ESTTA Tracking number: **ESTTA464413**
Filing date: **03/29/2012**

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

Proceeding	92054155
Party	Plaintiff Michigan Job Training Partnership Association
Correspondence Address	LEON E REDMAN BROOKS KUSHMAN PC 1000 TOWN CENTER, 22ND FLOOR SOUTHFIELD, MI 48075-1238 UNITED STATES lredman@brookskushman.com
Submission	Motion to Compel Discovery
Filer's Name	Leon E. Redman
Filer's e-mail	lredman@brookskushman.com, lsavage@brookskushman.com, david@jobforce.tv, ejanda@brookskushman.com
Signature	/Leon E. Redman/
Date	03/29/2012
Attachments	mtn to compel and BIS.pdf (4 pages)(107882 bytes) Ex A - interrogatories.pdf (11 pages)(297858 bytes) Ex B - document requests.pdf (16 pages)(422566 bytes) Ex C - ltr to hoffman 3-14-12 requesting discovey rspns.pdf (3 pages)(59433 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

MICHIGAN JOB TRAINING PARTNERSHIP ASSOCIATION	)	Cancellation No. 92054155
Petitioner,	)	Registration No. 3,598,442
v.	)	
DAVID E. HOFFMAN JR.	)	
Registrant.	)	

PETITIONER'S MOTION TO COMPEL AND MEMORANDUM IN SUPPORT

Petitioner, Michigan Job Training Partnership Association ("Petitioner"), hereby moves pursuant to 37 C.F.R. § 120(e)(1) for an order compelling discovery of Registrant, David E. Hoffman Jr. ("Registrant") on Petitioner's First Set of Interrogatories to Registrant and Petitioner's First Request for the Production of Documents and Things to Registrant (**Exhibits A and B**), granting relief as follows:

(a) ordering Registrant to completely and properly answer without objection Petitioner's First Set of Interrogatories to Registrant; and

(b) ordering Registrant to produce documents and tangible things without objection responsive to Petitioner's First Request for the Production of Documents and Things to Registrant.

The basis for this motion is that Registrant has failed to respond in any manner whatsoever to Petitioner's discovery for which responses were due by February 19, 2012. Despite Petitioner's good-faith attempt to solicit responses from Registrant, Registrant still has yet to make any response whatsoever or even acknowledge receipt thereof. Registrant by failure to timely respond has waived any objection. Discovery is set to close on March 31, 2012.

In compliance with 37 C.F.R. § 2.120(e)(1), Petitioner certifies that prior to this motion to compel discovery it has made a good faith effort to resolve the discovery issues without the Board's intervention by sending a letter to Registrant **(Exhibit C)** on March 14, 2012 via email and first class mail. Registrant failed to respond or even acknowledge receipt of either the discovery or the March 14, 2012 letter.

MEMORANDUM IN SUPPORT

Petitioner served Petitioner's First Set of Interrogatories to Registrant and Petitioner's First Request for the Production of Documents and Things to Registrant on January 20, 2012 via email and first class mail. **(Exhibits A and B.)** Registrant has failed to respond to any of Petitioner's discovery requests, which responses were due by February 19, 2012 or even acknowledge receipt.

On March 14, 2012 Petitioner sent a letter to Registrant via first-class mail and email in Petitioner's good-faith effort to obtain responses from Registrant in compliance with 37 C.F.R. § 2.120(e)(1). **(Exhibit C.)** In this letter we requested responses by March 21, 2012 notwithstanding the February 19, 2012 due date.

Registrant did not respond to any of the discovery or even acknowledge receipt of the March 14, 2012 letter.

Registrant's failure to respond to any of Petitioner's discovery requests has constrained Petitioner to file this motion to compel pursuant to 37 C.F.R. § 2.120(e)(1).

By Registrant's failure to timely respond, Registrant has waived any objection to Petitioner's discovery requests.

CONCLUSION

For the foregoing reasons, Petitioner asks that the Board grant this motion to Compel and order Registrant to completely and properly answer without objection Petitioner's First Set of Interrogatories to Registrant and order Registrant to produce documents and tangible things without objection responsive to Petitioner's First Request for the Production of Documents and Things to Registrant.

Respectfully submitted,

By: /Leon E. Redman/
Leon E. Redman
Elizabeth F. Janda
Attorneys/Agent for Petitioner

Date: March 29, 2012

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Tel: (248) 358-4400

CERTIFICATE OF SERVICE

I certify that I served:

PETITIONER'S MOTION TO COMPEL AND MEMORANDUM IN SUPPORT

on March 29, 2012 by:

X delivering (via email by agreement)

X mailing (via First-Class mail)

a copy to:

David E. Hoffman Jr.
P.O. Box 16265
Washington DC 20041
david@jobforce.tv

/Leon E. Redman/
Leon E. Redman
Elizabeth F. Janda

EXHIBIT A

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

MICHIGAN JOB TRAINING PARTNERSHIP ASSOCIATION	)	Cancellation No. 92054155
Petitioner,	)	Registration No. 3,598,442
v.	)	
DAVID E. HOFFMAN JR.	)	
Registrant.	)	

PETITIONER'S FIRST SET OF INTERROGATORIES TO REGISTRANT

Pursuant to Fed. R. Civ. P. 33 and Rule 2.120 of the Trademark Rules of Practice, Petitioner, Michigan Job Training Partnership Association, submits these Requests to Registrant, David E. Hoffman Jr., and requests that Registrant deliver sworn answers to these Interrogatories to Petitioner's counsel, Brooks Kushman P.C., 1000 Town Center, 22nd Floor, Southfield, Michigan 48075, subject to the below definitions and instructions, within thirty (30) days of service hereof. These Interrogatories are intended to be continuing in nature and any information that may be discovered subsequent to the service by Petitioner of its responses should be brought to Registrant's attention through supplemental answers within a reasonable time following such discovery.

For the convenience of the Board and the parties, Petitioner requests that each Interrogatory be quoted in full immediately preceding the response.

CLAIMS OF PRIVILEGE

If any information responsive to any of the following Interrogatories is withheld on the basis of privilege and/or work-product, the following information is requested with respect to any such refusal: (1) the privilege and/or work-product rule of law being relied upon; (2) the date the document was created; (3) the identity of the person or persons who created the document; (4) the identity of the present custodian; (5) the addressee(s) and all other recipients of the document; (6) the subject matter of the document; and (7) the location of the document.

DEFINITION OF TERMS

These Interrogatories are subject to the following definitions:

1. The term "person" or "individual" includes, but is not limited to, any natural person, corporation, partnership, sole proprietorship, or any other business or legal entity, or any employee, agent, or representative of the foregoing.

2. The term "identify," when referring to a person, means state the full name, last known home and business address, employer, and job title of such person.

3. The term "identify," when referring to a document, means state the general nature or type, the general subject matter, title, number of pages, date, author or originator, addressee or recipient, copy recipients, present depository or depositories, name and address of any person(s) having custody, and any other necessary basis for identification of such document.

4. The terms "Petitioner" means Michigan Job Training Partnership Association, the Petitioner in this action, its predecessor or successor corporations, and any of its subsidiaries, divisions, affiliates, and present and former agents, employees, directors, officers, trustees, attorneys, representatives, research and development personnel, and any other person or entity

acting in concert with Michigan Job Training Partnership Association or on behalf of Michigan Job Training Partnership Association.

5. The terms "you," "your" or "Registrant" mean David E. Hoffman Jr., the Registrant in this action, its predecessor or successor, including any corporations, and any of its subsidiaries, divisions, affiliates, foreign affiliates and present and former agents, employees, directors, officers, trustees, attorneys, representatives, research and development personnel, and any other person or entity acting in concert with Registrant or on behalf of Registrant.

6. Whenever the Interrogatories refer to "Registrant's Mark," it refers to Registrant's mark "JOBFORCE" or "JOB FORCE" in block letters, in stylized form, or any other form.

7. Whenever the Interrogatories refer to "Registrant's Registration," it refers to United States Registration No. 3,598,442.

8. Whenever the Interrogatories refer to "Petitioner's Mark," they refer to Petitioner's mark "JOBFORCE" or "THE JOB FORCE BOARD" or "MICHIGAN WORKS! THE JOB FORCE BOARD" in block letters, in stylized form, or any other form.

9. The term "and" includes the term "or," and the term "or" includes the term "and."

10. The term "documents" refers to the broadest definition of document under the Federal Rules of Civil Procedure, including drawings, specification, memorandums, and information in computer-readable formats and stored on computer media including but not limited to mass storage devices such as floppy diskettes, hard disks, and also includes e-mail and other documents stored on computer media.

11. The singular of any word includes the plural and the plural of any word includes the singular.

INTERROGATORIES

INTERROGATORY NO. 1.

Identify each person likely to have any information regarding the factual bases for the Allegations 2-12 of the Answer and Affirmative Defense to the Petition for Cancellation, what that information specifically relates to, the likely scope of that information, and their last known address.

ANSWER:

INTERROGATORY NO. 2.

Identify by its common, usual, and ordinary commercial name each service in connection with which Registrant's Mark has been used from the first use of Registrant's Mark to present.

ANSWER:

INTERROGATORY NO. 3.

For each service identified in response to Interrogatory No. 2, identify the date of first use, the nature of the use, each geographic location including each state where each service is or has been performed, and the annual revenue of each service for each such geographic location from the date of first use to present.

ANSWER:

INTERROGATORY NO. 4.

For each geographic location identified in response to Interrogatory No. 3, identify the period(s) of time during which use of Registrant's Mark has occurred from the date of first use to present and identify all periods of non-use of Registrant's Mark for two or more years.

ANSWER:

INTERROGATORY NO. 5.

Identify the period(s) of time during which Registrant has generated revenue from services performed in Michigan under or in connection with Registrant's Mark from the date of first performance of services in Michigan to present and identify all periods of two or more years during which no revenue was generated from the performance of services in Michigan.

ANSWER:

INTERROGATORY NO. 6.

Identify the channels of trade through which Registrant currently markets and/or intends to market each service identified in response to Interrogatory No. 2.

ANSWER:

INTERROGATORY NO. 7.

Identify each instance of any third-party's use of Registrant's Mark or any similar mark on any service, in any service literature, or in any way associated with a service.

ANSWER:

INTERROGATORY NO. 8.

Identify with particularity each instance where Registrant has given warning or made objections to any third-party's use of Registrant's Mark or any similar mark on any service, in any service literature, or in any way associated with a service.

ANSWER:

INTERROGATORY NO. 9.

Identify all media (including, but not limited to, trade journals, newsletters, magazines, advertising, direct-mail, radio programs, television programs, events, trade shows, or conferences), in which Registrant has advertised each service identified in response to Interrogatory No. 2 and Registrant's annual advertising and promotional expenses in the United States for each service identified in response to Interrogatory No. 2 in the media and the type of expenses that are included in compiling the annual advertising and promotional expenses.

ANSWER:

INTERROGATORY NO. 10.

State when and under what circumstances Registrant first became aware of Petitioner's Mark and identify all individuals with knowledge thereof.

ANSWER:

INTERROGATORY NO. 11.

Identify all investigations or studies or inquiries that Registrant has ever conducted or had conducted concerning use and/or registration of Registrant's Mark or any mark comprised of or containing the term "JOBFORCE" or the terms "JOB FORCE" including any investigation of consumer confusion between Registrant's Mark and any other mark or name containing the term the term "JOBFORCE" or the terms "JOB FORCE" including, but not limited to, Petitioner's Mark.

ANSWER:

INTERROGATORY NO. 12.

State whether Registrant ever received an oral or written communication referring or relating in any way to Petitioner or Petitioner's Mark, or any variation thereof, and if the answer is other than an unqualified negative, identify all documents which refer or relate in any way to such communication and all persons knowledgeable of such communication.

ANSWER:

INTERROGATORY NO. 13.

Identify all instances of confusion, mistake, or deception regarding Registrant and Petitioner, or the mark JOBFORCE involved in this proceeding, and if such instances of confusion, mistake, or deception exist, identify each instance of confusion, mistake, or deception.

ANSWER:

INTERROGATORY NO. 14.

State whether any person or entity has entered into an agreement with Registrant regarding use and/or registration of Registrant's Mark, including, but not limited to, license agreements, settlement agreements, coexistence agreements, and consents and, if so, identify each such person or entity and the date of such agreement.

ANSWER:

INTERROGATORY NO. 15.

Identify each witness from whom Registrant intends to introduce testimony during its testimony period in this proceeding and state the substance of each witness' testimony.

ANSWER:

INTERROGATORY NO. 16.

Identify each person who supplied information used in answering the foregoing interrogatories and identify the answer(s) to which he or she supplied information.

ANSWER:

Respectfully submitted,

By: /Leon E. Redman/
Leon E. Redman
Elizabeth F. Janda
Attorneys/Agent for Petitioner

Date: January 20, 2012

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Tel: (248) 358-4400

CERTIFICATE OF SERVICE

I certify that I served:

PETITIONER'S FIRST SET OF INTERROGATORIES TO REGISTRANT

on January 20, 2012 by:

X delivering (via email by agreement)

X mailing (via First-Class mail)

a copy to:

David E. Hoffman Jr.
P.O. Box 16265
Washington DC 20041
david@jobforce.tv

/Leon E. Redman/
Leon E. Redman
Elizabeth F. Janda

Cathy A. Nikkila

From:	Cathy A. Nikkila
Sent:	Friday, January 20, 2012 3:54 PM
To:	david@jobforce.tv
Cc:	Leon E. Redman; Leeanne Scott; Elizabeth F. Janda
Subject:	Michigan Job Training Partnership Assn v. David E. Hoffman, Jr. - Cancellation No. 92054155
Attachments:	First Requests for Admission to Registrant.pdf; First Interrogatories to Registrant.pdf; First Document Requests to Registrant.pdf

Attached please find Petitioner's First Set of Interrogatories, Requests for Production of Documents, and Requests for Admission to Registrant, David Hoffman, Jr., in regard to the above matter.

Cathy Nikkila
Legal Assistant
BROOKS | KUSHMAN
1000 Town Center, 22nd Floor | Southfield, MI 48075
Direct: (248) 226-2809 | Main: (248) 358-4400 | Fax: (248) 358-3351
cnikkila@brookskushman.com | www.brookskushman.com

IMPORTANT/CONFIDENTIAL: This message may be privileged, confidential, or exempt from disclosure under applicable law. If you have received this communication in error, please notify us immediately by return e-mail.

EXHIBIT B

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

MICHIGAN JOB TRAINING PARTNERSHIP ASSOCIATION	)	Cancellation No. 92054155
Petitioner,	)	
	)	Registration No. 3,598,442
v.	)	
DAVID E. HOFFMAN JR.	)	
Registrant.	)	

PETITIONER'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS AND THINGS TO REGISTRANT

Pursuant to Fed. R. Civ. P. 34 and Rule 2.120 of the Trademark Rules of Practice, Petitioner, Michigan Job Training Partnership Association, submits these Requests to Registrant, David E. Hoffman Jr., and requests that Registrant respond to this request and produce the requested documents and things for inspection and copying at the offices of Petitioner's counsel, Brooks Kushman P.C., 1000 Town Center, 22nd Floor, Southfield, Michigan 48075, subject to the below definitions and instructions, within thirty (30) days of service hereof.

For the convenience of the Board and the parties, Petitioner requests that each Request be quoted in full immediately preceding the response.

CLAIMS OF PRIVILEGE

If any information responsive to any of the following Requests is withheld on the basis of privilege and/or work-product, the following information is requested with respect to any such refusal: (1) the privilege and/or work-product rule of law being relied upon; (2) the date the

document was created; (3) the identity of the person or persons who created the document; (4) the identity of the present custodian; (5) the addressee(s) and all other recipients of the document; (6) the subject matter of the document; and (7) the location of the document.

DEFINITION OF TERMS

These Requests are subject to the following definitions:

1. The term "person" or "individual" includes, but is not limited to, any natural person, corporation, partnership, sole proprietorship, or any other business or legal entity, or any employee, agent, or representative of the foregoing.

2. The term "identify," when referring to a person, means state the full name, last known home and business address, employer, and job title of such person.

3. The term "identify," when referring to a document, means state the general nature or type, the general subject matter, title, number of pages, date, author or originator, addressee or recipient, copy recipients, present depository or depositories, name and address of any person(s) having custody, and any other necessary basis for identification of such document.

4. The terms "Petitioner" or Michigan Job Training Partnership Association, the Petitioner in this action, its predecessor or successor corporations, and any of its subsidiaries, divisions, affiliates, and present and former agents, employees, directors, officers, trustees, attorneys, representatives, research and development personnel, and any other person or entity acting in concert with Michigan Job Training Partnership Association or on behalf of Michigan Job Training Partnership Association.

5. The terms "you," "your" or "Registrant" mean David E. Hoffman Jr., the Registrant in this action, its predecessor or successor, including any corporations, and any of its

subsidiaries, divisions, affiliates, foreign affiliates and present and former agents, employees, directors, officers, trustees, attorneys, representatives, research and development personnel, and any other person or entity acting in concert with Registrant or on behalf of Registrant.

6. Whenever the Document Requests refer to "Registrant's Mark," it refers to Registrant's mark "JOBFORCE" or "JOB FORCE" in block letters, in stylized form, or any other form.

7. Whenever the Interrogatories refer to "Registrant's Registration," it refers to United States Registration No. 3,598,442.

8. Whenever the Document Requests refer to "Petitioner's Mark," they refer to Petitioner's mark "JOBFORCE" or "THE JOB FORCE BOARD" or "MICHIGAN WORKS! THE JOB FORCE BOARD in block letters, in stylized form, or any other form.

9. The term "and" includes the term "or," and the term "or" includes the term "and."

10. The term "documents" refers to the broadest definition of document under the Federal Rules of Civil Procedure, including drawings, specification, memorandums, and information in computer-readable formats and stored on computer media including but not limited to mass storage devices such as floppy diskettes, hard disks, and also includes e-mail and other documents stored on computer media.

11. The singular of any word includes the plural and the plural of any word includes the singular.

DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1.

All documents and things that evidence, refer or relate to the allegations of the answers to Allegations 2-12 of the Answer and Affirmative Defense to the Petition for Cancellation.

RESPONSE:

DOCUMENT REQUEST NO. 2.

All documents and things identified or referenced in Registrant's Initial Disclosures.

RESPONSE:

DOCUMENT REQUEST NO. 3.

All documents and things that evidence, refer or relate to Registrant's marketing and promotion, or Registrant's intended marketing and promotion, of services under Registrant's Mark, including a representative sample of each advertisement, sign, display, promotion, and marketing material Registrant has used in connection with Registrant's Mark.

RESPONSE:

DOCUMENT REQUEST NO. 4.

Representative documents and things identifying each service with which Registrant's Mark has been used, is now used, or is intended to be used.

RESPONSE:

DOCUMENT REQUEST NO. 5.

All documents and things evidencing each state in the United States in which Registrant does use or has used Registrant's Mark and Registrant's first use date in each state for all services with which Registrant's Mark has been or is now used.

RESPONSE:

DOCUMENT REQUEST NO. 6.

All documents and things establishing current use of Registrant's Mark on each service with which Registrant's Mark has been used, or is now used from the date of first use to the present.

RESPONSE:

DOCUMENT REQUEST NO. 7.

Representative documents and things evidencing each channel of trade through which Registrant's services are offered, or are intended to be offered, under or in connection with Registrant's Mark, or any variation thereof.

RESPONSE:

DOCUMENT REQUEST NO. 8.

All documents and things concerning trademark searches and investigations relating to Registrant's Mark, conducted by or on behalf of Registrant.

RESPONSE:

DOCUMENT REQUEST NO. 9.

All documents and things concerning trademark searches and investigations relating to Petitioner's Mark, conducted by or on behalf of Registrant.

RESPONSE:

DOCUMENT REQUEST NO. 10.

All documents and things concerning any research, reports, surveys, investigations and studies conducted by or on behalf of Registrant relating to consumer or customer perception or market strength of Registrant's Mark.

RESPONSE:

DOCUMENT REQUEST NO. 11.

All documents and things concerning any research, reports, surveys, investigations, comparisons and studies conducted by or on behalf of Registrant relating to the relatedness of the serviced recited in Registrant's Registration and the services offered by Petitioner under Petitioner's Mark.

RESPONSE:

DOCUMENT REQUEST NO. 12.

All documents and things referring or relating to any and all complaints from, assertions against, or disputes with any third party regarding trademark rights regarding Registrant's Mark in which Registrant has been involved.

RESPONSE:

DOCUMENT REQUEST NO. 13.

All documents and things referring or relating to in any way how Registrant selected Registrant's Mark, including, but not limited to, any documents and things referring or relating to the person(s) with primary responsibility for such selection and the reason for such a selection.

RESPONSE:

DOCUMENT REQUEST NO. 14.

All documents and things referring or relating to in any way all past and existing business relations of any type between Registrant and Petitioner, if any.

RESPONSE:

DOCUMENT REQUEST NO. 15.

All documents and things concerning agreements between Registrant and third parties concerning others' use and/or registration of Registrant's Mark, or a trademark which is similar or identical to Registrant's trademark or design, including, but not limited to, license agreements, consent agreements, coexistence agreements, covenants not to sue, settlement agreements, and assignments.

RESPONSE:

DOCUMENT REQUEST NO. 16.

All documents and things referring or relating to or comprising Registrant's knowledge of Petitioner's Mark, including all documents concerning when and the circumstances under which Registrant first learned of Petitioner's Mark.

RESPONSE:

DOCUMENT REQUEST NO. 17.

All documents and things referring or relating to any communication or notice to Petitioner concerning the possibility that Petitioner's use of Petitioner's Mark, or any variation thereof, might or might not result in confusion or mistake among the public or in any industry.

RESPONSE:

DOCUMENT REQUEST NO. 18.

All documents and things concerning claims and/or evidence of actual confusion between Registrant, Registrant's Mark, and/or the services Registrant's Mark identifies and Petitioner, Petitioner's Mark, and/or the services Petitioner's Mark identifies, or evidencing any confusion, suspicion, belief, or doubt on the part of third parties as to the relationship between Registrant and Petitioner or their respective products or services, including but not limited to any misdirected complaints or inquiries.

RESPONSE:

DOCUMENT REQUEST NO. 19.

All documents and things referring or relating to or comprising any communication, oral or written, received by Registrant from any person which suggests, implies, or infers any connection or association with Petitioner or which inquires as to whether there is any such connection or association.

RESPONSE:

DOCUMENT REQUEST NO. 20.

All documents and things referring or relating to any price lists, advertising and promotional materials in each media used, distributed at any time by or for Registrant, or planned to be distributed by or for Registrant, that depicts, mentions, identifies, or describes any services offered by Registrant under or in connection with Registrant's Mark, or any variation thereof.

RESPONSE:

DOCUMENT REQUEST NO. 21.

All documents and things identifying the publications and broadcast media in which Registrant, or its retailers and licensees, have advertised, are advertising, or have planned to advertise any of Registrant's services promoted under or in connection with Registrant's Mark, or any variation thereof.

RESPONSE:

DOCUMENT REQUEST NO. 22.

Copies of all of Registrant's television commercials, radio scripts, and other media advertising not previously requested in which Registrant's Mark, or any variation thereof, appear or are mentioned.

RESPONSE:

DOCUMENT REQUEST NO. 23.

All documents and things regarding the websites and other Internet and/or online portals on which Registrant has advertised, marketed, promoted, rendered or promoted Registrant's products and/or services in connection with Registrant's Mark or any variation thereof.

RESPONSE:

DOCUMENT REQUEST NO. 24.

All documents and things referring or relating to any Internet domain names owned by Registrant that contain the word "JOBFORCE."

RESPONSE:

DOCUMENT REQUEST NO. 25.

All documents and things referring or relating to the geographic scope of the advertising, distribution and promotion of services related to Registrant's use of Registrant's Mark, or any variation thereof.

RESPONSE:

DOCUMENT REQUEST NO. 26.

All documents and things sufficient to identify Registrant's annual advertising and promotional expenditures for services marketed or promoted under or in connection with Registrant's Mark, or any variation thereof, by geographic or distribution regions from first use to present.

RESPONSE:

DOCUMENT REQUEST NO. 27.

All documents and things sufficient to identify Registrant's annual revenue for services marketed or promoted under or in connection with Registrant's Mark, or any variation thereof, by geographic or distribution regions from first use to present.

RESPONSE:

DOCUMENT REQUEST NO. 28.

All documents and things sufficient to identify Registrant's annual revenue for services marketed or promoted under or in connection with Registrant's Mark, or any variation thereof, in Michigan from first use in Michigan to present.

RESPONSE:

DOCUMENT REQUEST NO. 29.

All documents and things referring or relating to or comprising Registrant's customer lists, prospective customer lists, and mailing lists for Registrant's promotions under or in connection with Registrant's Mark, or any variation thereof.

RESPONSE:

DOCUMENT REQUEST NO. 30.

Representative documents and things evidencing each class or type of purchasers to whom Registrant has marketed and offered, currently markets and offers, and intends to market and offer, each service Registrant's Mark has identified, now identifies, or will identify.

RESPONSE:

DOCUMENT REQUEST NO. 31.

All documents and things referring or relating to, or comprising, any plan Registrant has to expand use of Registrant's Mark, or any variation thereof.

RESPONSE:

DOCUMENT REQUEST NO. 32.

All documents and things evidencing, referring or relating to or comprising any opinion from counsel, whether or not such counsel was employed by Registrant, concerning Registrant's rights in Registrant's Mark, including without limitation all documents identifying the date of such opinion and the attorney rendering the opinion, or discussing any action Registrant may have taken, or considered taking, in reliance upon said opinion.

RESPONSE:

DOCUMENT REQUEST NO. 33.

All documents and things referring or relating to any consideration or contemplation by Registrant whether to register or attempt to register Registrant's Mark.

RESPONSE:

DOCUMENT REQUEST NO. 34.

All documents and things referring or relating to any third party use of Registrant's Mark or any mark similar thereto.

RESPONSE:

DOCUMENT REQUEST NO. 35.

All documents and things other than those produced in response to any of the foregoing requests upon which Registrant intends to rely in connection with this action, including without

limitation, those documents and things referenced by Registrant in Registrant's Initial Disclosures, or to be relied upon by Registrant to support the statements of Registrant in Registrant's Initial Disclosures in this action.

RESPONSE:

DOCUMENT REQUEST NO. 36.

All documents and things not otherwise listed in answers to the interrogatories and document requests, which were referred to or relied upon to prepare the answers to the interrogatories and document requests.

RESPONSE:

Respectfully submitted,

By: /Leon E. Redman/
Leon E. Redman
Elizabeth F. Janda
Attorneys/Agent for Petitioner

Date: January 20, 2012

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Tel: (248) 358-4400

CERTIFICATE OF SERVICE

I certify that I served:

**PETITIONER'S FIRST REQUEST
FOR THE PRODUCTION OF DOCUMENTS
AND THINGS TO REGISTRANT**

on January 20, 2012 by:

X delivering (via email by agreement)

X mailing (via First-Class mail)

a copy to:

David E. Hoffman Jr.
PO Box 16265
Washington DC 20041
david@jobforce.tv

/Leon E. Redman/
Leon E. Redman
Elizabeth F. Janda

Cathy A. Nikkila

From:	Cathy A. Nikkila
Sent:	Friday, January 20, 2012 3:54 PM
To:	david@jobforce.tv
Cc:	Leon E. Redman; Leeanne Scott; Elizabeth F. Janda
Subject:	Michigan Job Training Partnership Assn v. David E. Hoffman, Jr. - Cancellation No. 92054155
Attachments:	First Requests for Admission to Registrant.pdf; First Interrogatories to Registrant.pdf; First Document Requests to Registrant.pdf

Attached please find Petitioner's First Set of Interrogatories, Requests for Production of Documents, and Requests for Admission to Registrant, David Hoffman, Jr., in regard to the above matter.

Cathy Nikkila
Legal Assistant
BROOKS | KUSHMAN
1000 Town Center, 22nd Floor | Southfield, MI 48075
Direct: (248) 226-2809 | Main: (248) 358-4400 | Fax: (248) 358-3351
cnikkila@brookskushman.com | www.brookskushman.com

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EXHIBIT C

BROOKS | KUSHMAN
INTELLECTUAL PROPERTY LAW

Ernie L. Brooks
1942-2007

Brooks Kushman P.C.
1000 Town Center, Twenty-Second Floor
Southfield, Michigan 48075-1238 USA

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March 14, 2012

Via First-Class Mail and
Email: david@hoffmaninternet.com

Mr. David E. Hoffman, Jr.
P.O. Box 16265
Washington, DC 20041

Re: USPTO Cancellation re: JOBFORCE
Cancellation No. 92054155
Registration No. 3,598,442
Our File No. MIJT 0101 OC

Dear Mr. Hoffman:

On January 20, 2012, we served you with Petitioner's First Request for the Production of Documents and Things to Registrant, Petitioner's First Set of Interrogatories to Registrant, and Petitioner's First Set of Requests for Admissions to Registrant (copies attached). Responses to all of the above requests were due by February 9, 2012.

We have yet to receive any responses to the foregoing. Please provide us with complete responses by **March 21, 2012**. If we do not receive complete responses by then, we will file a Motion to Compel with the U.S. Trademark Trial and Appeal Board.

Very truly yours,

BROOKS KUSHMAN P.C.

Leon E. Redman

LER/can
Enclosures

Cathy A. Nikkila

From: Cathy A. Nikkila
Sent: Wednesday, March 14, 2012 11:34 AM
To: david@jobforce.tv; 'david@hoffmaninternet.com'
Cc: Leon E. Redman
Subject: USPTO Cancellation No. 92054155 re JOBFORCE
Attachments: ltr to hoffman re rspns to doc prod reqs.pdf; First Requests for Admission to Registrant.pdf; First Interrogatories to Registrant.pdf; First Document Requests to Registrant.pdf

Please see the letter from Leon Redman and copies of requests attached to this email.

Cathy Nikkila
Legal Assistant
BROOKS | KUSHMAN
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