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

Proceeding	92053501
Party	Defendant Del Taco, LLC
Correspondence Address	APRIL L BESL DINSMORE SHOHL LLP 255 EAST FIFTH STREET CINCINNATI, OH 45202 UNITED STATES april.besl@dinsmore.com
Submission	Defendant's Notice of Reliance
Filer's Name	April L Besl
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Date	01/15/2014
Attachments	Notice of Reliance - 3rd Interrogs.pdf(8722 bytes ) REDACTED - Third Supplement to Interrogs and Docs.pdf(292798 bytes )

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

**CHRISTIAN M. ZIEBARTH,**

**Petitioner,**

**vs.**

**DEL TACO LLC**

**Respondent.**

**Reg. No. 1,043,729**  
**Cancellation No. 92053501**

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**RESPONDENT DEL TACO LLC'S NOTICE OF RELIANCE**

Pursuant to Rule 704.09 of the Trademark Trial and Appeal Board Manual of Procedure and 37 CFR § 2.120(j), Respondent Del Taco LLC ("Del Taco"), by its counsel, hereby gives notice that Del Taco offers into evidence and will rely on the attached Petitioner's Rule 26(e) Supplemental Responses to Respondent's First Set of Interrogatories and Requests for Production of Documents, Set No. One.

Please note that Petitioner Christian Ziebarth has previously requested that certain personally identifiable information be protected as confidential. Therefore, certain information has been redacted and will be filed under seal in accordance with the Stipulated Protective Order and Trademark Rule 2.126(c).

Respectfully Submitted,

Dated: January 15, 2014

/ April L Besl /

April L. Besl  
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*Attorneys for Respondent  
Del Taco LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was sent by first-class mail, with courtesy copy via email, on this 15<sup>th</sup> day of January, 2014, to Kelly K. Pfeiffer, Amezcua-Moll Associations PC, Lincoln Professional Center, 1122 E. Lincoln Ave. Suite 203, Orange, CA 92865.

/ April L Besl /

April L Besl

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

**CHRISTIAN M. ZIEBARTH,**

**Petitioner,**

**vs.**

**DEL TACO LLC**

**Respondent.**

**Reg. No. 1,043,729**

**Cancellation No. 92053501**

**PETITIONER'S RULE 26(e) SUPPLEMENTAL RESPONSES TO RESPONDENT'S  
FIRST SET OF INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS, SET NO. ONE**

Pursuant to the Rules of Practice of the United States Patent and Trademark Office, and Rules 26(e) of the Federal Rules of Civil Procedure ("FRCP") and the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), Christian M. Ziebarth ("Petitioner") hereby supplements its responses to Del Taco, LLC's ("Respondent") First Set of Interrogatories and Requests for Production of Documents ("Requests" or "Request") as set forth below.

**GENERAL OBJECTIONS TO INTERROGATORIES**

Petitioner maintains all previously stated General Objections to Respondent's Interrogatories which are incorporated by reference in response to each Interrogatory set forth below and are not waived with respect to any response.

**SUPPLEMENTAL RESPONSES TO RESPONDENT'S**

**FIRST SET OF INTERROGATORIES**

**INTERROGATORY NO. 1:**

Describe in detail the nature of the present business of Petitioner in connection with Petitioner's NAUGLES Mark.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:**

Petitioner incorporates by this reference its General Objections to Respondent's Admissions as if set forth fully herein. Petitioner maintains any and all Objections to this Request for Admission stated in its prior responses as if set forth fully herein.

Accordingly and without waiving said objections, Petitioner continues to have a bona fide intention to offer restaurant and cafeteria services under the NAUGLES mark. On or about March 21, 2012, Petitioner entered into a general partnership with Josh Maxwell and Daniel Dvorak to provide additional funding and to continue plans to open Naugles restaurants. Under California law, no agreement or filing is required and none has been memorialized in writing to date. Petitioner created an Operational Information Request and detailed Naugles Business Plan outlining Petitioner's Naugles Restaurants business which were provided to Respondent on or about June 7, 2012 and July 9, 2012, respectively.

Petitioner has provided preview meals under the Naugles mark. On or around March 20, 2012, Petitioner catered lunch at his place of employment serving Naugles menu items and created a Naugles menu for the lunch. On or around July 25, 2012, Petitioner served burritos to the Gringo Bandito Hot Sauce Company as a potential vendor in connection with its Naugles products. Petitioner continues to prepare preview meals, scout locations, develop its menu, ingredients, products, and marketing, continues to hold regular meetings, and continues to develop the Naugles Restaurant concept as outlined in its Business Plan and Operational Information Request documents.

**INTERROGATORY NO. 3:**

Identify each person with any information concerning Petitioner's selection of Petitioner's NAUGLES Mark.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:**

Petitioner incorporates by this reference its General Objections to Respondent's Interrogatories as if set forth fully herein. Petitioner maintains any and all Objections to this Interrogatory stated in its prior responses as if set forth fully herein. Petitioner responses as follows:

[REDACTED]

**INTERROGATORY NO. 4:**

Describe in detail the circumstances under which Petitioner decided to select Petitioner's NAUGLES Mark for use in conjunction with Petitioner's business.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:**

Petitioner incorporates by this reference its General Objections to Respondent's Interrogatories as if set forth fully herein. Petitioner maintains any and all Objections to this Interrogatory stated in its prior responses as if set forth fully herein.

Subject to the above, Petitioner is informed and believes that Respondent Del Taco abandoned the NAUGLES mark based on its non-use of the mark for over 10 years and based on Respondent's overall business plan to phase out the Naugles brand and replace it with Del Taco. As a result, Petitioner has adopted the NAUGLES mark and has a bona fide intent to use the NAUGLES mark in connection with restaurant and cafeteria services. Petitioner filed an intent

to use application for the NAUGLES mark, Application Serial No. 85040746, on May 17, 2010 and filed a Petitioner for Cancellation of the Respondent's Naugles' Registration No. 1,043,729 on December 20, 2010 following a Section 2d refusal of his application based on Respondent's registration.

**INTERROGATORY NO. 5:**

Identify all products or services planned to be offered by Petitioner under Petitioner's NAUGLES Mark.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

Petitioner incorporates by this reference its General Objections to Respondent's Interrogatories as if set forth fully herein. Petitioner maintains any and all Objections to this Interrogatory stated in its prior responses as if set forth fully herein.

Subject to the above, Petitioner created a Naugles Business Plan and an Operational Information Request as requested by counsel for Del Taco on May 16, 2012. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, the information requested by this Interrogatory is contained in the following documents: 1) Operational Information Request and 2) Naugles Business Plan. Petitioner incorporates these documents as if set forth fully herein. Both documents were provided to Respondent on or about June 7, 2012 and July 9, 2012, respectively.

Petitioner continues to have a bona fide intention to offer restaurant and cafeteria services under the NAUGLES mark. On or about March 21, 2012, Petitioner entered into a general partnership with Josh Maxwell and Daniel Dvorak to provide additional funding and to continue plans to open Naugles restaurants. Under California law, no agreement or filing is required and none has been memorialized in writing to date. Petitioner created an Operational Information Request and detailed Naugles Business Plan outlining Petitioner's Naugles.

Petitioner has provided preview meals under the Naugles mark. On or around March 20, 2012, Petitioner catered lunch at his place of employment serving Naugles menu items and created a Naugles menu for the lunch. On or around July 25, 2012, Petitioner served burritos to the Gringo Bandito Hot Sauce Company as a potential vendor in connection with its Naugles products. Petitioner continues to prepare preview meals, scout locations, develop its menu, ingredients, products, and marketing, continues to hold regular meetings, and continues to develop the Naugles Restaurant concept as outlined in its Business Plan and Operational Information Request documents.

**INTERROGATORY NO. 6:**

Identify all transfers of rights in Petitioner's NAUGLES Mark granted by or to Petitioner.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:**

Petitioner incorporates by this reference its General Objections to Respondent's Interrogatories as if set forth fully herein. Petitioner maintains any and all Objections to this Interrogatory stated in its prior responses as if set forth fully herein.

Subject to the above, Petitioner is informed and believes that Respondent Del Taco abandoned the NAUGLES mark based on its non-use of the mark for over 10 years and based on Respondent's overall business plan to phase out the Naugles brand and replace it with Del Taco. On this basis, Petitioner has adopted the NAUGLES mark and has a bona fide intent to use the NAUGLES mark in connection with restaurant and cafeteria services. Petitioner filed an intent to use application for the NAUGLES mark, Application Serial No. 85040746, on May 17, 2010 and filed a Petitioner for Cancellation of the Respondent's Naugles' Registration No. 1,043,729 on December 20, 2010 following a Section 2d refusal of his application based on Respondent's registration.

On or about March 21, 2012, Petitioner entered into a general partnership with Josh Maxwell and Daniel Dvorak to provide additional funding and to continue plans to open Naugles restaurants. Under California law, no agreement or filing is required and none has been memorialized in writing to date. Petitioner created an Operational Information Request and detailed Naugles Business Plan outlining Petitioner's Naugles.

**INTERROGATORY NO. 8:**

Identify the territorial areas in the United States where Petitioner plans to offer Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:**

Petitioner incorporates by this reference its General Objections to Respondent's Interrogatories as if set forth fully herein. Petitioner maintains any and all Objections to this Interrogatory stated in its prior responses as if set forth fully herein.

Subject to the above, Petitioner created a Naugles Business Plan and an Operational Information Request as requested by counsel for Del Taco on May 16, 2012. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, the information requested by this Interrogatory is contained in the following documents: 1) Operational Information Request and 2) Naugles Business Plan. Petitioner incorporates these documents as if set forth fully herein. Both documents were provided to Respondent on or about June 7, 2012 and July 9, 2012, respectively.

**INTERROGATORY NO. 9:**

Identify the territorial areas in the United States where Petitioner plans to manufacture Petitioner's NAUGLES Products.

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**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9:**

Petitioner incorporates by this reference its General Objections to Respondent's Interrogatories as if set forth fully herein. Petitioner maintains any and all Objections to this Interrogatory stated in its prior responses as if set forth fully herein.

Subject to the above, Petitioner created a Naugles Business Plan and an Operational Information Request as requested by counsel for Del Taco on May 16, 2012. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, the information requested by this Interrogatory is contained in the following documents: 1) Operational Information Request and 2) Naugles Business Plan. Petitioner incorporates these documents as if set forth fully herein. Both documents were provided to Respondent on or about June 7, 2012 and July 9, 2012, respectively.

**INTERROGATORY NO. 10:**

Identify the channels of trade through which Petitioner plans to offer Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10:**

Petitioner incorporates by this reference its General Objections to Respondent's Interrogatories as if set forth fully herein. Petitioner maintains any and all Objections to this Interrogatory stated in its prior responses as if set forth fully herein.

Subject to the above, Petitioner created a Naugles Business Plan and an Operational Information Request as requested by counsel for Del Taco on May 16, 2012. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, the information requested by this Interrogatory is contained in the following documents: 1) Operational Information Request and 2) Naugles Business Plan. Petitioner incorporates these documents as if set forth fully herein. Both documents were provided to Respondent on or about June 7, 2012 and July 9, 2012, respectively.

**INTERROGATORY NO. 11:**

Identify the representative outlets through which Petitioner plans to offer Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:**

Petitioner incorporates by this reference its General Objections to Respondent's Interrogatories as if set forth fully herein. Petitioner maintains any and all Objections to this Interrogatory stated in its prior responses as if set forth fully herein.

Subject to the above, Petitioner created a Naugles Business Plan and an Operational Information Request as requested by counsel for Del Taco on May 16, 2012. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, the information requested by this Interrogatory is contained in the following documents: 1) Operational Information Request and 2) Naugles Business Plan. Petitioner incorporates these documents as if set forth fully herein. Both documents were provided to Respondent on or about June 7, 2012 and July 9, 2012, respectively.

**INTERROGATORY NO.12:**

Identify the target market to which Petitioner plans to offer Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12:**

Petitioner incorporates by this reference its General Objections to Respondent's Interrogatories as if set forth fully herein. Petitioner maintains any and all Objections to this Interrogatory stated in its prior responses as if set forth fully herein.

Subject to the above, Petitioner created a Naugles Business Plan and an Operational Information Request as requested by counsel for Del Taco on May 16, 2012. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, the information requested by this Interrogatory is

contained in the following documents: 1) Operational Information Request and 2) Naugles Business Plan. Petitioner incorporates these documents as if set forth fully herein. Both documents were provided to Respondent on or about June 7, 2012 and July 9, 2012, respectively.

**INTERROGATORY NO. 13:**

Identify the target customer base to which Petitioner plans to offer Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 13:**

Petitioner incorporates by this reference its General Objections to Respondent's Interrogatories as if set forth fully herein. Petitioner maintains any and all Objections to this Interrogatory stated in its prior responses as if set forth fully herein.

Subject to the above, Petitioner created a Naugles Business Plan and an Operational Information Request as requested by counsel for Del Taco on May 16, 2012. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, the information requested by this Interrogatory is contained in the following documents: 1) Operational Information Request and 2) Naugles Business Plan. Petitioner incorporates these documents as if set forth fully herein. Both documents were provided to Respondent on or about June 7, 2012 and July 9, 2012, respectively.

**INTERROGATORY NO. 14:**

Identify all sources of funding to finance Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 14:**

Petitioner incorporates by this reference its General Objections to Respondent's Interrogatories as if set forth fully herein. Petitioner maintains any and all Objections to this Interrogatory stated in its prior responses as if set forth fully herein.

Subject to the above, Petitioner created a Naugles Business Plan and an Operational Information Request as requested by counsel for Del Taco on May 16, 2012. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, the information requested by this Interrogatory is contained in the following documents: 1) Operational Information Request and 2) Naugles Business Plan. Petitioner incorporates these documents as if set forth fully herein. Both documents were provided to Respondent on or about June 7, 2012 and July 9, 2012, respectively.

**INTERROGATORY NO. 15:**

Identify the marketing channels through which Petitioner plans to promote Petitioner's NAUGLES Mark.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15:**

Petitioner incorporates by this reference its General Objections to Respondent's Interrogatories as if set forth fully herein. Petitioner maintains any and all Objections to this Interrogatory stated in its prior responses as if set forth fully herein.

Subject to the above, Petitioner created a Naugles Business Plan and an Operational Information Request as requested by counsel for Del Taco on May 16, 2012. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, the information requested by this Interrogatory is contained in the following documents: 1) Operational Information Request and 2) Naugles Business Plan. Petitioner incorporates these documents as if set forth fully herein. Both documents were provided to Respondent on or about June 7, 2012 and July 9, 2012, respectively.

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**GENERAL OBJECTIONS TO RESPONDENT'S REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

Petitioner maintains all previously stated General Objections to Respondent's Document Requests which are incorporated by reference in response to each Interrogatory set forth below and are not waived with respect to any response.

**DOCUMENT REQUEST NO. 3:**

All documents and things which refer to any clearance searches Petitioner performed for Petitioner's NAUGLES Mark.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 3:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Subject to the above, None.

**DOCUMENT REQUEST NO. 4:**

All documents and things evidencing Petitioner's current use of Petitioner's NAUGLES Mark.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 4:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

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**DOCUMENT REQUEST NO. 6:**

All documents and things which refer to any products or services Petitioner offers for sale and/or plans to offer for sale under Petitioner's NAUGLES Mark.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 6:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 8:**

All documents and things which refer to the territorial areas in the United States where Petitioner offers or plans to offer Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 8:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 9:**

All documents and things which refer to the territorial areas in the United States where Petitioner manufactures or plans to manufacture Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 9:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 10:**

All documents and things which refer to the channels of trade through which Petitioner offers or plans to offer Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 10:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 11:**

All documents and things which refer to representative outlets through which Petitioner offers or plans to offer Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 11:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for

Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 12:**

All documents and things which refer to representative customers who have or are intended to purchase Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 12:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 13:**

All documents and things which refer to the target market Petitioner has identified for Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 13:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan,

Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 14:**

All documents and things which refer to any source of sponsorship, funding, or other financial support for the creation, distribution, manufacturing, marketing, promotion, and/or sale of Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 14:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 15:**

All documents and things which refer to Petitioner's present and/or planned marketing plans for Petitioner's NAUGLES Products including, but not limited to specimens of all advertising and promotional materials which relate to or refer Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 15:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan,

Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 16:**

All documents and things from any promotional outlet, including but not limited to, magazines, blogs, newspapers, social media sites, television, radio, catalogues, circulars, leaflets, sales or promotional literature, brochures, bulletins, fliers, signs, sales displays, posters, and/or other materials in which Petitioner's NAUGLES Products have been promoted and/or may be promoted in the future.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 16:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 17:**

All documents and things which refer to Petitioner's present and/or planned manufacturing processes and supply chains Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 17:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan,

Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 19:**

All documents and things which refer to Petitioner's monthly expenditures to date and planned future expenditures with respect to Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 19:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 20:**

All documents and things which refer to any consumer or marketing testing Petitioner has received or conducted relating to Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 20:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

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**DOCUMENT REQUEST NO. 21:**

All documents and things which refer to any consumer or market testing Petitioner has received or conducted relating to Petitioner's NAUGLES Mark.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 21:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 23:**

All documents and things, including but not limited to, communications with third parties, social media pages, and blogs which refer to Petitioner's NAUGLES Mark.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 23:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control..

**DOCUMENT REQUEST NO. 24:**

All documents and things, including but not limited to, communications with third parties, social media pages, and blogs which refer to Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 24:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 25:**

All documents and things, including but not limited to, plans, specifications, proposals, correspondence and memoranda, and samples that refer to the design, specifications, packaging, locations, recipes, format, and ingredients for Petitioner's NAUGLES Products.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 25:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

**DOCUMENT REQUEST NO. 26:**

All documents which refer to each and every discussion, correspondence, dispute, controversy, or proceeding of any kind or nature between Petitioner and any third party which involved Petitioner's NAUGLES Mark as applied for or any common law variation thereof.

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**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 26:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

DATED this 28<sup>th</sup> day of September, 2012.

Respectfully submitted,

RICHARD F. CHRISTESEN, ESQ.  
ATTORNEY AT LAW



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Richard F. Christesen  
Attorneys for Petitioner

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Christian M. Ziebarth, Petitioner

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 26:**

Petitioner incorporates by this reference its General Objections to Respondent's Request as if set forth fully herein. Petitioner maintains any and all Objections to this Demand for Production stated in its prior responses as if set forth fully herein. Accordingly and without waiving said objections, Petitioner will produce a copy of the Naugles Business Plan, Operational Information Request, photographs and other responsive, non-privileged documents to the extent that any exist and are within Petitioner's possession, custody or control.

DATED this 28 day of September, 2012.

Respectfully submitted,

RICHARD F. CHRISTESEN, ESQ.  
ATTORNEY AT LAW

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Richard F. Christesen  
Attorneys for Petitioner



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Christian M. Ziebarth, Petitioner

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing **PETITIONER'S RULE 26(e) SUPPLEMENTAL RESPONSES TO RESPONDENT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, SET NO. ONE** was sent by *U.S. Mail*, on this 18<sup>th</sup> day of September, 2012, to the party below:

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