ESTTA Tracking number: **ESTTA529161**

Filing date: **03/27/2013**

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

Proceeding	92053501
Party	Plaintiff Christian M. Ziebarth
Correspondence Address	KELLY K PFEIFFER AMEZCUA-MOLL ASSOCIATES PC LINCOLN PROFESSIONAL CENTER, 1122 E LINCOLN AVE SUITE 203 ORANGE, CA 92865 UNITED STATES kelly@amalaw.net, kelpfeiffer@aol.com
Submission	Opposition/Response to Motion
Filer's Name	Kelly K. Pfeiffer
Filer's e-mail	kelly@amalaw.net
Signature	/Kelly K. Pfeiffer/
Date	03/27/2013
Attachments	Exhibits 1-4 to Opposition of P to R's Motion for Sanctions (m-cw).pdf (31 pages)(13850063 bytes)

EXHIBIT 1

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

CHRISTIAN M ZIEBARTH,	
Petitioner	
vs.	**Reg. No. 1,043,729**
	Cancellation No. 92053501
DEL TACO LLC	
Respondent.	

RESPONDENT DEL TACO LLC'S INITIAL DISCLOSURES

Respondent Del Taco LLC ("Del Taco"), makes the following Initial Disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120(a) based upon information reasonably available to it at this time. Del Taco reserves the right to make any additional disclosures as additional information becomes available. By making these disclosures, Del Taco does not waive its right to object to the production of any document or tangible thing disclosed herein or to object to the testimony of any person identified on the basis of attorney-client privilege, the work product doctrine, relevancy, undue burden, or any other valid objection or to make the production of any documents subject to an agreeable protective order.

A. At this time, Del Taco believes that the following individuals are likely to have discoverable information on the subjects listed that it may use to support its claims or defenses:

1. Noah Chillingworth
Senior Director of Brand Marketing and Advertising
Del Taco LLC
25521 Commercentre Drive, Suite 200
Lake Forest CA 92630

Mr. Chillingworth possesses knowledge of Del Taco's business operations, Del Taco's use of the NAUGLES mark, and all planned uses of the NAUGLES mark.

2. Karen Ring
Creative Production Manager
Del Taco LLC
25521 Commercentre Drive, Suite 200
Lake Forest CA 92630

Ms. Ring also possesses knowledge of Del Taco's business operations, Del Taco's use of the NAUGLES mark, and all planned uses of the NAUGLES mark.

3. John Cappasola
Chief Brand Officer
Del Taco LLC
25521 Commercentre Drive, Suite 200
Lake Forest CA 92630

Mr. Cappasola also possesses knowledge of Del Taco's business operations, Del Taco's use of the NAUGLES mark, and all planned uses of the NAUGLES mark.

Del Taco reserves the right to name an expert or rebuttal expert and to provide the names of additional fact witnesses as they become known to Del Taco or become relevant to the issues in the case.

B. At this time, Del Taco has in its possession, custody or control the following categories of documents and electronically stored information which it may use to support its claims or defenses:

- Documents relating to U.S. Trademark Registration No. 1,043,729 for NAUGLES.
- Documents regarding Del Taco's use of the NAUGLES mark.

Del Taco reserves the right to identify additional categories of documents and information as they become known to Del Taco or become relevant to the issues in the case.

Dated: **April 22, 2011**

/s/ April L Besl

April L. Besl
Joshua A. Lorentz
DINSMORE & SHOHL LLP
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8527-direct
(513) 977-8141-fax
april.besl@dinslaw.com

Attorneys for Respondent
Del Taco LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was sent by email, on this 22nd day of April, 2011, to Susan M. Natland and Gregory Phillips, Knobbe Martens Olson & Bear LLP, 2040 Main Street, 14th Floor, Irvine, California 92614, Susan.Natland@kmob.com and Gregory.Phillips@kmob.com.

/s/ April L Besl
April L Besl

EXHIBIT 2

Christian Ziebarth <[redacted]>

naugles

2 messages

Rob Hallstrom <[redacted]> Tue, Jan 12, 2010 at 9:22 AM
To: Christian Ziebarth <reviews@ocmexfood.com>

Best to hire a trademark or paten attorney or consult with one. They will tell you everything you need to know and where to look to find expiration status, etc. I believe the way it works is if they are not actively using the trademark or patent it is up for grabs after a certain length of time.

On 1/12/10 9:16 AM, "Christian Ziebarth" <[redacted]> wrote:

"Or better yet see when they are set to expire..."

Hmm, that's an angle I never thought of. I always just assumed they owned it from here on out. But maybe they don't. I'll ask Jeff Naugle about that.

On Tue, Jan 12, 2010 at 8:32 AM, Rob Hallstrom <[redacted]> wrote:

Your last email to naugles nephew? Still think it's good idea, but I would see about buying rights to the name from del taco. Or better yet see when they are set to expire...

On 1/11/10 10:07 PM, "Christian Ziebarth" <[redacted]> wrote:

Either my last e-mail didn't go through or the whole Naugles thing was a bad idea. I think I will work with some people who have some taco trucks then because it might be best to try the concept out with a food truck first.

On Mon, Jan 4, 2010 at 2:54 PM, Rob Hallstrom <[redacted]> wrote:

Yea. I practically grew up there having lived a mile or so from the one in Riverside at Brockton and 14th. Loved the green burritos and fries. We were always broke so we often ordered the all-cheese burritos. Otherwise, you got the double wrap macho burrito or the naugleburger. Oh, and the chocolate shakes rocked! The receipts had a little cartoon character brief message at the bottom that read "Dick Naugles says" and then there would be a little note about the food or something related. It was open late night, as was the one on the other end of town so it became the popular cruise night hang and "turnaround" spot. It would be great timing to resurrect the brand. In this economy people are all about eating cheap, especially if it's good. Also, there's the historical factor that would resonate with many generations of past customers. Great idea!

On 1/4/10 2:24 PM, "Christian Ziebarth" <[redacted]> wrote:

I don't want to act all "top secret" about it except that I

think it would be wise if we shared information with others when it's necessary to bring it up to others. Do you remember the old Naugles chain?

On Mon, Jan 4, 2010 at 1:02 PM, Rob Hallstrom <[redacted] <[redacted]> <[redacted]> > wrote:

> Hello Christian,
> There is always interest. Please let me know when you can share more info and we can discuss further. Thank you.
> Rob.
>
> **Rob Hallstrom**
> | 714 Media
> [redacted]
> 111 n. harbor, 2nd fl
> fullerton, ca 92832
> [redacted]
>
> facebook/[redacted]
> Twitter @[redacted]

On 1/4/10 12:57 PM, "Christian Ziebarth" <[redacted]> wrote:

> Rob, does your group have any interest in helping a new restaurant open? I stumbled into something like an opportunity that I am quite sure would be *very* profitable and am trying to find the right people to help pull it off. I'll give more details if any interest is shown. For now I will say that it's actually kind of a fast food concept, or maybe more of a blend

between fast food and fast casual.

On Wed, Dec 30, 2009 at 10:04 AM, Rob Hallstrom <[redacted]> wrote:

Tkx! Happy new year!

On 12/29/09 11:20 PM, "Christian Ziebarth" <[redacted]> wrote:

Getting an entry put together here:

http://orangefood.blogspot.com/2009/12/new-years-eve.html

On Wed, Dec 9, 2009 at 7:13 PM, Rob Hallstrom <[redacted]> wrote:

Christian,
Can you pls post this on your site? Tkx.
Rob.

Rob Hallstrom
| 714 Media
[redacted]
111 n. harbor, 2nd fl.
fullerton, ca 92832
714media.com <http://714media.com> <http://714media.com> <http://714media.com>
<http://714media.com> <http://714media.com>

facebook/714media.com <http://714media.com> <http://714media.com> <http://714media.com>
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Twitter @714media.com <http://714media.com> <http://714media.com> <http://714media.com>
<http://714media.com> <http://714media.com>

Christian Ziebarth <reviews@ocmexfood.com> Tue, Jan 12, 2010 at 9:28 AM
To Rob Hallstrom <[redacted]>

Thanks. That's an excellent point. Should've realized that on my own but it's good that you brought it up.
[Quoted text hidden]

4

Christian Ziebarth <[redacted]>

Naugles

Rob Hallstrom <[redacted]> Thu, May 27, 2010 at 12:52 PM
To: Christian Ziebarth <reviews@ocmexfood.com>

Great! Let's meet up to discuss my official involvement.
Rob.

On 5/27/10 11:30 AM, "Christian Ziebarth" <[redacted]> wrote:

> Just letting you know I have recently filled out an Intent to Use application for the Naugles trademark and am getting ready to take the next legal step.
>
> On Thu, Apr 22, 2010 at 10:27 AM, Rob Hallstrom <[redacted]> wrote:
>
> > Great, what are his terms?
> >
> > On 4/21/10 9:29 PM, "Christian Ziebarth" <[redacted]> wrote:
> >
> > > Finally got a lawyer on the case...
> > >
> > > On Wed, Apr 21, 2010 at 7:20 PM, Rob Hallstrom <[redacted]> wrote:
> > >
> > > > Yea, great location. Too bad it was made into a del taco. They'll be there forever....
> > > >
> > > > On 4/21/10 7:16 PM, "Christian Ziebarth" <[redacted]> wrote:
> > > >
> > > > > Here's a picture of the Brookhurst and Hamilton location with flags in place of lanterns:
> > > > >
> > > > > [redacted]
> > > > >
> > > > > Somehow I lost a much better quality version of this. This is one of the most mentioned former Naugles locations there is.
> > > > >
> > > > > On Tue, Apr 13, 2010 at 10:03 PM, Rob Hallstrom <[redacted]> wrote:
> > > > >
> > > > > > Can u post something on the matador anniversary next thurs? And naturally cinco?

5

On 4/5/10 11:38 AM, "Christian Ziebarth"
<reviews@pcmexfood.com
<http://reviews@pcmexfood.com>
<http://reviews@pcmexfood.com>
<http://reviews@pcmexfood.com> >
wrote:

> Ended up making a very unexpected trip out to Riverside on Friday night for reasons unrelated to Del Taco/Naugles and ended up stopping by the 14th and Brockton spot. They had very clearly done everything they could to thoroughly and deliberately sweep away any possible remembrance of Naugles there. But interestingly enough the friend I rode out there with asked one of the employees if she knew what it used to be before it was a Del Taco and she said, "Yeah, I get a bunch of people coming through the drive-thru every single day telling me it used to be a place called 'Naugles.' I'm getting kind of tired of them talking about it." They also didn't know what the combo cup was there and didn't know that the bun taco was originally a Naugles item.
>
> I know you wanted to go but it was kind of a bummer to see that they had stripped away every single hint that it had ever been anything other than a Del Taco. Not even a plaque on the wall or a photo of what it used to look like, which in a way is good for our case and further proof of the abandonment of the trademark, but still disappointing.
>
> On Mon, Mar 29, 2010 at 4:41 PM, Rob Hallstrom
> <[redacted]

6

> wrote:

Next sat may be good. Let's touch base later in week.

On 3/29/10 4:29 PM, "Christian Ziebarth" <[redacted]> wrote:

Tell me what times are generally good for you. Saturdays are best for me although this Saturday would be bad but the next one should be fine. Sundays tend to not work at all for me and weekdays are hard too but every once in a while things change and I find I have some free time on a weekday.

On Mon, Mar 29, 2010 at 3:24 PM, Rob Hallstrom <[redacted]> wrote:

Let me know if you want me to join you for the ride to riverside.

On 3/29/10 3:01 PM, "Christian Ziebarth" <[redacted]> wrote:

Well, I'm thinking that any location that used that architecture probably did have the lanterns when it was a Naugles. The location at Brookhurst and Hamilton has little orange flags in their place now, or at least it did. But the lawyers want to find *every* possible use that Del Taco makes of the name "Naugles" so we can have a very clear cut idea of the complete extent of their usage. They realize we would never be able to go to every Del Taco location but if somebody could make it to the original Naugles location and see if perhaps they have hanging on a wall inside a picture of what it used to look like as Naugles then we would know that that is one instance of their usage, even if it's only a small one. But if I get there and see, as I suspect to be the case, that that they have completely abandoned anything Naugles-related at even the original flagship Naugles location then that will be a good indicator that it is the same at every other location and leave their usage at the one bare-bones mention of Naugles on their website, which would then strengthen the case to move ahead with a cancellation of trademark proceeding.

On Mon, Mar 29, 2010 at 2:07 PM, Rob Hallstrom <[redacted]> wrote:

The only location that still has the lanterns in place is the one at brookhurst and malvern. I wonder if they were only at select locations?

On 3/29/10 12:58 PM, "Christian Ziebarth" <[redacted]> wrote:

So you were right there at the beginning of Naugles. Going to try to make it there soon and see if there is any vestige of Nauglesness remaining. Here's a Jack in the Box at Warner and Harbor near the Fountain Valley/Santa Ana border that used to be a Naugles:

7

http://www.flickr.com/photos/ziebarth/4474402644/in/set-72157623305316285/

On Sat, Mar 27, 2010 at 7:26 PM, Rob Hallstrom <[redacted]> wrote:

Yup. That's the one on 14th and Brockton. I went to the elementry school across the street. The 1st vans shoe store was up the street too.

Sent from my iPhone

On Mar 27, 2010, at 10:52 AM, Christian Ziebarth <reviews@ocmexfood.com <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> > wrote:

Is this the Naugles you used to go to in Riverside?

<http://www.city-data.com/businesses/173822206-del-taco-riverside-ca.html> http://www.city-data.com/businesses/173822206-del-taco-riverside-ca.html

The trademark lawyers have advised me to go there and see if they possibly have anything on display that could be related to Naugles.

On Wed, Mar 17, 2010 at 6:20 PM, Rob Hallstrom <[redacted]> wrote:

Really? That's surprising. I thought it would have sat empty or much longer in this economy. Expensive rent too! See how long they last... How are things going with Naugles?

On 3/17/10 1:03 PM, "Christian Ziebarth" < <http://reviews@ocmexfood.com> reviews@ocmexfood.com <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com>

8

<http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> > wrote:

Stopped at the Matador today and on the way back I drove by Bob's Burgers again. Didn't really expect to see anything different but it was different. It was being worked on and repainted. Oddly enough, its "new" colors are more in line with the Naugles color scheme. But they still had the "For Lease" signs out front. I called the property people when I got back and they said, "Oh, somebody started leasing it about a week ago."

<http://www.flickr.com/photos/czebarth/4440960957/sizes/o/> http://www.flickr.com/photos/czebarth/4440960957/sizes/o/

On Tue, Mar 9, 2010 at 9:19 AM, Rob Hallstrom < [redacted] > [redacted] > [redacted] > [redacted] > [redacted] > [redacted] > > wrote:

So it seems he wants to be associated by name only. If this is the case, you should be president of the corporation. Look at it as sort of a licensing of the "his" naugles names from a credibility standpoint. Same as when wolfgang puck lends his name to the many offshoots of "puck" restaurants. After creating the corp, the next step is to obtain operating capitol. This would normally be fairly easy given the popularity and renewed interest in the naugles brand, but institutional lending is not what it once was due to the global economic economy. However, providing the legal collateral for the naugles name will standup in court I feel strongly that we can obtain the funding to at least open the first restaurant. Let me know how things progress.

On 3/8/10 9:34 PM, "Christian Ziebarth" < <http://reviews@ocmexfood.com> reviews@ocmexfood.com <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> > wrote:

Finally heard back from Jeff. He didn't have much new to say. He just still seems interested in the project while also being interested in having other people do the majority of the work, which is fine with me and understandable that he would feel that way at his age. A trademark lawyer friend of mine seems to want to take the case on but just has to verify that nobody else at his firm represents Del Taco in any capacity. I found out that I can contest their ownership online by myself but also feel it'd be wise to have a trademark lawyer making sure I'm doing it right.

On Fri, Mar 5, 2010 at 9:14 AM, Rob Hallstrom < [redacted] > [redacted] < [redacted] > < [redacted] > < [redacted] > < [redacted] > < [redacted] > > > wrote:

Still seems high for area. That's nearly downtown rent. Would have to do comps in the area to be certain. Either way, if it's not being leased that will have to consider lower offers. Does jeff not often return your calls? 3 weeks is a long time. I would proceed without him and continue compiling legal collateral for the case.

On 3/4/10 9:51 PM, "Christian Ziebarth" < <http://reviews@ocmexfood.com> reviews@ocmexfood.com <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com

9

> <http://reviews@ocmexfood.com>
<http://reviews@ocmexfood.com>
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<http://reviews@ocmexfood.com> http://reviews@ocmexfood.com>
< <http://reviews@ocmexfood.com>
http://reviews@ocmexfood.com> > wrote:

I think she said 2100 sq. ft. Does that sound like it might be about right? Can't imagine they are getting a lot of interested parties for that spot. Kind of concerned because I haven't heard from Jeff in almost three weeks.

On Thu, Mar 4, 2010 at 1:19 PM, Rob Hallstrom <
<[redacted]> [redacted]
<[redacted]> <[redacted]>
<[redacted]> <[redacted]>
<[redacted]> <[redacted]> <
<[redacted]> [redacted]> <
<[redacted]> [redacted]> > wrote:
That seems high. What is sq ft? I'm sure it is highly negotiable. I don't see anyone going in there anytime soon. Yea, I don't recall when or if it ever went all the way through, but it certainly appears that way. I know they started building on the property in-between only a few years back. Regardless, it would be cool to kick it off again at an original location. With the type of cult following it has, people may seek it out no matter where.

On 3/4/10 12:57 PM, "Christian Ziebarth" <
<http://reviews@ocmexfood.com> reviews@ocmexfood.com
<http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com
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http://reviews@ocmexfood.com> <
<http://reviews@ocmexfood.com> http://reviews@ocmexfood.com>
> wrote:

Yes, you are #3. Just called about the Brookhurst and Commonwealth spot. They said it is $6250 a month ("includes tax, title, license, etc., etc.,") to lease. Almost wonder if that spot died down because of Naugles leaving. But I guess you said Brookhurst used to continue through until the train tracks were put there?

On Thu, Mar 4, 2010 at 12:31 PM, Rob Hallstrom <
<[redacted]> [redacted]
<[redacted]> <[redacted]>
<[redacted]> <[redacted]>
<[redacted]> <[redacted]> <
<[redacted]> [redacted]> <
<[redacted]> [redacted]> <
<[redacted]> [redacted]> > wrote:

10

Wow! That's vey cool. I figured it was. Looked exactly the way I remembered it. A bit surprised it was one of the top performers though...
I like the idea of jeff being named as plaintiff. Have you looked into drawing up corp paperwork yet? Maybe Naugles, Inc. ask the attorney if proceeding with a corp name like this is smart idea when representing jeff as plaintiff or if it really matters. The new corp can have a board of directors, maybe listing jeff as president, you as vp, etc. for the record, i'm obviously interested in being on board as well.

On 3/4/10 12:03 PM, "Christian Ziebarth" < <http://reviews@ocmexfood.com> reviews@ocmexfood.com <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> < <http://reviews@ocmexfood.com> http://reviews@ocmexfood.com> < <http://reviews@ocmexfood.com> http://reviews@ocmexfood.com> < <http://reviews@ocmexfood.com> http://reviews@ocmexfood.com> < <http://reviews@ocmexfood.com> http://reviews@ocmexfood.com> > wrote:

Now I have to see if Jeff could front the $10,000 attorney fee. This trademark attorney has suggested that Jeff be listed as the plaintiff. It'll make the case stronger if a "Naugle" is on it.

Last night I saw the friend that rode with me out to Visalia. I said, "Rob was wondering if the Bob's Burgers on Brookhurst and Commonwealth used to be a Naugles . . . " and before I could say much more my friend goes, "Yes, it was. Jeff told us it was and that it was one of their best locations."

On Thu, Mar 4, 2010 at 11:53 AM, Rob Hallstrom < [redacted] > > wrote:

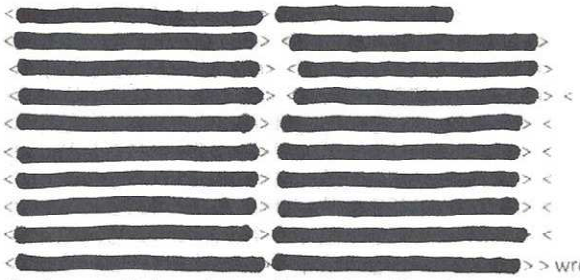
> Interesting. So it seems the green light is becoming even brighter.
>
> On 3/4/10 11:20 AM, "Christian Ziebarth" < <http://reviews@ocmexfood.com> reviews@ocmexfood.com <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com> < <http://reviews@ocmexfood.com> http://reviews@ocmexfood.com> < <http://reviews@ocmexfood.com> http://reviews@ocmexfood.com> < <http://reviews@ocmexfood.com> http://reviews@ocmexfood.com> < <http://reviews@ocmexfood.com> http://reviews@ocmexfood.com> < <http://reviews@ocmexfood.com> http://reviews@ocmexfood.com> > wrote:
>
> Here's a little extra insight. This comes from a patent attorney who I think works in South County. He specializes in patents and I have been talking with him about trademarks (which clearly are two different things). We had been sort of butting heads in our discussion with him coming at it from the angle of somebody who knows a lot about patents and thinks he knows some about trademarks and me coming at it from the angle of somebody who is not a legally oriented person at all but has done some relatively in-depth research on trademark issues. He told me a while back that about once every two weeks an actual trademark lawyer comes into his office so here is what he has to say now (I italicized the interesting part):
>
> Our Trademark attorney just walked in and I talked with her about this... finally.
>
> We looked up a few things and you very well might have a good case for cancellation of the Naugles mark owned by Del Taco.
>
> Del Taco appears to have filed Old pictures of the Naugles restaurant front for their

11

"continued use" statements, which are due every few years to keep a mark alive. WRONG WRONG WRONG. *This appears to be fraud on the Trademark office.* I stand corrected in light of that evidence

On Mon, Mar 1, 2010 at 6:27 PM, Rob Hallstrom < [redacted] > wrote:

> Good news! Continue compiling as much legal collateral as possible to build the case. I would not contact del taco any more at this point. Best to get everything in your court by registering as much as possible under a new corporate name such as Naugles, Inc. once all the legal bases are covered, we simply supply business plan using original Naugles model to investor and put plans forward to opening first store. Eventually, Del Taco legal department will likely issue a cease and desist order, but they will have to prove they have legal ground to take further action. Let me know when you would like to meet again to further discuss taking the next step.
>
> On 3/1/10 5:37 PM, "Christian Ziebarth" < [redacted] > wrote:
>
> Found this image recently after doing a deep, deep search on the US Trademark Office website. This is the image Del Taco had on their website a while back to "prove" that they were still doing business with the Naugles name. Confirmed my suspicion that that was the *only* thing they were going off of, even though I thought my suspicion was almost too silly to really consider. But I have been talking with a trademark attorney, and though he is reluctant to guarantee anything, he seems *very* confident that that instance of Del Taco's usage of "Naugles" is far from enough to prove that they are still conducting a restaurant business with the Naugles name. He says, "The bottom line is if a trademark applicant has 'restaurant' on their goods and services, and they are no longer using any restaurants using that name, that would be a good basis to move forward with a cancellation."
>
> On Thu, Feb 25, 2010 at 9:09 PM, Rob Hallstrom <



That's so cool! I knew I remembered they all had lanterns. So there you go, that particular location IS one of the original naugles...

On 2/25/10 8:53 PM, "Christian Ziebarth" <
<http://reviews@ocmexfood.com> reviews@ocmexfood.com>
<http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com
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<http://reviews@ocmexfood.com> http://reviews@ocmexfood.com>
> wrote:

Thanks for the correction on the mija wrap. Always want to make sure I'm portraying things accurately. Sent out a new tweet on it.

Checked out the Bob's Burgers and took a picture from the side and I think it probably had been a Naugles. Check out this photo:

<http://www.flickr.com/photos/cziebarth/4388452447/in/set-72157623053316285/> http://www.flickr.com/photos/cziebarth/4388452447/in/set-72157623053316285/

then this one:

<http://www.flickr.com/photos/cziebarth/4388228016/in/set-72157623053316285/> http://www.flickr.com/photos/cziebarth/4388228016/in/set-72157623053316285/

and also this one of the Del Taco at Brookhurst and Hamilton that I know was a Naugles:

<http://local.yahoo.com/info-21030311-del-taco-huntington-beach?tab=photos#photos> http://local.yahoo.com/info-21030311-del-taco-huntington-beach?tab=photos#photos (this picture doesn't show the lanterns, but oddly enough, I think they might've added the

13

lanterns back in recently; at least I'm pretty sure I saw them on top when i drove by it a couple days ago when i wasn't even thinking to look for lantern-style attachments)

On Thu, Feb 25, 2010 at 12:02 PM, Rob Hallstrom <
<[redacted]> wrote:

K. text me at [redacted] when u arrive.

On 2/25/10 11:42 AM, "Christian Ziebarth" <[redacted]> wrote:

leaving my place here in Irvine in about two minutes

On Thu, Feb 25, 2010 at 11:39 AM, Rob Hallstrom <[redacted]> wrote:

cool

14

On 2/25/10 10:04 AM, "Christian Ziebarth" <<http://reviews@ocmexfood.com>
reviews@ocmexfood.com><http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com
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<http://reviews@ocmexfood.com> http://reviews@ocmexfood.com> <
<http://reviews@ocmexfood.com> http://reviews@ocmexfood.com> > wrote:

Great. I'll probably be there just after noon.

On Thu, Feb 25, 2010 at 8:49 AM, Rob Hallstrom < [redacted] > wrote:

Today around noonish is fine.

On 2/24/10 10:16 PM, "Christian Ziebarth" <
<http://reviews@ocmexfood.com> reviews@ocmexfood.com
<http://reviews@ocmexfood.com> <http://reviews@ocmexfood.com
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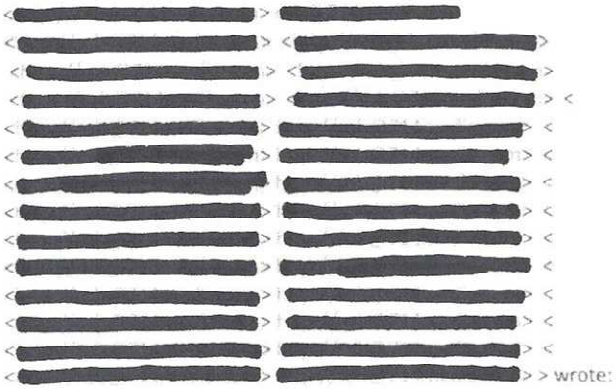
<http://reviews@ocmexfood.com> http://reviews@ocmexfood.com>
<<http://reviews@ocmexfood.com>
http://reviews@ocmexfood.com> > wrote:

Yep, we should aim for some kind of lunchy time tomorrow and if it doesn't work we can still go for Friday.

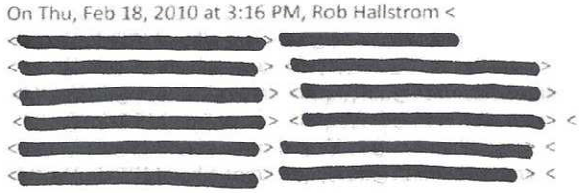
On Wed, Feb 24, 2010 at 10:04 PM, Rob Hallstrom <

> wrote:

Are you free tomorrow or fri?

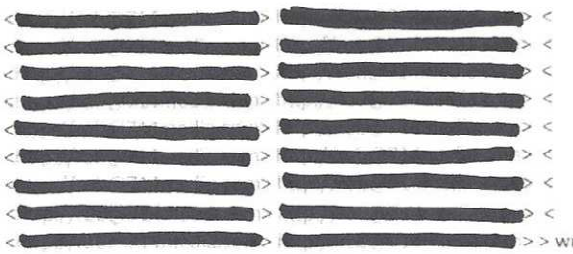
On 2/23/10 10:38 AM, "Christian Ziebarth" <

> wrote:

Let me know when it'd be a good time to stop by this week.

On Thu, Feb 18, 2010 at 3:16 PM, Rob Hallstrom <


16



Arrgg. Wait! Call me. Just got an emergency.

On 2/18/10 3:03 PM, "Christian Ziebarth" < <

> > wrote:

Leaving my place in Irvine in about 10-15 minutes and heading over.

EXHIBIT 3

From: christianz <[redacted]>
To: carusocom <[redacted]>
Subject: Re: Lunch
Date: Sat, May 2, 2009 12:04 pm

That's fine. Thursday's likely to be a little better than Wednesday but just let me know what works for you and Noah. Thanks.

Christian

-----Original Message-----
From: Barbara Caruso <[redacted]>
To: [redacted]
Sent: Fri, 1 May 2009 10:36 am
Subject: Lunch

Hi, Christian,
Thanks for the call!
Noah's been pretty busy, so hard to pin down for a day but I'm trying for next Wed/Thursday....Will get back to you as soon as I know.
Thanks,
Barbara

Barbara Caruso, APR
Caruso Communications
[redacted]

Can't afford a new spring wardrobe? Go shopping in your closet instead!

From: christianz <[redacted]>
To: carusocom <[redacted]>
Subject: Re: Twitter
Date: Mon, Sep 28, 2009 1:14 pm

Hi Barbara,

I don't know if you ever presented the idea of bringing a Naugles sub-menu back to the Del Taco marketing team but people are still very interested in it. I normally get 30 - 40 hits a day from people looking for Naugles info but at this point today it has already well exceeded that amount due to links in comments left on an entry at Nancy's blog. With the nostalgia factor that is driving business so heavily at places like Bob's Big Boy and Farrell's this could be a *huge* selling point for Del Taco and would require little in the way of new ingredients needing to be stocked or whatever. Nancy's story on Jack in the Box bringing back a 30-yr. old burger has itself been getting a ton of traffic and was the #1 most viewed story on the Register website for a while.

Trying not to be a pest over this but my blog is the one spot where interest in Naugles can be gaged and I can tell that it is high. If it's out of the question then it's out of the question but I'd hate to see Del Taco miss an easy and profitable opportunity with public interest already so acute in a property Del already owns.

Christian

-----Original Message-----
From: Barbara Caruso <[redacted]>
To: [redacted]
Sent: Fri, Sep 11, 2009 11:41 am
Subject: Re: Twitter

I'll have to check.... last time I talked about this with the marketing dept. there wasn't an account open...
Hope all is well your way!

Barbara Caruso, APR
Caruso Communications
[redacted]

-----Original Message-----
From: [redacted]
To: [redacted]
Sent: Fri, Sep 11, 2009 11:04 am
Subject: Twitter

Is this Del's official Twitter account? http://twitter.com/deltaco

2

From: Barbara Caruso <[redacted]>
To: ChristianZ <[redacted]>
Subject: Re: Models?

Date: Fri, Jan 14, 2011 3:48 pm

Hey, Christian,
I was actually just curious as to what this is about and why you might be interested in seeing the Naugles trademark become public domain. And of course, you can imagine I would want to know if you will be blogging about the petition! :) Certainly don't want to cause any issues for you or your attorneys!

Take care,
Barbara

Barbara Caruso, APR
Caruso Communications
[redacted]

-----Original Message-----
From: Christian Ziebarth <[redacted]>
To: Barbara Caruso <[redacted]>
Sent: Fri, Jan 14, 2011 3:37 pm
Subject: Re: Models?

Received the following e-mail from my lawyer:

> Were you planning on responding or do you think you can wait until sometime after Feb 21st?
>
> So you know, we (Knobbe) won't be able to communicate with a Del Taco employee without Del Taco's attorneys on the phone as well. This falls under ethical rules of conduct for attorneys.

In anything I do I try my best to create a positive outcome for everyone involved (I don't have a "there has to be losers so there can be winners" mentality) so I don't want *anybody* here zinged for "breach of ethics" or whatever. There may be a gray area if you are not technically considered a Del Taco employee, although I'm guessing you're close to enough to being one to count as one in this particular case . . . I guess. So the best I can say now is if you still have a few questions and are okay with e-mailing them I will see what I can do, but am not in the position to guarantee anything.

Christian

On 1/14/2011 2:26 PM, Barbara Caruso wrote:

> Hey, Christian,
> Small world - Brooke was my kids instructor at junior lifeguards and we all adore her! one of my favorite parts of fb is the baby pictures and can't wait to see her little own grow. I only met her husband Joe once but seems like a great guy.
> No problem if you need your attorneys to get on the phone, too... just have some questions!
> Thanks,
> Barbara
>
> Barbara Caruso, APR
> Caruso Communications
> [redacted]

[redacted]

-----Original Message-----
From: Christian Ziebarth <[redacted]>
To: Barbara Caruso <[redacted]>
Sent: Fri, Jan 14, 2011 2:20 pm
Subject: Re: Models?

Hey Barbara,

Been really busy. Have attorneys handling Naugles so they may want to be involved.

Hope all is well.

Christian

p.s. saw that you also recently became friends with Brooke on Facebook; i've known her for a long time (and we share the same birthday) and am also friends with her husband Joe

On 1/13/2011 3:23 PM, Barbara Caruso wrote:

> Hey, Christian,
> Do you have some time to talk soon? I'm very curious about your Naugles petition!
> Let me know.
> cheers,
> barbara
>
> Barbara Caruso, APR
> Caruso Communications
> [redacted]

-----Original Message-----
From: Christian Ziebarth <[redacted]>
To: Barbara Caruso <[redacted]>
Sent: Wed, Jan 12, 2011 3:17 pm
Subject: Re: Models?

Still doing my web development and blog writing. Have had a number of people lately tell me they've been going to Del Taco and that they took advantage of the gift card promotion over Christmas.

On 1/12/2011 11:50 AM, Barbara Caruso wrote:

> Thanks, Christian!
> We've already hired some experienced trade show models, but thanks!
> What's new your way?
>
> Barbara Caruso, APR
> Caruso Communications
> [redacted]

-----Original Message-----
From: Christian Ziebarth <[redacted]>
To: Barbara Caruso <[redacted]>
Sent: Wed, Jan 12, 2011 11:28 am
Subject: Models?

Hi Barbara,

I accepted your friend request on Facebook but when I did I think it erased a message you had sent along with it about needing models for some trade show. I might be able to put out a tweet about it if I got more details.

Christian

EXHIBIT 4

arch Inbox

ompose Message

Inbox

Sent

Message detail

Archived

Trash

Sent Messages Sent Invitations

Reply All Forward Archive Delete

Congratulations on your new position at Del Taco!

Christian Ziebarth - Web Developer at Page One Priority
To: **Noah Chillingworth**
Date: December 22, 2009

Hi Noah,

Barbara Caruso one time said I was supposed to meet with you over lunch. If that has changed that is fine but if it's still open then I'm still willing to come in. I have some ideas I think would be great for Del Taco's marketing. I am contacting you directly because neither me nor Nancy Luna at The Orange County Register has heard from Barbara in a while.

Sincerely,

Christian Ziebarth

Reply All