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

Proceeding	92054171
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Valeritas, Inc., Petitioner v. VGo Communications, Inc., Respondent	)	Cancellation No. 92054171

REGISTRANT VGO COMMUNICATIONS, INC.'S OPPOSITION TO PETITIONER'S STATEMENT REGARDING CONTINUING VIABILITY OF MOTION TO COMPEL

INTRODUCTION

The Trademark Trial and Appeal Board ("Board") issued its Decision mailed March 27, 2015 denying Petitioner's Valeritas, Inc.'s ("Petitioner" or "Valeritas") Motion for Summary Judgment in this proceeding. In its order, the Board stated that the proceedings remain suspended pending disposition of Petitioner's November 7, 2014 Motion to Compel Discovery, and granted Petitioner 15 days to submit a filing stating whether its Motion to Compel remains viable in all respects.

Petitioner filed its "Petitioner's Statement Regarding Continuing Viability of Motion to Compel" on April 10, 2015. Counsel for VGo Communications, Inc. ("Respondent" or "VCI") did not receive the service copy which the Statement indicates was mailed out on that date, but discovered the filing of the Statement during a routine docket check. Counsel for Valeritas

consented to Respondent's request for 15 days from April 21, 2105 to respond to "Petitioner's Statement Regarding Continuing Viability of Motion to Compel."

Respondent respectfully requests that the Board deny Petitioner's Motion to Compel discovery from Respondent and reiterates its comments in the Response filed on November 25, 2014. Petitioner has been provided with all information and documents responsive to its requests in a time frame that is consistent with the time in which it responded to discovery requests issued by the Respondent. Upon receipt of the original Motion to Compel in November 2014, Respondent conducted further investigations into its records, and in some cases, provided additional information and found additional documents, which were produced to the Petitioner under cover of a letter dated November 25, 2014. Petitioner has considered that filing, but has maintained that certain issues are still viable. Respondent will address each of the issues address raised in the Petitioner's Statement below. Nonetheless, Respondent respectfully asserts that any discovery "dispute" presented in Petitioner's motion is moot, and there is no need to reopen discovery, and to do so would reward the Petitioner's delay in responding to discovery.

ARGUMENT

RESPONDENT HAS COMPLIED WITH ITS DISCOVERY OBLIGATIONS.

As indicated above, on November 7, 2014, Petitioner filed this motion asking the Board to compel Respondent to comply with its discovery obligations, including, without limitation, producing all electronic mail which is responsive to any or all of Petitioner's multiple request for production of documents." Respondent has addressed the deficiency alleged in each Interrogatory, Request for Production of Documents and Request for Admission made by Petitioner. When the Petitioner has alleged deficiencies in the Respondent's production,

Respondent has responded to the allegations of deficiency in a timely manner to resolve any dispute and has produced over 1700 documents.

Now Petitioner, without discussion of the documents and responses produced on November 25, 2014 in association with Respondent's Opposition to Petitioner's November 7, 2014 Motion to Compel, merely asserts that specific answers and responses are deficient. Respondent maintains that the Respondent's Statement of April 10, 2015 is deficient in that it does not specifically address any alleged deficiencies, taking into account the additional information and documentation produced by Respondent on November 25, 2014. For that reason alone, Petitioner's Motion to Compel should be denied. Nonetheless, Respondent will address each of the specific deficiencies mentioned in the Petitioner's Statement Regarding Continuing Viability of Motion to Compel.

Interrogatories

Petitioner asserts in its Statement that Respondent's responses to Interrogatories Nos. 15 and 16 are deficient.

Respondent's response to Interrogatory No. 15, "State all facts concerning VCI's relationship with companies in the field of treating, evaluating, diagnosing, and/or counseling patients with diabetes, including but not limited to PositiveID Corporation" is not deficient.

VCI stated in its response that it has no relationship with companies in the field of treating, evaluating and/or counseling patients with diabetes, including but not limited to PositiveID Corporation. It did not address only "ongoing" business relationships in making this response. VCI maintains that it did not and does not have a business relationship with PositiveID Corporation or any other company in the field of treating, evaluating and/or counseling patients with diabetes. Respondent has no additional information to report.

Respondent's response to Interrogatory No. 16, "State all facts concerning the joint demonstration with PositiveID Corporation's wireless communication device for diabetes management operating in conjunction with VCI's robotic telepresence," is not deficient.

VCI stated in its response that "PositiveID invited VCI to do a demonstration at the American Telemedicine Conference at PositiveID's booth at that conference but not in conjunction with PositiveID's communication device for diabetes management. For the one-time demonstration, VCI drove its robot from its booth to their [PositiveID Corporation] booth at the tradeshow. When VCI was at the PositiveID Corporation booth, VCI personnel talked with PositiveID Corporation personnel. VCI did not integrate PositiveID Corporation equipment with VCI equipment or do anything with or in conjunction with PositiveID Corporation equipment." The documents, and the article found at Respondent's website and produced to Petitioner were generated by PositiveID Corporation, which characterized this interaction as a "joint demonstration" for its own purposes. Respondent has no additional information to report.

Requests for Production of Documents

Petitioner asserts in its Statement that Respondent's responses to Requests Nos. 20, 22, and 29 are deficient.

Respondent's response to Request No. 20, "Produce all Documents and Things concerning VCI's marketing plans for VCI's mark," is not deficient.

Respondent has provided documents responsive to this request. Specifically, at VGO 001179-1201 and VGO 001202 -1279, marked "Confidential – Attorneys' Eyes Only." (See attached at Exhibit A) There are no other documents of which Respondent is presently aware.

Respondent's response to Request No. 22, "Produce all Documents and Things concerning or identifying VCI's competitors in the marketplace," is not deficient.

Respondent has provided documents responsive to this Request that are in its possession or control. Specifically, see VGO 000664-670. In its investigation in November 2014, Respondent found additional documents, which have been produced to the Petitioner with its letter dated November 25, 2014, see VGO 001509 -1514, VGO 001536-1549 and VGO 001583-1584 and VGO 001585-1589. (See attached at Exhibit B) There are no other documents of which the Respondent is presently aware.

Respondent's response to Request No. 29 "Produce all Documents and Things concerning descriptions of the channels of trade for distribution of VCI's goods and or services under VCI's Mark" is not deficient.

Respondent has objected to this Request as overly broad, unduly burdensome, oppressive, requesting irrelevant documents and/or those not reasonably calculated to lead to the discovery of admissible documents and/or information, given all of the press and medial generated by others about VCI's products, it is impossible to produce all Documents and Things. Nonetheless, Respondent answered this request. In response to Interrogatory No. 4. Respondent stated that it provides its products to companies within the enterprise, education and healthcare markets, which companies range from small businesses to Fortune 500 companies. The products are sold directly or through VCI's value added resellers. In addition, Respondent has provided numerous pages from its website, published material produced by VCI and articles published by VCI or others concerning its channels of trade. Respondent has produced Documents and

Things describing the channels of trade for distribution of its goods and services under VCI's Mark. Respondent has complied with this Request.

Requests for Admissions

Petitioner assert in its Statement that Respondents responses to Requests for Admission Nos. 24 and 25, remains viable.

Petitioner's Response to Request for Admission No. 24, "Admit that VCI collaborated with a company named PositiveID Corporation," is not deficient.

VCI had objected to this Request, in part the meaning of the phrase "collaborated with" is unclear. Subject to and without waiving that specific objection, VCI denied this Request. Petitioner subpoenaed PositiveID Corporation requesting any and all documents evidencing communications between PositiveID Corporation and Respondent. PositiveID Corporation produced approximately 100 pages of documents in response. (As a small startup company, Respondent did not have procedures in place to back up early correspondence from employees laptops, and older emails, including some of the ones produced by PositiveID Corporation, were lost as employee laptops were replaced some years ago.) In response to Interrogatory No. 16, VCI stated "PositiveID invited VCI to do a demonstration at the American Telemedicine Conference at PositiveID's booth at that conference but not in conjunction with PositiveID Corporations' wireless communications device for diabetes management. For the one-time demonstration, VCI drove its robot from its booth to their booth at the tradeshow. When VCI was at the PositiveID Corporation booth, VCI personnel talked with PositiveID Corporation personnel. VCI did not integrate PositiveID Corporation equipment with VCI equipment or do anything with or in conjunction with PositiveID Corporation equipment. See, Registrant VGO

Communications, Inc.'s Response to Petitioner Valeritas, Inc.'s Second Set of Interrogatories to Registrant. (See attached at Exhibit C.) Respondent also produced some documents it did find in its possession, VGO 001573-1582, regarding this event. (Also at Exhibit C.) Nonetheless, VCI does not call this demonstration a "collaboration," as the term may imply that there is an business relationship, ongoing or otherwise, between the parties.

Respondent denies this Request for Admission. The issue here is semantics, not substance. Between the information/documentation provided by Respondent and by PositiveID Corporation, Petitioner has the information regarding the demonstration on this day and the planning of the demonstration. For that reason, the request is not viable.

Respondent's response to Request for Admission 25, "Admit that VCI hosted a joint demonstration with PositiveID corporation's wireless communication device for diabetes management operating in conjunction with VCI's robotic telepresence," is not deficient.

VCI had objected to this Request, in part because the meaning of the phrase "hosted a joint demonstration" is unclear. In response to this Request for Admission, VCI admitted that it did participate in a demonstration with PositiveID Corporation but not with its wireless device." See, Registrant VGO Communications, Inc.'s Responses to Petitioner Valeritas, Inc.'s Second Set of Requests for Admissions to VGO Communications, Inc., attached at Exhibit D. VCI denies this Request for Admission because the Respondent's robotic device did not operate "in conjunction with its [PositiveID's] wireless communications device for diabetes management."

Respondent denies this Request for Admission. Again, the issue here is semantics, not substance. Between the information/documentation provided by Respondent and by PositiveID Corporation, Petitioner has the information regarding the demonstration on this day. For that reason, the request is not viable.

PETITIONER HAS HAD AMPLE OPPORTUNITY TO CONDUCT ITS DISCOVERY

Petitioner also asserts in its Statement that it needs further time to complete discovery because it had served several Notices of Deposition for both Bern Terry and Ned Semonite, which were never scheduled due to scheduling conflicts.

As discussed in Respondent's November 14, 2014 filing, Petitioner has had ample opportunity to conduct its discovery. Discovery in this proceeding opened September 6, 2011 and was first set to close on March 4, 2012. Petitioner first requested that Respondent consent to extend discovery in January 2012. Respondent consented to a 90 day extension of all dates. Petitioner requested additional extensions in May 2012, August 2012, September 2012, November 2012, January 2013, March 2013, May 2013, June 2013, August 2013, September 2013, October 2013, November 2013, December 2013, January 2014, February 2014 and March 2014. In each case, Respondent agreed to the extensions of time requested by the Petitioner. On May 12, 2014, the Board issued a Notice of Suspension until August 9, 2014 in the proceeding. Discovery finally closed on September 10, 2014. Petitioner has had more than 3 years to conduct its discovery and take any discovery depositions that it needed.

Petitioner also alleges that discovery should be reopened so that it can conduct depositions of Ned Semonite and Bern Terry. Respondent had made its employees, Ned Semonite and Bern Terry, available for deposition during the discovery period previously set and extended, but Petitioner chose not to conduct those depositions. Nonetheless, should it decide to depose those men, Petitioner can do so during the testimony period.

PETITIONER HAS NOT ACTED IN GOOD FAITH IN PRESENTING THIS MOTION

Additionally, Petitioner has not acted in good faith in presenting its reasoning for this motion and has mischaracterized the facts. For example, the Petitioner alleges that its letter of August 14, 2014 was not responded to in a timely manner. This letter was sent by FedEx addressed to Mr. Bevilacqua and Ms. Barakat and was received in Respondent's counsel's docketing office on August 18, 2014. Both counsel left for vacation on August 14, 2014, which fact counsel for Petitioner knew because she transmitted an email version to Mr. Bevilacqua and Ms. Barakat on August 18, 2014. When she received the "out of office" messages, counsel for Petitioner then forwarded her email to Mr. Hobgood, who was also on vacation. Respondent did not "confirm receipt on August 18, 2014," as stated in the Motion to Compel, but on August 20, 2014, Mr. Bevilacqua responded to counsel for Petitioner to state that all of the counsel for Respondent for this matter were on vacation and would look into the matters raised in the letter when they returned the next week. On August 27, 2014, counsel for Respondent responded to counsel for the Petitioner. In most cases, Respondent indicated that it had answered the particular discovery request for which a question was raised, and the Petitioner was referred to the response to a particular interrogatory or documents produced. In some cases, counsel for Respondent indicated that it was checking with the Respondent. Respondent did serve amended responses to the Interrogatories and additional documentation on September 10, 2014.

In the meantime, the Petitioner has not been forthright in its own production. At various times during these proceedings, the parties have attempted to work with each other to fully comply with discovery production. Respondent served its first Set of Interrogatories and

Requests for Production of Documents on Petitioner on October 5, 2011. Petitioner responded on November 23, 2011. Respondent served its second Set of Interrogatories and Requests for Production of Documents on Petitioner on December 12, 2011. Petitioner responded on January 17, 2012. Respondent served its third Set of Interrogatories on Petitioner on March 1, 2012. Petitioner responded on April 5, 2012. The Petitioner did not, however, produce its first batch of documents until May 8, 2012.

Respondent sent a letter by email and first class mail outlining the deficiencies in Petitioner's production on September 6, 2013. By email dated September 9, 2013, Petitioner made a commitment to produce documents on a "rolling basis." On September 13, 2013, Petitioner produced additional documents.

Respondent sent an email again to Petitioner on August 27, 2014, listing the deficiencies in Petitioner's production. No response was received to this email before Petitioner served a Motion to Compel and Extend Discovery, one day before the discovery period was set to close. The Board denied the motion.

A full 19 days after receipt of Respondent's email listing Petitioner's discovery deficiencies, on September 15, 2014, counsel for Petitioner confirmed receipt of the August 27, 2014 email and stated that they were gathering information. On October 15, 2014, counsel for Respondent requested a status update on the responses, and on October 27, 2014, counsel for Petitioner stated that a substantive response would issue "shortly." On Friday October 31, 2014, counsel for Petitioner stated that "we expect to begin producing documents by early next week. We suspect it may be on a short rolling basis throughout the week." On November 5, 2014, Petitioner produced additional documents responsive to one request. Finally, on November 7,

2014, Petitioner produced supplemental responses to Respondent's interrogatories and requests for production of documents and additional documents. On November 7, 2014, Petitioner filed its Motion to Compel and on November 8, 2014, a Motion for Summary Judgment.

As stated above, Respondent provided its additional responsive documents on November 25, 2014. This date is only approximately 2 weeks later than the date on which Petitioner provided its most recent responsive documents. Petitioner has not acted in good faith, and seeks this extension for no other reason but to put undue pressure on the Respondent and to have another shot at conducting discovery because it has not found information and/or documents to support its theory in the cancellation, information or documents that do not exist. Petitioner should not be rewarded by reopening discovery when it was not fully compliant in its discovery responses until two weeks ago, long after the discovery period was closed.

Respondent continues to reiterate that it has supplied all information and documents to respond to Petitioner's discovery requests and requests for admissions. The Motion to Compel and Reopen Discovery should accordingly be denied.

VGO COMMUNICATIONS, INC.

By its attorneys,

/barbara a. barakat/

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Date: May 6, 2015

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Registrant's Response to Petitioner's Statement regarding Continuing Viability of Motion to Compel was served by first-class mail, postage-prepaid, this 6th day of May, 2015 upon:

Thomas F. Dunn, Esq.
Morse, Barnes-Brown & Pendleton, P.C.
City Point
230 Third Avenue, Fourth Floor
Waltham, Massachusetts 02451

/barbara a. barakat/

Barbara A. Barakat

EXHIBIT A

REDACTED

VGO 001179-1201 and VGO 001202-1279

CONFIDENTIAL
FOR ATTORNEYS'
EYES ONLY

EXHIBIT B

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September 4, 2010

The Boss Is Robotic, and Rolling Up Behind You

By JOHN MARKOFF

SACRAMENTO — Dr. Alan Shatzel's pager beeped at 9 on a Saturday morning. A man had suffered a stroke, and someone had to decide, quickly, whether to give him an anticlotting drug that could mean the difference between life and death.

Dr. Shatzel, a neurologist, hustled not to the emergency room where the patient lay — 260 miles away, in Bakersfield — but to a darkened room at a hospital here. He took a seat in front of the latest tools of his trade: computer monitors, a keyboard and a joystick that control his assistant on the scene — a robot on wheels.

He guided the roughly five-foot-tall machine, which has a large monitor as its "head," into the patient's room in Bakersfield. Dr. Shatzel's face appeared on screen, and his voice issued from a speaker.

Dr. Shatzel acknowledged the nurse and introduced himself to the patient's grandson, explaining that he would question the patient to determine whether he was a candidate for the drug. The robot's stereophonic hearing conveyed the answers. Using the hypersensitive camera on the monitor, Dr. Shatzel zoomed in and out and swung the display left and right, much as if he were turning his head to look around the room.

For years, the military and law enforcement agencies have used specialized robots to disarm bombs and carry out other dangerous missions. This summer, such systems helped seal a BP well a mile below the surface of the Gulf of Mexico. Now, with rapidly falling costs, the next frontiers are the office, the hospital and the home.

Mobile robots are now being used in hundreds of hospitals nationwide as the eyes, ears and voices of doctors who cannot be there in person. They are being rolled out in workplaces, allowing employees in disparate locales to communicate more easily and letting managers supervise employees from afar. And they are being tested as caregivers in assisted-living centers.

"Computers are beginning to grow wheels and roll around in the environment," said Jeanne Dietsch, a veteran roboticist and co-founder of MobileRobots Inc., a robot maker in Amherst, N.H., and a division of Adept Technologies.

Skeptics say these machines do not represent a great improvement over video teleconferencing. But advocates say the experience is substantially better, shifting control of space and time to the remote user.

"Most of the existing videoconferencing technology is designed for meetings," said Pamela J. Hinds, co-director at the Center for Work, Technology and Organization at Stanford University. "That is not where most work gets done."

For now, most of the mobile robots, sometimes called telepresence robots, are little more than ventriloquists' dummies with long, invisible strings. But some models have artificial intelligence that lets them do some things on their own, and they will inevitably grow smarter and more agile. They will not only represent the human users, they will augment them.

"The beauty of mobile telepresence is it challenges the notion of what it means to be somewhere," said Colin Angle, chief executive of one of the largest robot manufacturers, iRobot.

The robot is what allowed Dr. Shatzel to "be" in the patient's room far away. From an earlier telephone conversation with the emergency room doctor, the patient's condition had not been clear. But in speaking directly with the patient, examining his face and control of his hands and glancing with the camera at the cardiac monitor in the room, Dr. Shatzel could assess the stroke, he said, with the same acuity as if he were there. He instructed the staff to administer the drug.

"We had a good outcome," he said later.

Dr. John Whapham, a Loyola University neurologist who has helped create several regional networks providing telemedicine with robots made by InTouch Health, says that when he began using the robot during his residency, he would carry his laptop in a backpack so he could perform consultations anytime.

"I'll pull out the laptop, and when I'm on Michigan Avenue here in Chicago, put it on a garbage can or on the seat of a bus stop," he said. "You're live, and you can walk around, examine, image, zoom in and out. I do it all the time."

Expanding the Workplace

"I'm very thin in this new outfit," Mike Beltzner says, breaking the ice in a room of Silicon Valley computer programmers. In the flesh, he is 2,200 miles away, at home in Toronto with his cat. But at this meeting his face appears on a 15-inch LCD atop a narrow aluminum machine resembling an upright vacuum cleaner. Indeed, as this robot rolls around the room it looks as if it could just as easily be sweeping.

Mr. Beltzner rolls the robot to a large conference table in the Mountain View headquarters of the Mozilla Corporation, maker of Firefox, a popular Web browser. By swiveling his camera eye back and forth, he can see the entire room and chats comfortably with the assembled team.

An hour earlier, Mr. Beltzner, director of Firefox, was logged into a different robot on the other side of the building to attend the weekly all-hands meeting. With a pink lei on one shoulder and a jaunty cap on the other, the robot was surrounded by more than 100 young software engineers, each sitting with a wirelessly connected laptop.

Aside from the occasional greeting, no one seems to notice the disembodied Mr. Beltzner until he is called upon by Mary Colvig, a Mozilla marketing manager. She wants employees to share the chore of leading tours of the office each week.

"What do you want me to do?" Mr. Beltzner asks, his voice piping from twin speakers in the robot's chest.

"I would like you to give tours," she responds from the front of the room. "That would be pretty insane."

When the meeting ends, "Robo-Beltzner" — as one colleague calls him — mingles in the large room, chatting. Then Mr. Beltzner executes a nifty pirouette and moves the robot, made by Willow Garage of Menlo Park, Calif., to a charging station.

Like many other Silicon Valley companies, Mozilla has employees around the world, and in the month since it began testing the system, as many as 10 employees have logged in to run errands, chat and attend meetings.

Mr. Beltzner has now used the Willow Garage robot for more than a month, usually four to six times a week to attend meetings and chat with his co-workers in Mountain View. He finds it to be a distinctly different experience from a video teleconference or a computer chat system.

"With the robot, I find that I'm getting the same kind of interpersonal connection during the meetings and the same kind of nonverbal contact" that he would get if he were in the room, he said. "It's a lot easier to have harder conversations when I 'roll the robot,' " he added, referring to reviewing an employee's performance or discussing technical issues.

There are few drawbacks to the robots, the company's employees agree, although Erica Jostedt, a Mozilla communications manager, notes that the virtual Mr. Beltzner is ruder than his flesh-and-blood Canadian counterpart.

"I came to a meeting with him, and he didn't even open the door for me!" she said, laughing.

The robot, of course, has no arms.

That has not stopped other programmers from commuting to Silicon Valley robotically.

Each morning for the past year, Chad Evans's robot has sat with its back to a freeway in a double aisle of cubicles occupied by software designers at Philips Healthcare in Foster City, Calif.

Mr. Evans, a software designer himself, sits more than 2,000 miles away at home in Atlanta. But "Chadbot," a four-foot-tall prototype built by RoboDynamics of Santa Monica, Calif., allows him to live where he chooses and work West Coast hours.

When he is sitting at his desk in Atlanta, Mr. Evans is visible in a small monitor at the top of the robot, which is usually plugged into a recharging station. His workmates can see at a glance whether he is available for a quick chat by simply peering down the aisle.

When Mr. Evans needs to go to a meeting in Foster City or visit a colleague, he drives the robot to a desk or a meeting room. If someone is willing to help him by pressing the elevator buttons, he can even visit other floors.

"Using Skype would require me to initiate a phone call," he said. "This gives me more of a passive ability. I'm just sitting here like I would be at my desk if I was in the office. I see people coming and going, and they see me and they think, 'Oh yeah, there was something I wanted to ask Chad.' "

It took a while for his co-workers to get used to Chad as Chadbot. "The first three weeks were the weirdest experience I've ever had," said Karl McGuinness, a software architect whose desk is adjacent to the robot. "You'd hear his voice, and I'd think, 'What the heck is going on?' "

The Boss, or Big Brother?

Tom Serani's boss had grown frustrated that while Mr. Serani was on the road, his 20 salespeople working the phones back at company headquarters did not have the same zip as when he was in the office.

"The new guys were not doing quite as well," said the boss, Neal Creighton, a co-founder of RatePoint, a company based in Needham, Mass., that tracks Internet users' opinions of products and companies.

When RatePoint was approached by Vgo Communications to test a mobile robot, Mr. Creighton jumped at the chance.

From his hotel room, Mr. Serani can roll a robot up to an office cubicle back at headquarters, listen in on a telephone sales pitch and offer advice.

Mr. Serani was initially skeptical. "I immediately saw the potential," he said. "It was more a question of 'How do I position this so I don't have my guys running out of the building calling

the local reporters about how insane I am?' "

But in practice, he said: "Our sales team responded a lot differently to the robot than they did to the speakerphone. They were looking at it like it was a person, and their behavior patterns were completely different when it was here."

Still, the possibility that remotely operated robots might be used by some managers as surveillance devices, or as peeping Toms, has made some in the fledgling industry nervous.

"I don't want this technology to be seen as a means of oppression," said Trevor Blackwell, founder and chief executive of Anybots, the maker of QB, a $15,000 mobile robot that balances on two wheels like a Segway and will be shipped commercially beginning this fall.

Others argue that the design of a robot determines how it will be perceived in the workplace. "Larger screens for showing the pilot's video create a greater sense of presence, whereas little to none suggests surveillance," said Sanford Dickert, a Willow Garage executive.

There are also skeptics about the value of the current generation of mobile robots. "It's cool, but it's a little gimmicky," said Michael Arrington, founder and co-editor of the technology news Web site TechCrunch. Although he now lives much of the year in Seattle and manages his Silicon Valley Web site from afar, he said he would consider the robot as a stunt, perhaps for an interview, but not for running his company.

"You can walk around, but you can't really see what's going on," he said.

A Tool for the Elderly

All five of the United States companies that have announced or are already selling mobile robots are adding or experimenting with automation. For example, it will not be unusual for mobile robots in the next year to feature collision avoidance and lane-following technologies like those now offered in luxury automobiles. Already Vgo's robot automatically parks itself when it is driven within a foot or two of its recharging station.

Such automated robots could help in caring for a rapidly aging population.

VGO 000669

Vgo's executives said they ultimately envisioned their robots being used by family members to pay visits and offer help to elderly parents, allowing them to remain independent longer. At the simplest, the Vgo robots could help workers in assisted-living homes check in on residents and make sure they were taking medicines at the correct time each day.

"We're not replacing low-cost labor," said Brad Kayton, Vgo's chief executive. "We're acting as a supplement for it."

Others see the robots as a new means of mobility for the elderly, allowing them to stay in better contact with friends and family and visit museums and theaters, among other possible applications.

As technology advances, designers say, mobile robots will allow the elderly and others to do more than be in two places at one time. The robots will augment their human users, enhancing their senses by offering capabilities like better vision and hearing as well as futuristic skills like face recognition.

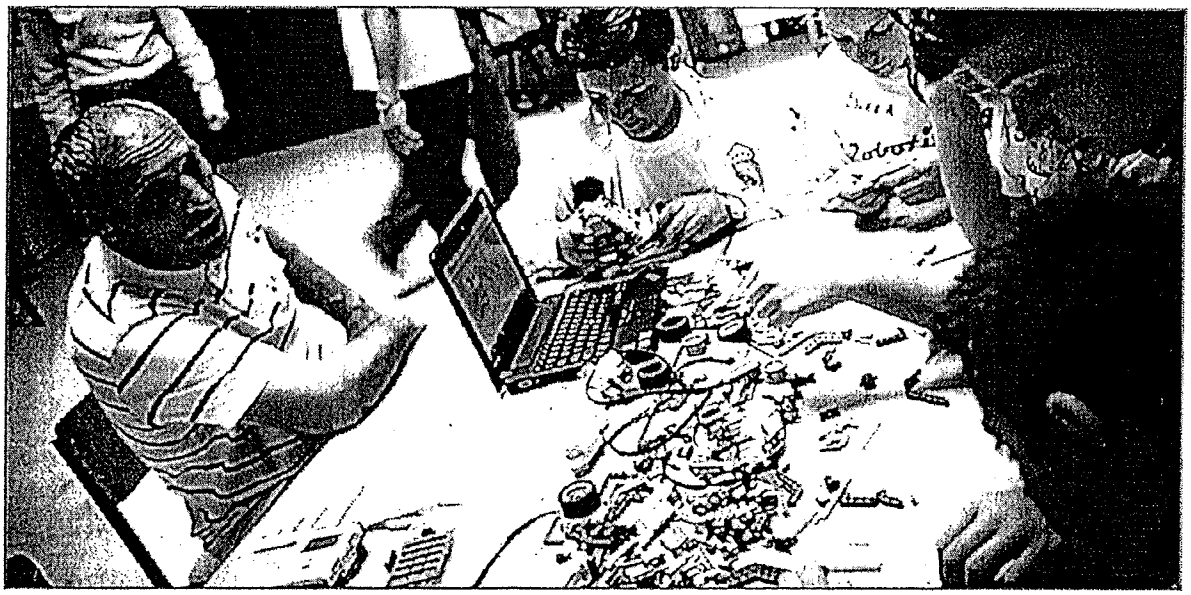
Still, no one believes the telepresence robots will be accepted without some resistance.

Lou Mazzucchelli, an expert in video teleconferencing, suggested that workers might make fun of their robot-enhanced managers behind their backs.

Moreover, there may be unpredictable consequences. The robots might become a new target for frustrated colleagues. "All of these products," he said, "are just begging me to kick them over."

Top 5 Robotics Companies in Education

Written by Emma on October 20, 2014 in featured on app, K2-K6 (Primary) with 1 Comment



The latest technology I've seen in education is the use of robotics in class.

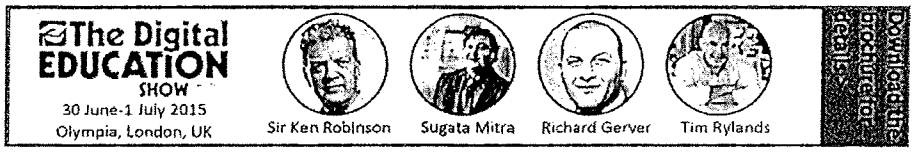
It seems that a few companies have tapped into the opportunity of using robotics to engage school children in a unique way. Mainly used to teach STEM subjects Science, Technology, Engineering and Maths, robotics are now accepted to be used to encourage and develop technology in schools and cross curriculum learning.

Here are the top 5 Robotics companies who are embracing Education:

1. **Active Robots** – This UK based company have taken education by the horns and have products to students from early years to University. They explain their mission to stimulate the imagination and assist the learning of STEM subjects 'through a hands on engaging experience to encourage a whole range of interactive learning. To share ideas, investigation, observation, predicting, problem solving, collecting data and describing outcomes to understand basic principles.'
2. **Aldebaran** – This is the company responsible for NAO – 'a star in the world of education, in more than 70 countries, he was used in computer and science classes, from primary school through to university. Thanks to NAO, students can learn programming in a fun and practical way. They can program him to walk, catch small objects and even dance!' Here is an example of using robotics for simple learning outcomes going up to educating developers to create new applications.
3. **Blue Ocean Robotics** – This European company demonstrates ways to use robotics in education in a few ways. One of them being the VGo which is a 'remote presence robot with the unique capability of remote controlled mobility, combined with two-way video and audio

communications'. This means children who are unable to physically be in the classroom, can still learn in the same way and benefit from the classroom environment.

4. **Lego Education** – One of the more well-known companies within education, with Lego Mindstorms they prove themselves to remain committed to transforming the future of education for everyone. Robotics has been used in education for the last 15 years with Lego Mindstorms which now has plenty of examples of schools realising the power of hands-on technology in the classroom which motivates and stimulates students to learn.
5. **VEX Robotics** – I saw these guys at a show last month and students were absolutely fascinated and were totally engaged whilst using the products available. This is probably because they are dedicated to providing fun and engaging experiences for students that allow for knowledge and skills to be developed. They also recognise the fact that 'not enough students are choosing related paths to meet global demand'. I know this is a concern for many in the education and workplace community. Now is the time where the greatest need is for new scientists, engineers and problem solving leaders, VEX education are reacting to this and many more companies should be.



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About the Author

About the Author: I live and work in London, I love talking, meeting people and travelling. I'm passionate about debating and learning something new everyday. Feel free to get in touch... More from this author.

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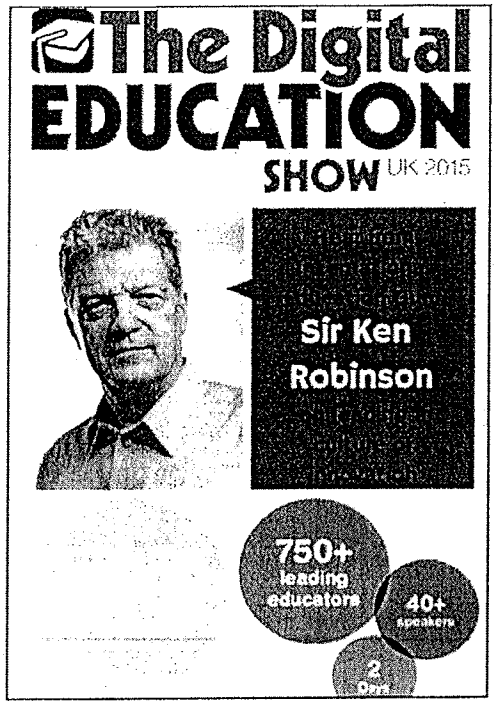

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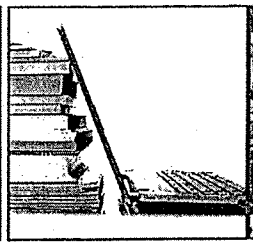
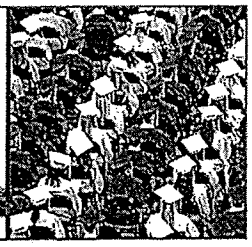
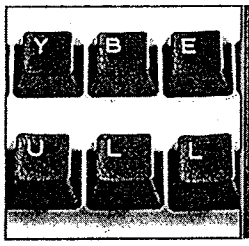

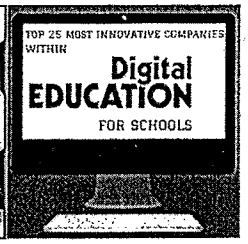

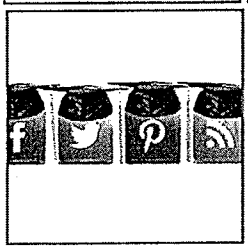

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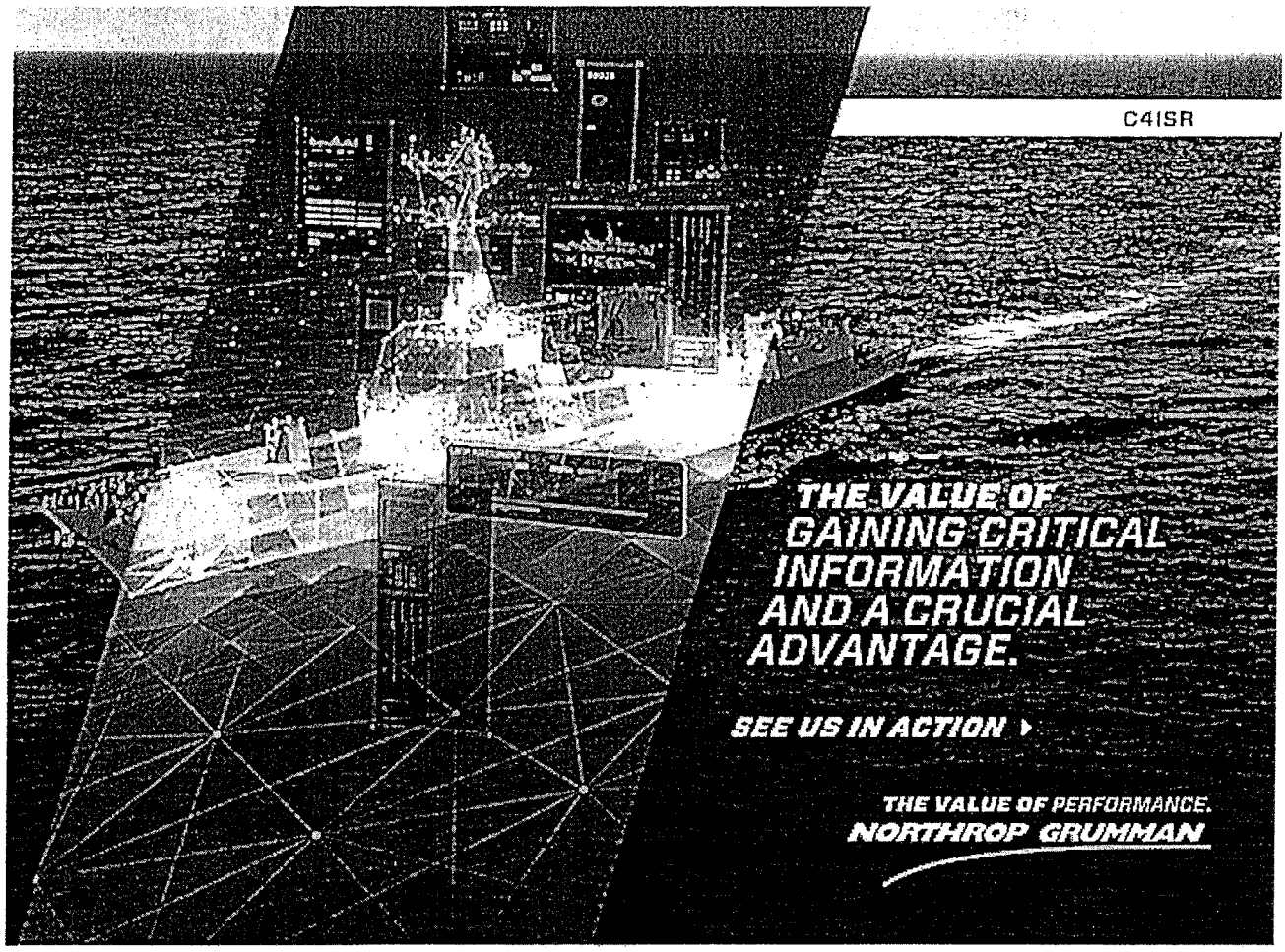

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Can Innovation in Telecommunications Solve the World's Biggest Challenges?

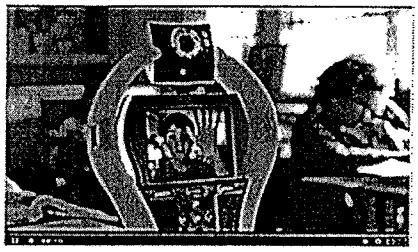
TUESDAY, SEPTEMBER 30, 2014

Jackie Scott is a member of the Rutgers Business School Executive Education team. She works with clients in the corporate and private sector to develop and deliver custom Digital Marketing and Social Media Marketing programs. She is passionate about servant leadership and created the innovative Rutgers Mini-MBA: Social Media for Non-Profit Leaders and Public Officials program. In addition to her role with Rutgers, she volunteers her time on her blog, http://niceworknj.wordpress.com , to assist non-profit organizations with community impact and resource development strategies.

Can Innovation in Telecommunications Solve the World's Biggest Challenges?

by Jackie Scott, Global Program Director, Rutgers Business School Executive Education

I'm always excited to learn about companies retooling, reinventing, and reinvigorating their brands and product offerings. While attending the Rutgers Business School student career fair last week, I noticed a sign for the Verizon booth enticing students to visit them by proudly exclaiming, "There's a robot!" As I walked over to the booth I quickly realized this was no ordinary robot. This robot was a media celebrity who starred in Verizon's recent "Powerful Answers" TV campaign.

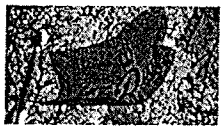


The "Telepresence" robot is the result of Verizon's focus on customers to improve the user experience and drive innovation. Due to illness, socioeconomic status, or even geography, some students around the globe are limited, without the kinds of hands-on education that most kids take for granted. Verizon's telepresence robots allow students to participate in school activities that were once unavailable to them. Robotics opens up opportunities to more students for knowledge, enhanced educational experiences, and classroom exposure.

As the Global Program Director at Rutgers Business School Executive Education, I have had the honor and the privilege to work with some of the most innovative companies around the globe. I'm no stranger to innovation in process, product, application, supply chain, cost, technological, business model, or digital transformations. If I may borrow the tag line from the Verizon "Powerful Answers" campaign - "Our world's biggest challenges deserve even bigger solutions."

"Big Solutions" require companies to think differently, be willing to invest in innovation, and have the right people and processes in place to seize new opportunities. Verizon's "telepresence" robot has found its home in the classroom but we can easily imagine all of the other applications for this type of innovative technology. Just think about the defense sector, manufacturing, and health care industry. What if telepresence robots could assist patients and doctors with the Ebola outbreak right now?

Learn what programs are available today!



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"Powerful Answers" will come from companies who understand the strategic and tactical importance of customer centricity to create meaningful user experiences to solve the worlds biggest problems. Well done Verizon!

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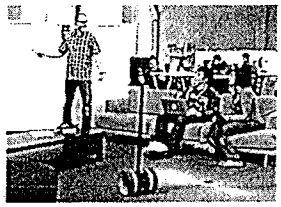
The Knowledge Worker's Next Must-Have Gadget: A Telepresence Robot

Martin LaMonica 9/10/14 Follow @mlamonica

If robotics startups get it right, the next piece of hardware you expense to your company may be a telepresence robot, a pedestal-shaped machine that will let you scoot around a remote office to check in on colleagues.



Robots are already used in factories, warehouses, and to vacuum people's floors, but they have yet to penetrate far into the halls and cubicles of corporate America. One of the big reasons is the price. Because telepresence robots have typically cost several thousand dollars, their makers have designed them for important people doing specialized jobs, such as a doctor diagnosing a stroke or the CEO visiting remote employees.

Now, companies are developing telepresence robots in the price range that the average white-collar worker could afford. Sunnyvale, CA-based Double Robotics has sold about 2,000 of its robot, which costs $2,500 without the required iPad. And Palo Alto, CA-based Suitable Technologies plans to release a new low-end version of its corporate telepresence robot for under $2,000.

When a robot costs as much as a laptop, departments within companies could even start buying telepresence robots without having to go through the CFO or CIO. Double Robotics CEO and co-founder David Cann thinks that sort of price point, almost on the level of an impulse purchase, will allow the millions of remote workers of the world better connect to their colleagues.

"We're really going for the mass market of anybody who works from home," says Cann, who co-founded the company with his college robotics buddy Marc DeVidts in 2011. "Our ultimate goal is that people will never have to move again—you can just live wherever you want and work wherever you want and separate those two."

Cann and DeVidts got the idea for a simple, low-cost telepresence robot while working on another product, a toy robot for kids. They looked into buying a telepresence robot to avoid long and costly trips to Asia to deal with

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manufacturers, but prices of existing products were steep and about the same price as taking a trip. They went through the Y Combinator startup accelerator in 2012 and released the company's robot, called the Double, 15 months ago.

Double Robotics' robot uses an iPad to communicate.

Roboticists often work on gnarly technical challenges at the cutting edge of computer science. But Double Robotics approached its product more like consumer electronics designers, focusing on software as much as hardware and incorporating as much off-the-shelf technology as possible. The "face" of the Double, which weighs only 15 pounds, is an iPad and it moves on wheels using a Segue-like balancing system. Double Robotics also kept costs low by using the same electronics already used in millions of smart phones, including a gyroscope sensor and Bluetooth connectivity.

"We don't really want to invent new technology. We just want to make a great product experience from existing technology so that it can be low-cost and be accessible to everybody, not just specialized use cases," says Cann, who is a former iOS developer.

The product is best suited for teams of workers where one or a few people are working remotely and they want to communicate in a different way than videoconferencing, chats, or phone calls. By having a robot that can move around the office, remote people can benefit from the informal discussions that happen after meetings or in break rooms, Cann says. The company is also exploring other applications, such as virtual tourism or remotely attending conferences.

Talk to the 'Bot

But do mobile robots add anything beyond what videoconferences already provide? Early users of telepresence say there's something there but some kinks still need to be worked out.

Mimecast chief scientist Nathaniel Borenstein purchased a Double to check in on colleagues in other offices, but he found the robot was a distraction in an open plan office. Remote workers couldn't catch his eye when he rolled up to indicate they wanted to talk to him, he says. It's also difficult to have a private conversation between a person and the robot, which uses the iPads speakers, he says.

On the other hand, Borenstein has found the robot excels at virtually attending conferences. He and a colleague in London take turns ... NEXT PAGE »

Martin LaMonica is a national correspondent for Xconomy covering energy and technology. You can reach him at mlamonica@xconomy.com or @mlamonica. Follow @mlamonica

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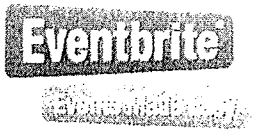

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Students work to develop innovation and an entrepreneurial mindset at inaugural Aggies Invent

AUGUST 20, 2014

By: Shelby Todd

The Engineering Academic and Student Affairs (EASA) office, with the help of several sponsors, recently hosted the inaugural Aggies Invent at the Engineering Innovation Center (EIC) on the Texas A&M campus.

Aggies Invent is a program that promotes innovation and an entrepreneurial mindset among students at Texas A&M University. The concept is to gather interested students, provide them with potential needs (medical, energy, or others), allow them to self-select

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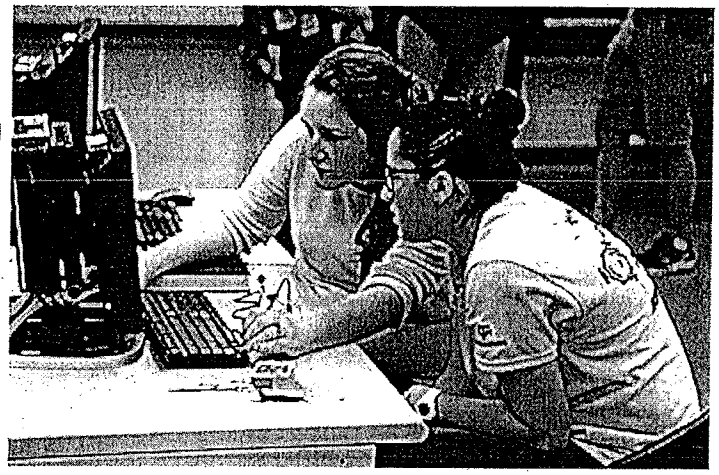
teams, give them access to and support from the EIC, and have them create prototypes in 48 hours. The focus of this particular Aggies Invent was medical needs and wearable electronics.



"Innovation and an entrepreneurial mindset is someone who is actually thinking about the business portion of the design they are working on, not just fulfilling the technical requirements but also the market requirements and making it something that we can sell," said Rodney Boehm, industry mentor and mediator of Aggies Invent.

There were 42 engineering students and five medical students who participated in the event. The students ranged from freshmen to Ph.D. candidates. This diversity allowed teams to collaborate with one another in order to successfully create a prototype.

The students used innovation, creativity, and collaboration in order to gain experience with rapid prototyping tools while competing for the best design. Sponsors such as NASA, Texas Children's Hospital, St. Joseph's Hospital, Tenaris, Intel, Confluence Ventures, PECO Medical, Freescale, and Baylor Scott & White supplied the students with need statements for projects that the companies do not have the time or the money to currently support.

"It's like Project Runway for engineers because you have a limited amount of time and you're trying to produce this product," said Mara Wais, a sophomore aerospace engineering student.

Students had access to mentors from the participating companies. Some mentors were there in person while some teams were able to videoconference with their mentors through a VGo robot.

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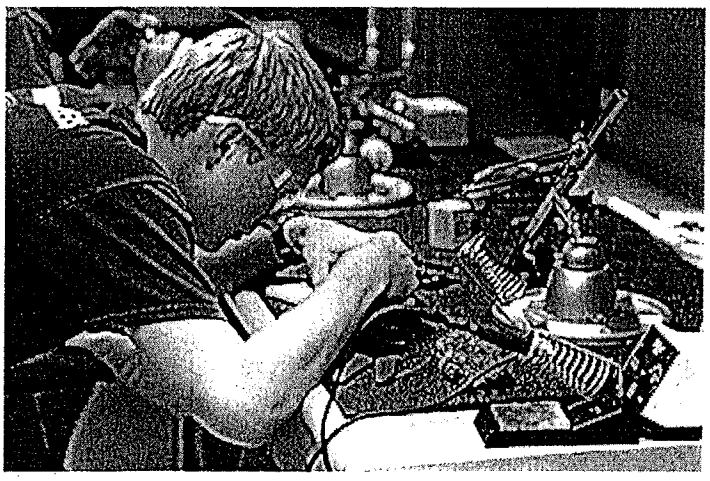
This type of communication allowed the students to act as if this was a real-world situation, and ask questions about any problems they may have encountered while working on their projects.

The EIC is a new facility fully dedicated to undergraduate engineering students and supported by Differential Tuition funds. The EIC provided students access to a collaborative environment, fabrication facilities, materials, and support from professional staff.

"The EIC is where theory becomes application," said Dean Tate, a senior electronic systems engineering technology student.

The teams gave presentations about their projects to a panel of judges. The top two teams chosen were given a cash award.

The first place team, Under Control, consisting of Walter Pospick, computer science sophomore, Cara Buskmiller, fourth-year medical student, Nicholas Taluzek, aerospace engineering senior from Illinois Institute of Technology who had previously participated in the summer Texas A&M Undergraduate Research program, Amy Li, mechanical engineering sophomore, and John Gonzalez, mechanical engineering junior, received the top prize of $750 for creating a wearable device based on a need statement provided by Baylor Scott & White to help people successfully exercise their pelvic floor muscle in order to prevent incontinence.



Team Good Baby consisting of Sean Whitney, aerospace engineering junior, Duanduan Han, chemical engineering graduate student, Yusuf Chauhan, first-year medical student, Gabriel Aguilar, aerospace engineering junior, and Daniel Whitten, mechanical engineering senior, was given a $500 check for second place for their project that uses geo-fencing in order to let people

know that an infant has been left in a hot car. This project also focused on a need statement furnished by Baylor Scott and White.

All of the presentations are available on the college of engineering's **YouTube** channel. The next Aggies Invent has been scheduled for October 24-26 with the focus on "What Would You Build to Help First Responders?" Registration for the October event will open next month and interested students should visit the Aggie Invent **page** for more information.

Additional Aggies Invent coverage can be found through local media, **KBTX** and ***The Eagle***.

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VGo robot

1. Co-Founder Thomas Ryden tal... Photo 1 of 5

Co-Founder Thomas Ryden talks about the robot his company markets at VGo in Nashua on Aug. 1, 2014. (DAVID LANE/UNION LEADER)

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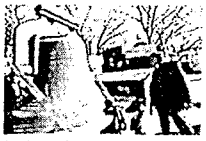

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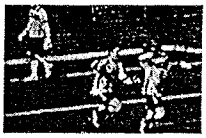

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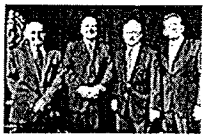

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Do Telepresence Robots Need Arms?

By Angelica Lim
Posted 22 Aug 2014 | 19:49 GMT

"Yes, absolutely," says Dr. Fumihide Tanaka (http://fumihide-tanaka.org/lab/en/), a professor at Tsukuba University in Japan, when asked if he thinks telepresence robots need arms.

The current wave of commercial telepresence robots such as Beam (http://spectrum.ieee.org/automaton/robotics/home-robots/suitable-technologies-introduces-beam-remote-presence-system), Ava (http://spectrum.ieee.org/automaton/robotics/industrial-robots/irobot-cisco-ava-500-telepresence-robot), Vgo (http://spectrum.ieee.org/automaton/robotics/industrial-robots/vgo-telepresence-robot), Double (http://spectrum.ieee.org/automaton/robotics/home-robots/double-robotics-taking-on-telepresence-with-mobile-ipad-base), and Anybots (http://spectrum.ieee.org/robotics/industrial-robots/when-my-avatar-went-to-work) are helping people who live far apart connect socially with friends and colleagues. Conspicuously, though, they do not have arms or hands, sometimes being called "Skype on wheels." The ultra-realistic Geminoid (http://spectrum.ieee.org/robotics/humanoids/hiroshi-ishiguro-the-man-who-made-a-copy-of-himself) androids, designed to be teleoperated, do have arms and hands, but they don't move.

After observing people interacting with robots for over 10 years, in multiple countries, Tanaka is convinced that robots with functional arms provide a better experience to users. "Arms and hands increase the opportunities for physical participation," he says.

The Japanese professor has focused on challenging communication situations, such as with young children who are still learning how to navigate the social world, and interactions between individuals of different cultures.

VGO 001546

In 2007, Tanaka visited the University of California, San Diego, to work with children between 18-24 months old. He said this age was chosen to "focus on primal forms of social interaction that are less dependent on speech."

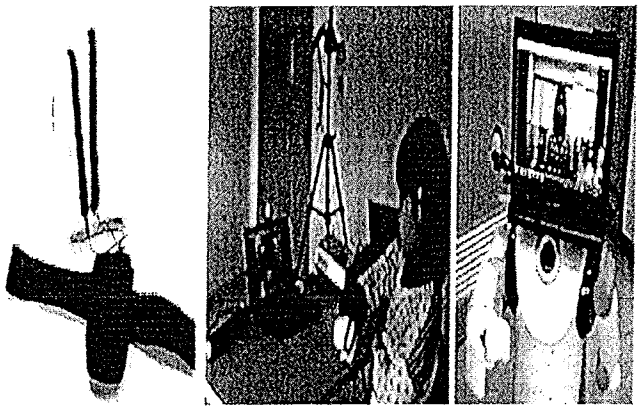
He found (http://www.pnas.org/content/104/46/17954.full.pdf) that children interacting with other children directed 53 percent of "intentional peer-to-peer contact" to the arms and hands. When he brought a robot to interact with the children, his results showed that social connectedness was correlated with the amount of touch behaviors between the child and robot.

At the Human-Robot Interaction conference earlier this year, he showed how equipping a telepresence robot with a gripper hand could help overcome social barriers.

In this study (http://fumihide-tanaka.org/lab/paper/Tanaka_HRI-14.pdf), he looked at English language learning among Japanese school children. Learning English is a common activity in Asian countries, and video conference systems such as Skype allow native English speakers to teach from abroad. However, this can be a stressful situation for students.

One major problem identified by Dr. Tanaka is "freezing." As an English teacher explains, "When I try to say hi, they just freeze, not knowing how to respond. They tend to remain quiet and don't talk. This type of reaction is not only seen in little kids [in Japan], but I have experienced it with young people and adults."

To tackle this problem, Tanaka decided to put the children at the controls, giving them ability to operate the arms and grippers of the robot through a special glove.



His experiments showed that when children controlled the robot, they felt more comfortable during the session, and as a result spoke twice as many times to the English teacher, compared to the Skype-only condition. They also learned and retained words better using the robot (one example was the word "banana," which the teacher presented to the students by letting the robot grasp a real banana).

Tanaka says that the telepresence robot setup lets the children actively participate. This is the opposite situation to where the English teacher controls the robot, such as those being used in South Korea. (http://edition.cnn.com/2010/TECH/innovation/10/22/south.korea.robot.teachers/)

In a final study (http://fumihide-tanaka.org/lab/paper/Tanaka_IROS-13.pdf), Tanaka showed how a robot brought together school children in Australia and Japan. Children in New South Wales, on the east coast of Australia, took turns in controlling a humanoid robot located in Tsukuba.

"The most remarkable observation made throughout the trial was that in spite of the language difference that existed between both sides, the children were capable of communicating through the robot," Tanaka says. "In particular, many interactions were either triggered or invoked on some physical objects that could be manipulated by the robot."

He explained that Japanese children surrounded the robot and actively tried to convey their intentions while speaking some known English words. "This type of interaction is not usually easy to induce with conventional video conference services."

Here are some examples of the cross-continental interactions:

Together, these studies highlight something that any adult who tries to talk with children knows—playing together trumps chatting about abstract things.

It also demonstrates that if the next generation of telepresence robots are meant to connect distant family members such as grandparents and kids, something more than Skype on wheels will be needed.

REDACTED

VGO 001583-001589

CONFIDENTIAL
FOR ATTORNEYS'
EYES ONLY

EXHIBIT C

REDACTED

VGO 001573-1582

CONFIDENTIAL
FOR ATTORNEYS'
EYES ONLY

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

Valeritas, Inc.,	)	
Petitioner	)	
v.	)	Cancellation No. 92054171
Vgo Communications, Inc.,	)	
Registrant	)	

REGISTRANT VGO COMMUNICATIONS, INC.'S RESPONSES TO PETITIONER VALERITAS, INC.'S SECOND SET OF INTERROGATORIES TO REGISTRANT

Subject to the qualifications and the General Objections as listed in Registrant's Response to Petitioner's First Set of Interrogatories and the specific objections made below, VCI answers Petitioner Valeritas, Inc.'s Second Set of Interrogatories as follows.

RESPONSES

INTERROGATORY NO. 13:

State all facts concerning VCI's creation, selection and adoption of VCI's Design Mark, including but not limited to:

(a) identifying all persons who were involved in the creation, selection and adoption of VCI's Design mark and stating each such person's role in the creation, selection and adoption of the mark; and

(b) identifying the date or dates upon which VCI's Design Mark was selected.

RESPONSE TO INTERROGATORY NO. 13:

VCI incorporates all of its General Objections and, specifically, General Objection 1. In particular, VCI objects to this Interrogatory to the extent that it seeks information that constitutes confidential or private business information, including information pertaining to trade secrets, business decisions, and/or competitively sensitive information. Subject to, and without waiving these objections, VCI responds as follows: An outside consultant, Doug Geer, designed VCI's Design Mark. He was commissioned in March 2010 and provided different designs for the VCI Design Mark to VCI. Many persons in the company considered the various designs, but Ned Semonite, VP Marketing of VCI made the final selection for VCI's Design Mark on April 28, 2010.

INTERROGATORY NO. 14:

State all facts concerning how VCI's goods and/or services are marketed, promoted, offered and/or sold to the medical and/or health care communities, describing whether and how VCI's goods are marketed, promoted, offered, and/or sold to doctors, hospitals, health insurers, and/or patients.

RESPONSE TO INTERROGATORY NO. 14:

VCI incorporates all of its General Objections and, specifically, General Objections 1 and 4. In particular, VCI objects to this Interrogatory to the extent that it requests to the extent they seek information that constitutes confidential or private business information, including information pertaining to trade secrets, business decisions, and/or competitively sensitive information. VCI also objects to this Interrogatory to the extent that it is unreasonably broad, unduly burdensome, oppressive, requests irrelevant information and/or is not reasonably calculated to lead to the discovery of admissible evidence. Finally, VCI objects to this Interrogatory because it is duplicative of Interrogatories 5 and 9. Subject to, and without

waiving these objections, VCI responds as follows: VCI attends tradeshows related to telemedicine and telehealth. VCI uses direct mail to contact hospital's telemedicine, telehealth, audio visual, video communications or IT departments. VCI also has sales persons contact hospital's telemedicine, telehealth, audio visual, video communications or IT departments to describe the products. Customers purchase VCI products directly from VCI or through VCI's value added resellers.

INTERROGATORY NO. 15:

State all facts concerning VCI's relationship with companies in the field of treating, evaluating, diagnosing, and/or counseling patients with diabetes, including but not limited to PositiveID Corporation.

RESPONSE TO INTERROGATORY NO. 15:

VCI incorporates all of its General Objections and, specifically, General Objections 1, 4 and 7. In particular, VCI objects to this interrogatory to the extent that it seeks information that constitutes confidential or private business information, including information pertaining to trade secrets, business decisions, and/or competitively sensitive information. VCI also objects to this Interrogatory to the extent that it is unreasonably broad, unduly burdensome, oppressive, requests irrelevant information and/or is not reasonably calculated to lead to the discovery of admissible evidence, in that it is impossible for VCI to identify "all persons with knowledge of Valeritas' use of Valeritas' Mark." Additionally, VCI objects to this interrogatory to the extent that it contains words or phrases that lack an apparent meaning or have an uncertain meaning, as the term "relationship" is unclear. Subject to, and without waiving these objections, and assuming that "relationship" means an ongoing business communication, VCI responds as follows: VCI has no relationship with companies in the field of treating, evaluating, diagnosing, and/or counseling patients with diabetes, including but not limited to PositiveID Corporation.

INTERROGATORY NO. 16:

State all facts concerning the joint demonstration with PositiveID Corporation's wireless communication device for diabetes management operating in conjunction with VCI's robotic telepresence.

RESPONSE TO INTERROGATORY NO. 16:

VCI incorporates all of its General Objections and, specifically, General Objections 1 and 7. In particular, VCI objects to this interrogatory to the extent that it seeks information that constitutes confidential or private business information, including information pertaining to trade secrets, business decisions, and/or competitively sensitive information. VCI also objects to this interrogatory to the extent that it contains words or phrases that lack an apparent meaning or have an uncertain meaning, as it suggests that PositiveID Corporation's wireless communication device for diabetes management works in conjunction with VCI's product and that is not the case. Subject to, and without waiving these objections, VCI responds as follows: PositiveID invited VCI to do a demonstration at the American Telemedicine Conference at PositiveID's booth at that conference but not in conjunction with PositiveID Corporations' wireless communications device for diabetes management.

INTERROGATORY NO. 17:

State all facts concerning VCI's connection with ExL Pharmaceutical Conferences.

RESPONSE TO INTERROGATORY NO. 17:

VCI incorporates all of its General Objections and, specifically, General Objections 1 and 7. In particular, VCI objects to this interrogatory to the extent that it seeks information that constitutes confidential or private business information, including information pertaining to trade secrets, business decisions, and/or competitively sensitive information. VCI also objects to this interrogatory to the extent that it contains words or phrases that alack an apparent meaning or have an uncertain meaning, in that the term "connection with" is unclear. Subject to, and

without waiving these objections, VCI responds as follows: VCI has no connection with ExL Pharmaceutical Conferences.

Verification

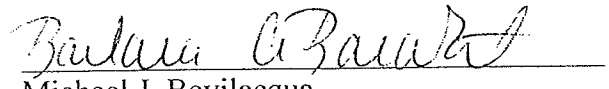
On behalf of Vgo Communications, Inc., and in my capacity as COO, I have read the foregoing responses to Petitioner Valeritas, Inc.'s Second Set of Interrogatories. I do not necessarily have direct personal knowledge of every fact contained herein. The response was prepared with the assistance of Vgo Communications, Inc's employees and with the assistance and advice of counsel. The answers are based on records and information currently available. I reserve the right to make changes in or additions to any of these answers if it appears at any time that errors or omissions have been made or if more accurate or complete information becomes available. To the extent I do not have personal knowledge, I have relied on others to gather the responsive information. I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1 day of October, 2012

Name:
Title: COO

As to objections

VGO COMMUNICATIONS, INC.
By its attorneys,



Michael J. Bevilacqua
Barbara A. Barakat
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000

Date: October 2, 2012

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Registrant's Responses to Petitioner's Second Set of Interrogatories to Registrant was served by first-class mail, postage-prepaid, this 2nd day of October, 2012 upon:

Gregory M. Krakau, Esq.
Thomas F. Dunn, Esq.
Faith D. Kasparian, Esq.
Sheri S. Mason, Esq.
Morse, Barnes-Brown & Pendleton, P.C.
230 Third Avenue, 4th Floor
Waltham, Massachusetts 02451

Barbara A. Barakat

EXHIBIT D

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

Valeritas, Inc.,	)	
Petitioner	)	
v.	)	Cancellation No. 92054171
Vgo Communications, Inc.,	)	
Registrant	)	

REGISTRANT VGO COMMUNICATIONS, INC.'S RESPONSES TO PETITIONER VALERITAS, INC.'S SECOND SET OF REQUESTS FOR ADMISSIONS TO VGO COMMUNICATIONS, INC.

Subject to the qualifications and the General Objections as listed in Registrant's Response to Petitioner's First Set of Requests for Admissions and the specific objections made below, VCI answers Petitioner's Second Set of Requests for Admissions as follows.

RESPONSES

REQUEST FOR ADMISSION NO. 23:

Admit that VCI did not consider any marks other than the VCI Mark and the VCI Design.

RESPONSE TO REQUEST FOR ADMISSION NO. 23:

VCI incorporates all of its Objections, and specifically, General Objection Nos. 1 and 3. In particular, VCI objects to this Request on the ground to the extent that it seeks information that constitutes confidential or private business information, including information pertaining to

trade secrets, business decisions, and/or competitively sensitive information. VCI also objects to this Request to the extent that it seeks information protected by attorney/client privilege, the attorney work-product doctrine, or any other applicable privilege. Subject to and without waiving the foregoing General Objections and Specific Objections, to the extent a response is required, VCI denies this Request.

REQUEST FOR ADMISSION NO. 24:

Admit VCI collaborated with a company named PositiveID Corporation.

RESPONSE TO REQUEST FOR ADMISSION NO. 24:

VCI incorporates all of its Objections, and specifically, General Objection No. 7. In addition to the foregoing General Objections, VCI objects to this Request to the extent that it contains words or phrases that lack an apparent meaning or have an uncertain meaning, in that the meaning of the phrase "collaborated with" is unclear. Subject to and without waiving the foregoing General Objections and Specific Objection, to the extent a response is required, VCI denies this Request.

REQUEST FOR ADMISSION NO. 25:

Admit that VCI hosted a joint demonstration with PositiveID Corporation's wireless communication device for diabetes management operating in conjunction with VCI's robotic telepresence.

RESPONSE TO REQUEST FOR ADMISSION NO. 25:

VCI incorporates all of its Objections, and specifically, General Objection No. 7. VCI objects to this Request to the extent that it contains words or phrases that lack an apparent meaning or have an uncertain meaning, in that the meaning of the phrase "hosted a joint demonstration" is unclear. Subject to and without waiving the foregoing General Objections and specific Objection, VCI admits that it did participate in a demonstration with PositiveID

Corporation but not with its wireless communications device. VCI otherwise denies this Request.

REQUEST FOR ADMISSION NO. 26:

Admit that Valeritas' Mark in standard characters appeared in at least one screening search for VCI's Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 26:

VCI incorporates all of its Objections, and specifically, General Objections 1 and 3. In particular, VCI objects to this Request on the ground to the extent that it seeks information that constitutes confidential or private business information, including information pertaining to trade secrets, business decisions, and/or competitively sensitive information. VCI also objects to this Request to the extent that it seeks information protected by attorney/client privilege, the attorney work-product doctrine, or any other applicable privilege. Subject to and without waiving the foregoing General Objections and Specific Objections, VCI admits that Valeritas' Mark in standard characters appeared in at least one screening search for VCI's Mark.

REQUEST FOR ADMISSION NO. 27:

Admit that Valeritas' Mark (with design) appeared in at least one screening search for VCI's Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 27:

VCI incorporates all of its Objections, and specifically, General Objections 1 and 3. In particular, VCI objects to this Request on the ground to the extent that it seeks information that constitutes confidential or private business information, including information pertaining to trade secrets, business decisions, and/or competitively sensitive information. VCI also objects to this Request to the extent that it seeks information protected by attorney/client privilege, the attorney work-product doctrine, or any other applicable privilege. Subject to and without waiving the

foregoing General Objections and Specific Objections, VCI admits that Valeritas' Mark (with design) appeared in at least one screening search for VCI's Mark.

REQUEST FOR ADMISSION NO. 28:

Admit that VCI had actual notice of Valeritas' Mark in standard character.

RESPONSE TO REQUEST FOR ADMISSION NO. 28:

In addition to the foregoing General Objections, VCI objects to this Request on the ground that it calls for a legal conclusion rather than an admission of fact. As such, VCI will not respond to this Request.

REQUEST FOR ADMISSION NO. 29:

Admit that VCI had actual notice of Valeritas' Mark (with design), which includes a pending application for the same.

RESPONSE TO REQUEST FOR ADMISSION NO. 29:

In addition to the foregoing General Objections, VCI objects to this Request on the ground that it calls for a legal conclusion rather than an admission of fact. As such, VCI will not respond to this Request.

REQUEST FOR ADMISSION NO. 30:

Admit that Ned Semonite selected the VCI Mark and the VCI Design Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 30:

VCI incorporates all of its Objections, and specifically, General Objection No. 1. In particular, VCI objects to this Request on the ground to the extent that it seeks information that constitutes confidential or private business information, including information pertaining to trade secrets, business decisions, and/or competitively sensitive information. Subject to and without waiving the foregoing General Objections and Specific Objection, VCI admits this Request.

REQUEST FOR ADMISSION NO. 31:

Admit that Ned Semonite had access to VCI's trademark screening search results.

RESPONSE TO REQUEST FOR ADMISSION NO. 31:

VCI incorporates all of its Objections, and specifically, General Objections 1 and 3. In particular, VCI objects to this Request on the ground to the extent that it seeks information that constitutes confidential or private business information, including information pertaining to trade secrets, business decisions, and/or competitively sensitive information. VCI also objects to this Request to the extent that it seeks information protected by attorney/client privilege, the attorney work-product doctrine, or any other applicable privilege. Subject to and without waiving the foregoing General Objections and Specific Objections, VCI denies this Request.

REQUEST FOR ADMISSION NO. 32:

Admit that VCI's product may be used by healthcare professionals in the course of treating, evaluating, diagnosing and/or counseling medical patients.

RESPONSE TO REQUEST FOR ADMISSION NO. 32:

VCI incorporates all of its Objections, and specifically, General Objection No. 7. VCI objects to this Request to the extent that it contains words or phrases that lack an apparent meaning or have an uncertain meaning, in that the meaning of the phrase "used by healthcare professionals in the course of treating, evaluating, diagnosing and/or counseling medical patients" is unclear. Subject to and without waiving the foregoing General Objections and Specific Objection, VCI admits that VCI's products may be used by healthcare professionals for two way audio video communications in the course of treating, evaluating, diagnosing and/or counseling medical patients. VCI otherwise denies this Request.

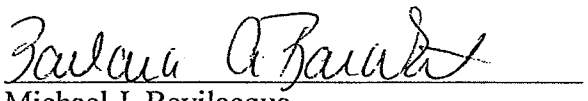
REQUEST FOR ADMISSION NO. 33:

Admit that VCI's product may be used by healthcare professionals in the course of treating, evaluating, diagnosing and/or counseling patients with diabetes.

RESPONSE TO REQUEST FOR ADMISSION NO. 33:

VCI incorporates all of its Objections, and specifically, General Objection No. 7. VCI objects to this Request to the extent that it contains words or phrases that lack an apparent meaning or have an uncertain meaning, in that the meaning of the phrase "used by healthcare professionals in the course of treating, evaluating, diagnosing and/or counseling patients with diabetes" is unclear. Subject to and without waiving the foregoing General Objections and Specific Objection, VCI admits that VCI's products may be used by healthcare professionals for two way audio video communications in the course of treating, evaluating, diagnosing and/or counseling patients with diabetes. VCI otherwise denies this Request.

VGO COMMUNICATIONS, INC.
By its attorneys,



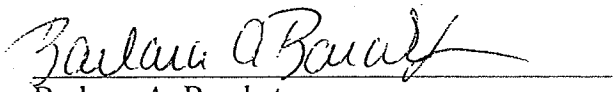
Michael J. Bevilacqua
Barbara A. Barakat
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000

Date: October 2, 2012

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Registrant's Responses to Petitioner's Second Request for Admissions were served by first-class mail, postage-prepaid, this 2nd day of October, 2012 upon:

Gregory M. Krakau, Esq.
Thomas F. Dunn, Esq.
Faith D. Kasparian, Esq.
Sheri S. Mason, Esq.
Morse, Barnes-Brown & Pendleton, P.C.
230 Third Avenue, 4th Floor
Waltham, Massachusetts 02451



Barbara A. Barakat