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Filing date: **05/30/2013**

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

Proceeding	92056168
Party	Plaintiff Legend Pictures LLC
Correspondence Address	CARLA CALCAGNO CALCAGNO LAW PLLC 2300 M ST NW, SUITE 800 WASHINGTON, DC 20037 UNITED STATES Carla.calcagno@calcagnolaw.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Carla C. Calcagno
Filer's e-mail	cccacagno@gmail.com
Signature	/Carla C. Calcagno/
Date	05/30/2013
Attachments	Exhibit A to Petitioner's Motion to Amend.pdf(4882756 bytes)

EXHIBIT A

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

IN THE MATTER OF REGISTRATION NO.: **4,106,459**
for the mark **LEGENDARY**
Date of Issue: February 28, 2012

LEGEND PICTURES, LLC,)	
)	
Petitioners,)	
)	
v.)	Proceeding No. <u>92056168</u>
)	
)	
QUENTIN DAVIS)	
Registrant.)	
)	

REGISTRANT'S FIRST SET OF INTERROGATORIES

In accordance with Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Registrant requests that Petitioner serve sworn answers to the following interrogatories. Answers are to be served via electronic mail to:

NevisBaby@hotmail.com

&

ThaRilest@yahoo.com

DEFINITIONS AND INSTRUCTIONS

For the purposes of this interrogatory, the term “document” shall constitute;

- (a) anything which is not itself a location, and
- (b) anything which does not have a pulse.

For the purposes of this interrogatory, the term “person” (also people) shall constitute;

- (a) any human or group of humans capable of comprehension (i.e. individuals, organizations, groups, etc.)

For the purposes of this interrogatory, the term “identify” shall constitute the thorough revelation of;

- (a) the name, specific subject matter, medium of existence (pamphlet, film, magazine, etc.), source, author, publisher, date of publication (and any other applicable dates), duration (time length, page length, word count, etc.), location, geographic region of circulation.
- (b) In addition to subsection “(a)”, include full URL (website address) for documents which are online.
- (c) **NOTE:** the currently applied conditions for the term “identify” are intended as a means of discovery and are not to be misconstrued or taken out of context in relation to the term “identifying” (i.e... how long has Petitioner been identifying itself as...). The term “identifying” shall be understood to be unaltered from reasonable definition throughout this document.

The term “Registrant” refers to Quentin Davis who is the legal owner of registration # 4106459 for the mark “Legendary”.

The term "Petitioner" refers to Legend Pictures, LLC and any person hired or performing on their behalf.

Interrogatories including terms "Legendary" and "Legendary Pictures" are to be applied to all instances involving the terms within the scope of the interrogatory whether or not an identifying mark (i.e. medallion) is or was also present in those instances.

INTERROGATORIES

Interrogatory No. 1

List the release date of the first motion picture in which Petitioner began advertising itself as “Legendary Pictures”.

Interrogatory No. 2

Identify the motion picture that pertains to Interrogatory No. 1.

Interrogatory No. 3

List the release date of the first motion picture in which Petitioner began advertising itself as only “Legendary”.

Interrogatory No. 4

Identify the motion picture that pertains to Interrogatory No. 3.

Interrogatory No. 5

Identify the first document in which Petitioner began advertising itself as only “Legendary”.

Interrogatory No. 6

Identify all media outlets that have referred to Petitioner as only “Legendary”.

Interrogatory No. 7

Identify all documents in media outlets referring to Petitioner as only “Legendary”.

Interrogatory No. 8

Explain why Petitioner altered counsel during the discovery phase of proceeding # 92056168.

Interrogatory No. 9

Explain why Registrant's trademark was unopposed by Petitioner during the opposition period of registration # 4106459.

Interrogatory No. 10

Explain why Petitioner's registrations #3656926 & #3621043 were altered from "Legendary Pictures" to "Legendary" after Petitioner was made aware of Registrant's established mark.

Interrogatory No. 11

Identify any actual confusion concerning the Petitioner's marks and registration #4106459.

Interrogatory No. 12

Identify any proof of fraud concerning the Registrant.

Respectfully Submitted,

/Quentin Davis/
Quentin Davis – Registrant
P.O. Box 47893
Tampa, Fl. 33646

4/27/2013
Date

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

IN THE MATTER OF REGISTRATION NO.: **4,106,459**
for the mark **LEGENDARY**
Date of Issue: February 28, 2012

LEGEND PICTURES, LLC,)	
)	
Petitioners,)	
)	
v.)	Proceeding No. <u>92056168</u>
)	
)	
QUENTIN DAVIS)	
Registrant.)	
)	

**REGISTRANT'S FIRST REQUESTS FOR
PRODUCTION OF DOCUMENTS**

In accordance with Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Registrant requests that Petitioner produce the following documents. Documents are to be served via electronic mail to:

NevisBaby@hotmail.com
&
ThaRilest@yahoo.com

Documents which are unable to be sent via electronic mail shall be mailed to:

Quentin Davis
P.O. Box 47893
Tampa, Fl. 33646

DOCUMENT REQUESTS

Document Request 1

Send all documents evidencing and relating to Interrogatory No.1

Document Request 2

Send all documents evidencing and relating to Interrogatory No.2

Document Request 3

Send all documents evidencing and relating to Interrogatory No.3

Document Request 4

Send all documents evidencing and relating to Interrogatory No.4

Document Request 5

Send all documents evidencing and relating to Interrogatory No.5

Document Request 6

Send all documents evidencing and relating to Interrogatory No.6

Document Request 7

Send all documents evidencing and relating to Interrogatory No.7

Document Request 8

Send all documents evidencing and relating to Interrogatory No.8

Document Request 9

Send all documents evidencing and relating to Interrogatory No.9

Document Request 10

Send all documents evidencing and relating to Interrogatory No.10

Document Request 11

Send all documents evidencing and relating to Interrogatory No.11

Document Request 12

Send all documents evidencing and relating to Interrogatory No.12

Respectfully Submitted,

/Quentin Davis/
Quentin Davis – Registrant
P.O. Box 47893
Tampa, Fl. 33646

4/27/2013
Date

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of April 2013, a true and complete copy of the foregoing REGISTRANT'S FIRST SET OF INTERROGATORIES & REGISTRANT'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS (Proceeding No. 92056168) was served to Petitioner via electronic mail to:

Carla Calcagno at e-mail addresses:

carla.calcagno@calcagnolaw.com

and

cccalcagno@gmail.com

Calcagno Law
2300 M Street, N.W., Suite 800
Washington, D.C. 20037

/Gloria Walters/

Gloria Walters
Administrative Assistant to the Registrant
P.O.Box 47893
Tampa, Florida 33646

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

IN THE MATTER OF REGISTRATION NO. 4,106,459
for the mark LEGENDARY
registered February 28, 2012

LEGEND PICTURES, LLC,)	Cancellation No. 92056168
)	
Petitioners,)	
v.)	
)	
QUENTIN DAVIS,)	
)	
Registrant.)	
_____)	

FIRST AMENDED PETITION TO CANCEL

Legend Pictures LLC (“Petitioner”) is a Delaware limited liability company with an address at 4000 Warner Boulevard, Building 76, Burbank, California 91522.

Quentin Davis, an individual with a mailing address at P.O. Box 47893 Tampa, Florida 33646 (“Registrant”), is the owner of record of U.S. Registration No. 4,106,459 (the “Registration”), issued on February 28, 2012, for the mark LEGENDARY in International Class 41 for the following services:

Entertainment in the nature of a live musical performances; Entertainment in the nature of live performances by a musical artist; Entertainment, namely, live music concerts; Live performances featuring prerecorded vocal and instrumental performances viewed on a big screen; Record production; Music production; Audio recording and production; Videotape production; Motion picture song production; Production of video discs for others; Recording studios; Entertainment services, namely, production and distribution of musical audio and video programs; Production and distribution of musical audio and video recordings for broadcast; Music composition and transcription for others; Song writing services; Music publishing services; Entertainment, namely, personal appearances by a musician or entertainer; Entertainment services, namely, live, televised and movie appearances by a professional entertainer; Entertainment services, namely, providing a web site featuring non-downloadable musical performances, musical videos, and photographs; Entertainment services, namely, providing non-downloadable prerecorded