

ESTTA Tracking number: **ESTTA433389**

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

Proceeding	92053945
Party	Defendant Stephen Smith
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Submission	Opposition/Response to Motion
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Date	09/30/2011
Attachments	USPTO Response pdf.pdf ( 2 pages )(64474 bytes )

ANSWERS TO DISCOVERY:

Re: Petition to Cancel #92053945

1.

Q. The name of the web site from which Mr. Smith took 3 screen shots which he *included in the "Specimen" in his trademark application.*

A. Two screen shots were public domain, and one was a personal photo. As far as we are aware they were not taken from any website in particular.

2. Q. A copy of all documents which Mr. Smith provided to the USPTO which Mr. Smith relied upon to allege that he owns the website [www.darlingtonapplefest.org](http://www.darlingtonapplefest.org).

A. These documents can be obtained from the Patent and Trademark office itself. Mr. Calcutt (if he is indeed authorized to act on behalf of Darlington Apple Festival, Inc.), or his corporation, could have also in the past provided documents to the USPTO; but apparently had no interest in doing so, nor felt it was important, since the name was never trademarked.

3.

Q. A list of the names and addresses of all businesses, TV stations and radio stations that Mr. Smith has contacted for corporate sponsorships and publicity pertaining to a triathlon M. Smith is planning to have in October of this year.

A. These names and places, if any, are internal marketing and /or proprietary information to our organization, and are irrelevant to obtaining the Trademark.

4.

Q .Documentation authorizing Mr. Smith to include screenshots from the website [www.darlingtonapplefest.org](http://www.darlingtonapplefest.org) in his trademark application.

A. To the best of my knowledge, no non-public domain screen shots were taken from the website [www.darlingtonapplefest.org](http://www.darlingtonapplefest.org); shots were only a public-domain design profile from various apple festivals around the country.

5.

Q. The name, if any, of the website Mr. Smith has in use in commerce.

A. There is no website currently in use in commerce.

6

Q. The dates during which Mr. Smith served on the Darlington Apple Festival, Inc. Committee.

A. To the best of my recollection, from approximately 2003 through 2006.

7.

Q. The full name of the triathlon event Mr. Smith is planning to have in October of this year in Darlington, MD.

A. This charitable event to benefit cancer survivors is currently on hold, due to the negative tactics employed by certain members of Darlington Apple Festival, Inc.

8. Q. What do the letters DAF stand for in the copy of the enclosed emails Mr. Smith sent to the Chesapeake Harley Davidson Sales Center?

A. This question is not relevant to the trademark application.