivery and by mailing a copy by First-Class, U.S. Mail to the following attorney of record:

Russell H. Walker, Esq.  
Walker, McKenzie & Walker, P.C.  
6363 Poplar Avenue, Suite 318  
Memphis, Tennessee 38119-4899  
rwalker@walkermckenzie.com

*Attorneys for Petitioner Strike King Lure Company*

/s/ Mark Boezi

**EXHIBIT B**

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

-----X  
STRIKE KING LURE COMPANY, :  
Petitioner, : Cancellation No. 92,053,355  
vs. :  
WYMAN VON MOHR & ASSOCIATES, :  
Registrant. :

-----X  
**REGISTRANT'S FIRST SET OF INTERROGATORIES  
TO PETITIONER**

Pursuant to Fed.R.Civ.P. 26 and 33 and TBMP §§ 2.116 and 2.120, Registrant Wyman Von Mohr & Associates ("Registrant"), by its attorneys, requests that Petitioner Strike King Lure Company ("Petitioner" or "Strike King") answer the Interrogatories herein within thirty (30) days hereof.

**DEFINITIONS AND INSTRUCTIONS**

The Definitions and Instructions set forth in Registrant's First Request For Production Of Documents And Things, served concurrently herewith, shall apply as if fully set forth herein.

**INTERROGATORIES**

**INTERROGATORY NO. 1:**

Identify the date Petitioner became the owner of Petitioner's Mark in the United States and the means by which Petitioner became the owner thereof.

**INTERROGATORY NO. 2:**

Identify the brand name, model number, or other identifying information of every product Petitioner offers for sale or has offered for sale bearing Petitioner's Mark and/or Petitioner's Canceled Mark.

**INTERROGATORY NO. 3:**

Identify every instance known to Petitioner of any use of a mark that incorporates the term "ROCKET" and that covers goods in International Class 28 and, with respect to each instance of use, specify the manner of use, when Petitioner first became aware of the use, and the means by which Petitioner became aware of such use.

**INTERROGATORY NO. 4:**

State the actions, with specificity, Petitioner has taken in order to enforce Petitioner's purported rights against other marks that incorporate the term "ROCKET" and that cover goods in International Class 28, including, without limitation, any trademarks incorporating the term "ROCKET" that are registered or pending with the United States Patent and Trademark Office.

**INTERROGATORY NO. 5:**

Identify each person that Opposer intends to call as an expert witness in this proceeding and state the qualifications of each witness to testify as an expert, the subject matter as to which each such expert is to testify, the substance of the facts and opinions as to which each such expert is expected to testify, and a summary of the grounds for each such expert opinion.

**INTERROGATORY NO. 6:**

State the reasons and facts which support Petitioner's assertion in Paragraphs 31 and 32 of the Petition that purchasers and prospective purchasers "are likely to be confused."

**INTERROGATORY NO. 7:**

Identify the date on which Petitioner claims that Registrant's Mark was first used in commerce, specifying the person who allegedly first used the mark, and the manner of such use.

**INTERROGATORY NO. 8:**

Identify the date on which Petitioner first used Petitioner's Mark and Petitioner's Canceled Mark, identifying the manner of each such use.

**INTERROGATORY NO. 9:**

State whether use, if any, of Petitioner's Mark and Petitioner's Canceled Mark has been continuous. If such use has not been continuous, state the facts and circumstances thereof and the dates during which there was no use of Petitioner's Mark and/or Petitioner's Canceled Mark.

**INTERROGATORY NO. 10:**

Identify all search reports or investigations concerning Petitioner's Mark, Petitioner's Canceled Mark, and/or Registrant's Mark.

**INTERROGATORY NO. 11:**

State the date and describe the circumstances concerning when Petitioner first became aware of Registrant's Mark, and identify the person(s) who first became aware of Registrant's Mark.

**INTERROGATORY NO. 12:**

Identify each instance of which Petitioner has actual or hearsay knowledge of any actual or purported association or confusion between Petitioner and Registrant and/or any of their respective goods, arising in whole or part from Petitioner's use of Petitioner's Mark or Petitioner's Canceled Mark.

**INTERROGATORY NO. 13:**

For each good or service on which, or in connection with, Petitioner has used or intends to use Petitioner's Mark,

- a. describe the manner and media in which Petitioner promotes or will promote the product or service;
- b. state the sales price at which Petitioner offers or has offered the product or service;

c. describe the channels of trade through which the good or service identified is distributed, sold, or provided to purchasers, including the types of stores, dealerships, or other outlets through which the goods or service is sold; and

d. identify by city, state, or other geographical region each area in which Petitioner or its distributors, agents, or sales representatives have provided, sold, or offered for sale the product or service.

**INTERROGATORY NO. 14:**

Identify each good or service for which Petitioner has used or intends to use Petitioner's Mark. For each such good or service:

a. describe the ways in which Petitioner or any other entity on Petitioner's behalf has used or intends to use the mark, including the manner and media in which Petitioner promotes or will promote the product or service;

b. state the sales price or projected sales prices at which Petitioner offers or will offer the product or service;

c. describe the channels of trade through which the good or service identified has been or will be distributed, sold, or provided to purchasers, including the types of stores, dealerships, or other outlets through which the products or service is sold; and

d. identify by city, state, or other geographical region each area in which Petitioner or its distributors, agents, or sales representatives have provided, sold, or offered for sale, or intend to provide an offer for sale, the product or service.

**INTERROGATORY NO. 15:**

For each year or part thereof in which Petitioner has sold or distributed goods under Petitioner's Marks and/or Petitioner's Canceled Mark, state for each, in United States dollars and units, Petitioner's total sales of said product(s).

**INTERROGATORY NO. 16:**

For each year or part thereof in which Petitioner advertised or promoted goods under Petitioner's Mark and/or Petitioner's Canceled Mark, state for each, in United States dollars, the amount spent by or on behalf of Petitioner on such advertising and/or promotion.

**INTERROGATORY NO. 17:**

Identify any other marks used by Petitioner on products bearing Petitioner's Mark and/or Petitioner's Canceled Mark.

**INTERROGATORY NO. 18:**

Identify all customers, distributors, and purchasers of Petitioner's goods and services bearing any of Petitioner's marks.

**INTERROGATORY NO. 19:**

State the facts and circumstances of the cancellation of Petitioner's Canceled Mark.

**INTERROGATORY NO. 20:**

Identify each person who answered, provided information or assisted in the preparation of the answers to the foregoing Interrogatories, and identify each Interrogatory that such person answered or assisted in answering.

Dated: February 6, 2012

/s/ Lisa A. Ferrari

Lisa A. Ferrari

Edward M. Weisz

COZEN O'CONNOR

277 Park Avenue

New York, New York 10172

Tel.: (212) 883-4900

Fax: (212) 986-0604

*Attorneys for Registrant Wyman Von Mohr &  
Associates*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of February, 2012, a true and correct copy of the foregoing **REGISTRANT'S FIRST SET OF INTERROGATORIES TO PETITIONER** was served by electronic delivery and by mailing a copy by First-Class, U.S. Mail to the following attorney of record:

Russell H. Walker, Esq.  
Walker, McKenzie & Walker, P.C.  
6363 Poplar Avenue, Suite 318  
Memphis, Tennessee 38119-4899  
rwalker@walkermckenzie.com

*Attorneys for Petitioner Strike King Lure Company*

/s/ Mark Boezi

**EXHIBIT C**



A PROFESSIONAL CORPORATION

277 PARK AVENUE NEW YORK, NY 10172 212.883.4900 888.864.3013 212.986.0604 FAX www.cozen.com

March 26, 2012

VIA EMAIL AND U.S. MAIL

**Lisa A. Ferrari**  
Direct Phone 212.297.2699  
Direct Fax 212.986.0604  
lferrari@cozen.com

Russell H. Walker, Esq.  
Walker, McKenzie & Walker, P.C.  
6363 Poplar Avenue, Suite 318  
Memphis, TN 38119-4899

Re: *Strike King Lure Co. v. Wyman Von Mohr & Associates*,  
Cancellation No. 92/053,355 (T.T.A.B.)

Dear Mr. Walker:

As you know, we represent Registrant Wyman Von Mohr & Associates ("Wyman") in the above trademark cancellation proceeding brought by your client, Strike King Lure Co. ("Strike King").

On February 6, 2012, Wyman served Strike King with requests for production of documents and interrogatories, but to date, we have not received responses to the discovery or the production of documents.

In addition, we have not received Strike King's pretrial disclosures which, according to the schedule applicable to this proceeding, were due March 22, 2012.

We ask that you apprise us of the status of Strike King's discovery responses and pretrial disclosures. If we have not received the responses and pretrial disclosures by Wednesday, March 28, 2012, we will seek appropriate relief from the T.T.A.B., up to and including asking the T.T.A.B. to dismiss the action for Strike King's failure to prosecute.

Very truly yours,

COZEN O'CONNOR

A handwritten signature in black ink that reads "Lisa A. Ferrari".

By: Lisa A. Ferrari

**EXHIBIT D**

WALKER, MCKENZIE & WALKER, P.C.

ATTORNEYS AT LAW

6363 POPLAR AVE. SUITE 318

MEMPHIS, TENNESSEE 38119-4899

PHONE (901) 685-7428

REGISTERED  
PATENT ATTORNEYS  
FAX (901) 682-6488

RUSSELL H. WALKER

March 29, 2012

via Facsimile to 212-208-4363  
with Confirmation via U.S. Mail

Lisa A. Ferrari, Esq.  
Cozen O'Connor  
227 Park Ave.  
New York, NY 10172

**CONFIRMATION**

Re: *Strike King Lure Company v. Wyman von Mohr & Associates*  
Petition to Cancel U.S. Trademark Reg. 3,500,147 for the mark ROCKET FISHING ROD  
Cancellation No. 92053355  
Our File No.: 99,059B

Dear Ms. Ferrari:

I am in receipt yesterday, March 28, 2012, of your emailed letter to me of March 26, 2012. I was out of the office on Monday and, on Tuesday, I was out of the office all day to take my 89 year-old mother to and from the orthopedic surgery center for an epidural procedure on her spine. Yesterday morning, while driving into the office, I received a call from her in which she stated that she was not feeling right and felt that she might be dying, and so I rushed over to her apartment to take her vital signs. When she appeared stabilized, I came to work and found your email.

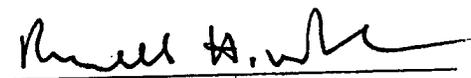
When I saw that email, I realized that the case file for this matter, including your requests for production and interrogatories, had been inadvertently boxed up and sent to my firm's storage facility in Collierville, Tennessee, during my firm's recent move to a different suite in our building at the request of our building's landlord, who wanted to consolidate smaller offices to accommodate a large tenant, on short notice to me, requiring that I box up the office during that move and construction / wiring / painting of the new office. I drove to the storage facility yesterday afternoon and spent the afternoon searching through the boxes that had been sent out to storage during the move, and found this case file, which had been boxed up and sent out in error. All I can do is apologize.

I am diligently working on getting the materials requested to you, and did not realize that this matter had fallen into a black hole. Today I will send you a draft settlement agreement in the hope that this matter still can be resolved, and I will also send a draft protective order because some of the requested materials will need to be confidential and provided subject to such a protective order.

Finally, please note that my new suite number is 402, and my ZIP Code is now 38119-4896. All other contact information remains unchanged. My mobile number is (901) 486-2331, and is always on.

Yours very truly,

WALKER, MCKENZIE & WALKER, P.C.

By:   
Russell H. Walker

RHW/rw

**EXHIBIT E**

## Ferrari, Lisa

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**From:** Ferrari, Lisa  
**Sent:** Monday, April 02, 2012 5:38 PM  
**To:** 'Russell H. Walker'  
**Cc:** Weisz, Edward; Gonsalves, Nancy; Boezi, Mark  
**Subject:** Strike King Lure v. Wyman Von Mohr & Assocs

Russell:

We received your letter dated March 29, 2012, but have not received drafts of the settlement agreement and protective order that were promised for the same day. Your letter also did not state when we could expect Strike King's production of documents and responses to interrogatories, all of which are subject to production and response in view of Strike King's failure to timely respond to the discovery. As you know, Wyman Von Mohr's discovery requests were served on February 6, 2012.

Please be advised that if we do not receive the requested documents and responses to interrogatories by Thursday, April 5<sup>th</sup>, we will file a motion to compel production of same.

We look forward to receiving Strike King's discovery by Thursday so that motion practice will not be necessary. We also hope to receive the proposed settlement agreement and protective order referenced in your letter.

Regards,  
Lisa

**Lisa A. Ferrari | Cozen O'Connor**  
277 Park Avenue | New York, NY 10172 | P: 212.297.2699 | F: 212.208.4363  
[LFerrari@cozen.com](mailto:LFerrari@cozen.com) | [www.cozen.com](http://www.cozen.com)

 *Please consider the environment before printing this email.*

**EXHIBIT F**

## Ferrari, Lisa

---

**From:** Ferrari, Lisa  
**Sent:** Thursday, April 05, 2012 2:59 PM  
**To:** 'Russell H. Walker'  
**Cc:** Gonsalves, Nancy; Boezi, Mark  
**Subject:** RE: Cancellation Action 9205335 - ROCKET FISHING ROD / ROCKET SHAD

Russ:

Yes, we will accept service by electronic mail.

Just be sure to break into separate emails if they are in excess of 10 mbs.

Regards,  
Lisa

Lisa A. Ferrari | Cozen O'Connor  
277 Park Avenue | New York, NY 10172 | P: 212.297.2699 | F: 212.208.4363 [LFerrari@cozen.com](mailto:LFerrari@cozen.com) | [www.cozen.com](http://www.cozen.com)  
P Please consider the environment before printing this email.

-----Original Message-----

**From:** Russell H. Walker [<mailto:rwalker@walkermckenzie.com>]  
**Sent:** Thursday, April 05, 2012 2:21 PM  
**To:** Ferrari, Lisa  
**Subject:** Cancellation Action 9205335 - ROCKET FISHING ROD / ROCKET SHAD

Ms. Ferrari,

I am in the process of assembling the documents and responses that you requested, etc., for delivery to you today.

Will you accept electronic delivery by email and/or a download link?

Regards,

Russ

Russell H. Walker  
Walker, McKenzie & Walker, P.C.  
6363 Poplar Ave., Suite 402  
Memphis, TN 38119-4896  
Tel.: (901) 685-7428, ext. 25  
Cell: (901) 486-2331  
Fax: (901) 682-6488  
[rwalker@walkermckenzie.com](mailto:rwalker@walkermckenzie.com)

Please note that my office recently moved to a different suite in the same building. My suite number changed to Suite 402, and my ZIP Code changed to 38119-4896. Telephone, email, and fax contact information remains unchanged. Please update your records.