

ESTTA Tracking number: **ESTTA1276**

Filing date: **06/12/2013**

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

Proceeding	92056168
Party	Defendant Quentin Davis
Correspondence Address	QUENTIN DAVIS PO BOX 47893 TAMPA, FL 33646 UNITED STATES nevisbaby@hotmail.com
Submission	Opposition/Response to Motion
Filer's Name	Quentin Davis
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Signature	/Quentin Davis/
Date	06/12/2013
Attachments	Exhibits A-H.pdf(4563279 bytes)

EXHIBIT A

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

LEGEND PICTURES, LLC)	
)	
Petitioner)	
)	
v.)	Cancellation No.: 92056168
)	
QUENTIN DAVIS)	
)	
Defendant)	

LEGEND PICTURES, LLC’s FIRST SET OF INTERROGATORIES 1-20

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Legend Pictures, LLC (“Legend Pictures”) requests that Quentin Davis (“Davis”) serve upon Legend Pictures sworn answers to the interrogatories set forth below at the offices of Calcagno Law, 2300 M Street, N.W., Suite 800, Washington, D.C. 20037, within thirty (30) days after the service hereof. These discovery requests are intended to be continuing in nature and any information or materials which may be discovered subsequent to the service and filing of the answers should be brought to the attention of Legend Pictures through supplemental answers within a reasonable time following such discovery.

For the convenience of the Board and the Parties, Legend Pictures requests that each discovery request (including subparts) be quoted in full immediately preceding the response.

DEFINITIONS AND INSTRUCTIONS

a. The word "person" or "entity" shall mean and include without limitation, individuals, firms, associations, partnerships and corporations.

b. The term "Petitioner," "or "Legend Pictures", shall mean Legend Pictures, LLC its predecessors-in-interest, licensees and any affiliated or related companies or agents having any involvement with use by it or on its behalf of any mark or designation consisting of or including the term LEGENDARY and shall include, individually or collectively, its partners, officers, directors, employees, agents or representatives.

c. The term "Defendant," or "Davis", shall mean "Quentin Davis" his predecessors-in-interest, licensees and any affiliated or related companies or agents having any involvement with the use by him or on his behalf of any mark or designation consisting of or including the term LEGENDARY and shall include, individually or collectively, his partners, officers, directors, employees, agents or representatives.

d. In the following discovery requests, the term "document" or "documents" is used in its customary broad sense to mean all non-identical copies of all documents within the scope of Rule 34, Fed. R. Civ. P., including, without limitation, reports and/or summaries of interviews; reports and/or summaries of investigations; opinions or reports of consultants; opinions of counsel; communications of any nature including internal company communications; memoranda; notes; letters; e-mail; agreements; reports or summaries of negotiations; brochures; pamphlets; advertisements; circulars; trade letters; press releases; drafts of documents and revisions of drafts of documents and any written, printed, typed or other graphic matter of any kind of nature; drawings; photographs; charts; electronically stored data; and all mechanical and electronic sound recordings or transcripts thereof, in the possession and/or control of Davis or his

employees or agents, or known to Davis to exist, and shall include all non-identical copies of documents by whatever means made and whether or not claimed to be privileged or otherwise excludable from discovery. By way of illustration only and not by way of limitation, any document bearing on any sheet or side thereof any marks, including, but not limited to, initials, stamped indicia, comment or notation of any character and not a part of the original text or any reproduction thereof, is to be considered a separate document, in the case of a machine readable document, identify the specifications and/or common name of the machine on which the document can be read such as "VHS videotape, MS DOS (IBM) PC using WordPerfect 5.1" or the like.

e. In the following discovery requests, where identifications of a document is required, such identification should describe the document sufficiently so that it can be specifically requested under Rule 34, Fed. R. Civ. P., and should include without limitation the following information, namely:

- I. the name and address of the author;
- ii. the date;
- iii. the general nature of the document, i.e., whether it is a letter, memorandum, pamphlet, report, advertising (including proofs), etc.;
- iv. the general subject matter of the documents;
- v. the name and address of all recipients of copies of the documents;
- vi. the name and address of the person now having possession of the original and the location of the original;
- vii. the name and address of each person now having possession of a copy and the location of each such copy;

viii. for each document DAVIS contends is privileged or otherwise excludable from discovery, the basis for such claim of privilege or other grounds for exclusion; and

ix. whether DAVIS is willing to produce such document voluntarily to Legend Pictures for inspection and copying.

f. In the following discovery requests, where identification of a person, as defined, is required, state:

I. the person's full name, state of incorporation, if any, present and/or last known home address (designating which), present and/or last known position or business affiliation (designating which), and/or present or last known affiliation with DAVIS (designating which), if any. In the case of a present or past employee, officer or director or agent of DAVIS, also state the person's period of employment or affiliation with DAVIS, and his or her present or last position during his affiliation with DAVIS. A post office box is not acceptable in responding to this instruction.

g. In the following discovery requests, where identification of an oral communication is required, state the date, the communicator, the recipient of the communication, and the nature of the communication.

h. All references in these discovery requests to the term or mark "LEGENDARY" shall mean all marks and designations consisting of or including the term LEGENDARY whether printed in all capital letters, all lower case letters, or a mixture of capital with lower case letters, in any size or style of font, and whether standing alone or in conjunction with other words, letters, numbers, symbols, or designs.

i. All references in these discovery requests to "the DAVIS LEGENDARY Mark" shall mean all marks and designations either used, applied for, or registered by or on behalf of

DAVIS, (see Definitions above) consisting of or including the term LEGENDARY whether printed in all capital letters, all lower case letters, or a mixture of capital with lower case letters, in any size or style of font, and whether standing alone or in conjunction with other words, letters, numbers, symbols, or designs, upon which DAVIS may rely in these proceedings. This definition specifically includes but is not limited to the mark depicted in Registration No. 4106459.

j. All references in these discovery requests to the "Legend Pictures' Marks" or the LEGEND PICTURES LEGENDARY Marks shall mean all marks and designations either used, applied for, or registered by or on behalf of Legend Pictures, LLC consisting of or including the term LEGENDARY, whether printed in all capital letters, all lower case letters, or a mixture of capital with lower case letters, in any size or style of font, and whether standing alone or in conjunction with other words, letters, numbers, symbols, or designs. This definition specifically includes but is not limited to each of the marks and registrations pled by Legend Pictures, LLC in these proceedings.

k. Whenever used herein, the term "&" shall be deemed to include the term "and" and the term "n"; the singular shall be deemed to include the plural, the plural shall be deemed to include the singular; the masculine shall be deemed to include the feminine and the feminine shall be deemed to include the masculine; the disjunctive ("or") shall be deemed to include the conjunctive ("and"), and the conjunctive ("and") shall be deemed to include the disjunctive ("or"); and each of the functional words "each," "any," and "all" shall be deemed to include each of the other functional words.

l. The terms "state" or "describe" (as used with respect to specific interrogatories below) shall mean to set forth and/or identify with particularity all evidence or other information

available to DAVIS (see Definition a. above) concerning the matter, to identify each person with knowledge and to identify all communications and documents concerning the subject matter.

m. The term “Person” shall mean both natural, legal and juristic persons, and therefore shall include but not be limited to individuals, partnerships, corporations, limited liability companies, unincorporated organizations and associations.

INTERROGATORIES

INTERROGATORY NO. 1

Identify, with the same degree of particularity as in its registration(s), each of the products or services now or ever applied for, registered, promoted, sold, rendered or performed by DAVIS (see Definitions and Instructions) in connection with any mark consisting of or including the term LEGENDARY (see Definitions and Instructions).

INTERROGATORY NO. 2

For each and every product or service identified in response to Interrogatory No 1, state the following:

(a) the date DAVIS first either offered, sold or promoted the product or service in connection with the DAVIS LEGENDARY Mark (see Definitions and Instructions) in the United States; or if the product or service has not yet been offered, sold or distributed, the expected first use date of the DAVIS LEGENDARY Mark in connection with such goods or services;

(b) the earliest priority date DAVIS contends it is entitled to claim as to the United States for each product or service; and

(d) the circumstance (i.e., in the case of actual use, the mark used, or in the case of constructive use, the application filing, by country and serial number) giving rise to such alleged actual or constructive priority rights.

INTERROGATORY NO. 3

Identify all outside firms that are now or have ever been employed by DAVIS in connection with the advertising or promotion of goods or services under the DAVIS

LEGENDARY Mark in the United States, and state the identity of those persons responsible for DAVIS's account with respect to the DAVIS LEGENDARY Mark. This specifically includes but is not limited to the agencies or firms now or ever employed by DAVIS in connection with the design, text, or content of each business card, webpage or other advertisement ever displayed by DAVIS for products or services advertised or offered under the DAVIS LEGENDARY Mark.

INTERROGATORY NO. 4

For each and every product or service identified in response to Interrogatory No. 1 now or ever sold by DAVIS under the DAVIS Mark in the United States, state the inclusive dates during which DAVIS has offered or sold such products or services under the DAVIS LEGENDARY Mark in the United States, and for any periods of non-use in the United States, explain the reasons for such non-use.

INTERROGATORY NO. 5

Identify all instances of actual confusion, mistake or deception known to DAVIS as to the source or origin, sponsorship or association as between its use or proposed use of any mark or designation consisting of or including the term LEGENDARY for any goods or services and the LEGEND PICTURES LEGENDARY Marks (see Definitions and Instructions).

INTERROGATORY NO. 6

Identify each person whom DAVIS expects to call as a witness at trial, state the subject matter on which the person is expected to testify, and state the substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion.

INTERROGATORY NO. 7

Identify each person (see Definitions and Instructions) DAVIS is aware of who now or ever has used, applied for, or registered any mark, company or trade name, or domain name (hereafter collectively “proprietary designations”) consisting of, or including, the term LEGENDARY for any goods or services in the United States, and state the nature of the goods or services on which each of these proprietary designations were used, applied for, or registered by each third party.

INTERROGATORY NO. 8

For each product and service presently distributed, offered, sold or promoted or planned to be distributed, offered, sold or promoted under the LEGENDARY Mark by or on behalf of DAVIS in the United States, state the channels of trade through which DAVIS nor or has ever moved, or for products and services not presently in use, intends to move such products and/or services.

INTERROGATORY NO. 9

State: (1) the name of the parties, (2) the Civil Action number, Opposition Number, Cancellation Number or other proceeding number; and (3) the jurisdiction, of all legal, administrative, or regulatory proceedings known to DAVIS, brought by or against DAVIS or any affiliated “person” (see Definitions and Instructions) involving any of the goods or services involved in these proceedings or which concern any mark or designation consisting of the term LEGENDARY, or which concern allegations of intellectual property infringement.

INTERROGATORY NO. 10

For each and every product and service now or ever sold or rendered under the DAVIS LEGENDARY Mark in the United States, state by the type of product or service (e.g. “live musical performances,” “music production,” “record distribution,” “music recordation,” “music composition,” “music transcription,” “songwriting,” “music publishing” or other entertainment services), DAVIS’s annual U.S. sales by unit and dollar amount for each year since DAVIS alleges his DAVIS LEGENDARY Mark was first used.

INTERROGATORY NO. 11

For each and every product and service identified in response to Interrogatory No. 1 state the following:

(a) the number of persons annually who retained Davis to either produce, distribute, record, publish, compose, transcribe, write songs, or perform any other entertainment services offered under the DAVIS LEGENDARY Mark, for each year since DAVIS alleges his DAVIS LEGENDARY Mark was first used;

(b) the inclusive dates and locations where such services were actually performed or rendered; and

INTERROGATORY NO. 12

For each and every product or service now or ever offered or promoted or distributed by DAVIS in the United States under the LEGENDARY Mark, state by the type of product or service (e.g. live musical performances,” “music production,” “record distribution,” “music recordation,” “music composition,” “music transcription,” “songwriting,” “music publishing” or other entertainment services), in U.S. dollars the amount DAVIS has expended annually

promoting each of those goods and services for each year since first use; stating the types of advertising or promotional media employed; the geographic regions of the United States in which each type of media was employed; and the amount expended each year for each type of media.

INTERROGATORY NO. 13

Describe in detail DAVIS's contention as to the ordinary purchasers or expected ordinary purchasers of the goods and/or services sold or to be sold under the parties' LEGENDARY Marks including without limitation, DAVIS's contention as to the level of care likely to be exercised by such ordinary purchasers in purchasing the goods and/or services sold under the Parties' Marks.

INTERROGATORY NO. 14

Identify (See Definitions and Instructions) all person(s) whom DAVIS contends is knowledgeable or upon whom DAVIS may rely as knowledgeable as to DAVIS's use in commerce, as that term is defined in Section 45 of the Lanham Act, of products or services under the DAVIS LEGENDARY Mark, from the first use to the present for each and every product and service upon which Davis contends the DAVIS LEGENDARY Mark now or has ever been used. This interrogatory specifically includes but is not limited to those knowledgeable as to DAVIS's alleged use of the term LEGENDARY in connection with each product and service listed in Registration No. 4106459.

INTERROGATORY NO. 15

State the inclusive dates during which DAVIS first and has continued to use the DAVIS LEGENDARY mark and identify all documents in DAVIS's possession evidencing such first and continuing use.

INTERROGATORY NO. 16

State with particularity all information in support of the denials in DAVIS's Response to Legend Pictures' Petition for Cancellation.

INTERROGATORY NO. 17

State with particularity all information in support of the affirmative defenses in DAVIS's Response to Legend Pictures' Petition for Cancellation.

INTERROGATORY NO. 18

Identify (See definitions and instructions) each person other than Petitioner or its agents and attorneys, or the USPTO with whom DAVIS has communicated about this proceeding, or with whom DAVIS consulted in drafting "Registrant's Response to Petition for Cancellation," and state in detail the substance of the facts and opinions communicated by each party to the communication.

INTERROGATORY NO. 19

For each witness named in DAVIS's initial disclosures other than Petitioner's attorneys, state in detail the substance of the facts and or opinions about which the witnesses named is expected to have discoverable information, and provide the regular employment or business

address (or other applicable daytime address) where the witness can be personally served. Please note that this interrogatory is not satisfied by a post office box address, as set forth in the present initial disclosures.

INTERROGATORY NO. 20

Identify those persons who had more than a clerical role in the answering of Legend Pictures' First or Second Set of Interrogatories or in any search for documents in connection with said interrogatories or Legend Pictures' Request for Production of Documents and beside the name of each such person, state the number of the interrogatory answer(s) with respect to which that person participated in or supplied information.

Respectfully submitted,

Date: March 14, 2013

By: /Carla C. Calcagno/
Calcagno Law PLLC
2300 M Street, N.W.
Suite 800
Washington, D.C. 20037
Telephone: (202) 973-2880

Attorneys for Legend Pictures, LLC.

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

LEGEND PICTURES, LLC)	
)	
Petitioner)	
)	
v.)	Cancellation No.: 92056168
)	
QUENTIN DAVIS)	
)	
Defendant)	

**LEGEND PICTURES, LLC’s SECOND SET OF INTERROGATORIES
No. 21**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Legend Pictures, LLC (“Legend Pictures”) requests that Quentin Davis (“Davis”) serve upon Legend Pictures sworn answers to the interrogatories set forth below at the offices of Calcagno Law, 2300 M Street, N.W., Suite 800, Washington, D.C. 20037, within thirty (30) days after the service hereof. These discovery requests are intended to be continuing in nature and any information or materials which may be discovered subsequent to the service and filing of the answers should be brought to the attention of Legend Pictures through supplemental answers within a reasonable time following such discovery.

For the convenience of the Board and the Parties, Legend Pictures requests that each discovery request (including subparts) be quoted in full immediately preceding the response.

DEFINITIONS AND INSTRUCTIONS

For purposes of Legend Pictures' Second Set of Interrogatories, Legend Pictures hereby adopts and incorporates each of the Definitions and Instructions set forth in Legend Pictures' First Set of Interrogatories.

INTERROGATORIES

INTERROGATORY NO. 21

For each and every product and service identified in response to Interrogatory No. 1 set forth in Legend Pictures First Set of Interrogatories, identify (see Definitions and Instructions) five persons annually who retained DAVIS to perform or render each such services, or to whom Davis actually sold such products, for each year which DAVIS alleges he sold such products or rendered such services.

Respectfully submitted,

Date: March 14, 2013

By: /Carla C. Calcagno/
Calcagno Law PLLC
2300 M Street, N.W.
Suite 800
Washington, D.C. 20037
Telephone: (202) 973-2880

Attorneys for Legend Pictures, LLC.

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

LEGEND PICTURES, LLC)	
)	
Petitioner)	
)	
v.)	Cancellation No. 92056168
)	
QUENTIN DAVIS)	
)	
Defendant)	

**LEGEND PICTURES, LLC’s FIRST REQUESTS FOR PRODUCTION OF
DOCUMENTS 1-39**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Legend Pictures, LLC (“Legend Pictures”) hereby requests that Quentin Davis (“Davis”) produce for inspection and copying the following documents at the offices of counsel for Legend Pictures, Calcagno Law, 2300 M Street NW, Suite 800, Washington D.C. 20037, within thirty (30) days following the date of service of this request, or at such other time and place as the parties may mutually agree upon.

For purposes of Legend Pictures’ First Requests for Production of Documents, Legend Pictures adopts the definitions and instructions set forth in Legend Pictures’ First Set of Interrogatories to Davis.

If privilege is claimed as to any document Davis shall fully identify the document as to date, name, and capacity of the author(s), the name and capacity of all addressees, and the subject and general nature of the document (as for example “letter” or “opinion”). The ground for the claim of privilege shall also be given (such as attorney-client privilege, work-product privilege, etc.).

REQUESTS

Legend Pictures requests production of the following:

1. All documents and things which reflect, refer to, relate to, or concern DAVIS's design, conception, selection, and adoption of the mark or designation the DAVIS LEGENDARY Mark (see Definitions and Instructions) in connection with each type of product or service identified in response to Interrogatory No. 1.

2. All documents and things which reflect, refer to, relate to, evidence or concern the consumer awareness of, consumer understanding of, or reaction to, or availability of any mark or designation consisting of the term "LEGENDARY" for DAVIS's products and/or services.

3. All documents and things which reflect, refer to, relate to, evidence or concern the domain name and trademark availability of any mark or designation consisting of the term "LEGENDARY", including but not limited to the mark shown in Registration No. 4016459.

4. All documents and things which reflect, refer to, relate to, evidence or concern any service mark use, trademark use, or use analogous to trademark/service mark use or other proprietary use, occurring on or before 1999 of any mark or designation consisting of or including the term "LEGENDARY" by or for DAVIS in the United States.

5. Representative documents and things sufficient to evidence any service mark use, trademark use, or use analogous to trademark/service mark use, or other proprietary use, occurring each year after 1999, of any mark or designation consisting of or including the term "LEGENDARY" by or for DAVIS, in the United States.

6. All documents and things which reflect, refer to, relate to, evidence, or concern (a) any trademark availability searches or analyses conducted by or on behalf of DAVIS concerning any mark or designation consisting of or including the term "LEGENDARY" in the

United States; and (b) all documents and things which reflect, refer to, relate to, evidence or concern any information given in response to Legend Pictures' Interrogatory No 7.

7. Documents and things sufficient to evidence the advertising and/or promotional and/or marketing activity carried on by DAVIS in connection with each product or service on which or in connection with which any mark or designation consisting of or including the term "LEGENDARY" has been used in any fashion by or for DAVIS.

8. All documents and things which reflect, refer to, relate to or evidence the date any mark or designation consisting of or including the term "LEGENDARY" was first used by or on behalf of DAVIS for each type of product or service identified in response to Interrogatory No. 1.

9. Documents sufficient to support the information given in response to Legend Pictures' Interrogatory Nos. 10, 11, and 12.

10. All documents and things which reflect, refer to, relate to or evidence a discontinued or interrupted use of any mark or designation consisting of or including the term "LEGENDARY" by DAVIS, after his first use, for any of the products or services identified in response to Interrogatory No. 1.

11. All documents and things which reflect, refer to, relate to or evidence the information given in response to Legend Pictures' Interrogatory No. 5.

12. All documents and things tending to support or negate the contention that the LEGEND PICTURES LEGENDARY Marks do not so resemble the DAVIS LEGENDARY Mark as to be likely when used in connection with the parties' goods and services to cause confusion or to cause mistake or to deceive.

13. All documents and things which reflect, refer to, relate to, evidence, or concern any mail, telephone calls, checks, orders, inquiries, payments, complaints, deliveries or other communications or materials which were received by DAVIS but which were addressed to or which appeared to have been intended for Legend Pictures or which relate to Legend Pictures' products or services offered under the LEGENDARY PICTURES LEGENDARY Marks.

14. All documents and things in DAVIS's control, custody or possession which concern, reflect, refer to or relate to or mention Legend Pictures, the LEGEND PICTURES LEGENDARY Marks or Legend Pictures' products or services.

15. All documents and things which reflect, refer to, relate to or concern any state or federal trademark applications filed by DAVIS which would cover any mark consisting of or including the term "LEGENDARY."

16. All documents and things which reflect, refer to, relate to or concern the design and selection of the DAVIS LEGENDARY Mark, including but not limited to the creation, mark-up and selection of the mark shown in Registration No. 4016459, and the rejection of any alternative marks or names or designs.

17. All documents reflecting relating to or concerning any activity by an advertising agency or public relations firm or other person (or an individual or organization internal to DAVIS performing a similar function), including correspondence, relating to DAVIS's products and/or services to be offered or sold or proposed to be offered or sold in connection with any mark or designation consisting of or including the term "LEGENDARY."

18. Documents sufficient to show all channels of trade through which DAVIS's products or services offered under the DAVIS LEGENDARY Mark" (see Definitions and

Instructions) move or will move and the marketing channels used or intended to be used by DAVIS for such products or services.

19. Documents sufficient to show all classes or types of purchasers to whom DAVIS markets, or to whom DAVIS intends to market, his products or services and who purchase or will purchase any products or services offered by or on behalf of DAVIS under “the DAVIS LEGENDARY Mark.”

20. To the extent not produced in response to an earlier request, a representative example of each different advertisement or promotional material, presently distributed by or for DAVIS, or planned to be distributed by or for DAVIS, that mentions, identifies, or describes any products or services offered by DAVIS under “the DAVIS LEGENDARY Mark.”

21. To the extent not produced in response to an earlier request, a full copy of each different electronic advertisement, including but not limited to a complete copy of every web page, now or ever distributed by or for DAVIS, or planned to be distributed by or for DAVIS that mentions, identifies or describes any products or services offered by DAVIS under the DAVIS LEGENDARY Mark.

22. To the extent not produced in response to an earlier request, documents and things sufficient to show DAVIS’s use of the DAVIS LEGENDARY Mark in connection with each and every product and service offered by DAVIS for each year since the earliest date of first use that DAVIS will claim in these proceedings.

23. Documents sufficient to establish DAVIS’s sales, by dollar and unit volume, for each service rendered or product sold or offered for each year since DAVIS first used any mark or designation consisting of or including the DAVIS LEGENDARY Mark.

24. Documents sufficient to establish the names and business or home addresses and telephone numbers of not less than 5 persons per year for whom DAVIS has rendered each of the services described in its Registration or to whom DAVIS sold product under the DAVIS LEGENDARY MARK for each year since DAVIS first used any mark or designation consisting of or including the term the DAVIS LEGENDARY Mark; and all documents in DAVIS' possession supporting or evidencing such alleged sale or rendering of services under the DAVIS LEGENDARY Mark.

25. For each good or service now or ever promoted by or on behalf of DAVIS in the United States under the DAVIS LEGENDARY Mark, documents sufficient to show in U.S. dollars the amount DAVIS has expended annually promoting each of those goods and services for each year since first use; the types of advertising media employed; the geographic regions of the United States in which each type of media was employed; and the amount expended each year for each type of media.

26. A representative copy of each packaging, labeling, and advertising materials presently used or proposed to be used by DAVIS for all products and services under the DAVIS LEGENDARY Mark.

27. All documents and things which reflect, refer to, relate to or concern any licenses, agreements to license or consents to use, taken or given by DAVIS or negotiated by DAVIS (or any predecessors of DAVIS) relating to any product or service offered, distributed or sold by or on behalf of DAVIS under the DAVIS LEGENDARY Mark.

28. All documents and things which reflect, refer to, relate to or concern any assignments, agreements to assign, or consents to assign or to use taken or given by DAVIS (or

any predecessors of DAVIS) which relate in any way to any product or service offered by or on behalf of DAVIS under the DAVIS LEGENDARY Mark.

29. All documents, and things, including but not limited to reports or investigations, correspondence and settlement agreements, reflecting, referring to, evidencing or concerning, any third parties having used or registered or applied to register any mark or designation, consisting of, or including, the term LEGENDARY in the United States for any of the services described in Registration No. 4106459.

30. To the extent not otherwise produced, all documents mentioned or identified in response to Legend Pictures' First Set of Interrogatories to DAVIS.

31. All documents and things, referred to in DAVIS's Initial Disclosures and all documents and things reflecting, referring to, evidencing or concerning, any information referred to in DAVIS's Initial Disclosures

32. To the extent not produced in an earlier request, all documents and things in DAVIS's possession custody or control that DAVIS may use to show that a lack of likelihood of confusion exists.

33. To the extent not produced in response to an earlier request, all documents reflecting DAVIS's knowledge of Legend Pictures, and/or its marks, products or services prior to the filing of the cancellation proceeding.

34. All documents and things recording, relating to referring to or concerning inquiries, investigations, surveys, evaluations and/or studies conducted by DAVIS or by anyone acting for or on his behalf that refer or relate in any manner to the DAVIS LEGENDARY Mark or the LEGEND PICTURES LEGENDARY Marks, including documents and things reflecting

the date conducted, the name, address and title of each person who conducted it, the purpose for which it was conducted, and the findings or conclusions made.

35. To the extent not produced in response to an earlier request, a physical specimen of each and every label now or ever used by DAVIS to offer products, or render his services under any mark or designation consisting of the term LEGENDARY.

36. Documents sufficient to reflect all persons, and in the case of juristic persons, the persons most responsible for DAVIS' account, having any involvement with the design, maintenance, manufacture, production, marketing, distribution, advertisement, offering, rendering, performance or sale of any products or services by or on behalf of DAVIS under any mark or designation consisting of or including the term LEGENDARY.

37. To the extent not produced in response to an earlier request, all documents reflecting, relating to or referring to each and every retail store, Internet store, mobile application store, website, online or hard copy periodical or magazine, trade show, or other promotional device through which DAVIS's products or services under the DAVIS LEGENDARY Mark are now, are presently intended to be, or have ever been offered, distributed, promoted, or sold to consumers.

38. Documents sufficient to reflect the price at which DAVIS offers its products and services under the DAVIS LEGENDARY Mark to its customers and/or consumers.

39. All documents in support of DAVIS's affirmative defenses or which DAVIS may rely upon to support any first and continuing use of the DAVIS LEGENDARY Mark.

Dated: March 14, 2013

Respectfully submitted,

By: Carla C. Calcagno
Calcagno Law, PLLC
2300 M Street, N.W.
Suite 800
Washington, DC 20037
Telephone: (202) 973-2880

Attorneys for LEGEND PICTURES, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 14, 2013 a true and accurate copy of the foregoing LEGEND PICTURES' FIRST AND SECOND SET OF INTERROGATORIES AND FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS was served by agreement of the parties on Defendant by emailing a copy of the same to nevisbaby@hotmail.com and tharilest@yahoo.com. The undersigned hereby certifies that on March 14, 2013, a true and accurate copy of the foregoing documents were also served on the Defendant by mailing a copy through the United States Postal Service, first class mail, with sufficient postage, to the Defendant at the following address:

Quentin Davis
PO Box 47893
Tampa Florida
33646

/Carla Calcagno/

EXHIBIT B

**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

cccagno@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

EXHIBIT C

RE: Legend Pictures LLC v Davis, Cancellation No. 92056168

Dear Mr. Davis;

As you know, we act as outside trademark litigation counsel on behalf of Legend Pictures LLC ("Legend") in certain intellectual property matters.

Legend has received your spurious "Registrant's Objection to Petitioner's First and Second Set of Interrogatories."

Legend demands that you withdraw this baseless objection, and comply with your duty to answer discovery.

Moreover, as you have failed completely to answer or respond to Petitioner's Production Requests that are not tied to the interrogatories, specifically Nos. 2, 3, 4, 5, 6(a), 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, Petitioner demands that you immediately produce the documents sought therein.

BACKGROUND

Legend petitioned to cancel your LEGENDARY registration on, among other grounds, the grounds that you willfully and knowingly misrepresented your use and as a result, obtained a registration for the mark LEGENDARY for the following extremely broad list of 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 music, and providing information, commentary and articles about music, all online via a global computer network;
- Entertainment in the nature of live traveling tour performances by a professional entertainer featuring music

In your answer you denied the petition to cancel, and affirmatively defended on the grounds that the mark was in use on each of these services.

On March 14, 2013, Legend timely served on you its First and Second Set of Interrogatories and First Set of Production Requests. Among other things, these interrogatories and production requests asked you to provide information and documents supporting your assertions of use on this long list of services. By way of example, as to each product and service on which you now or ever have used the mark LEGENDARY, Legend asked for the inclusive dates of such alleged use, (Interrogatory Nos. 1-2 and 4); your sales figures (Interrogatory No. 10); and the identities of a few customers per year (Interrogatory Nos. 20).

Similarly, and by way of example, Legend asked only for *representative* documents and things sufficient to evidence use of the mark over the years (Production Request Nos. 4, 5, 22); your sales figures (Production Requests No. 23); the identities of your channels of trade and a few customers per year (Production Requests Nos. 18, 19, 24 and 37).

Each of these discovery topics is expressly permitted by TBMP Section 402.01, by which “(p)arties may obtain discovery regarding any non-privileged matter that is relevant to any party’s claim or defense.”

We also initiated a teleconference with you to address any procedural concerns about Petitioner's First or Second Set of Interrogatories and Production Requests you may have had, in light of your alleged pro se status. This conference was held on April 10, 2013, three days before your responses were due.

On that date, you expressed no questions whatsoever about the interrogatories and production requests, other than you lacked the address of one witness we had requested. We discussed the duty to cooperate by which you would pose objections and the parties would discuss those objections before motions were filed.

You also agreed to exchange production documents electronically, by email. In the case of production documents too large for pdf, you and I expressly agreed on April 10, 2013 to production by cd-rom.

Three days later, however, you served a General Objection to the First and Second Set of Interrogatories and refused to answer any of Petitioner's Document Requests and also filed these at the Board in direct violation of the Board's rules.

I wish that during our April 10, 2013 call you had posed your objection to the interrogatories, in which case we could have discussed the Board's rules, and thereby avoided permitting you to delay providing the information and producing the documents Petitioner rightfully sought in these discovery requests.

DISCUSSION

Trademark Rule 2.120 (d)(1) provides that a party may serve up to 75 seventy five interrogatories in a proceeding. As stated in TBMP Section 405.03(d), with which you are familiar, "... if an interrogatory requests "all relevant facts and circumstances" concerning a single issue, event, or matter, or asks that a particular piece of information, such as, for example, annual sales figures under a mark, be given for multiple years, and/or for each of the responding party's involved marks, it will be counted as a single interrogatory.

Legend's discovery requests fully and completely comply with this rule. See, e.g. *Jan Bell Marketing, Inc. v. Centennial Jewelers, Inc.*, 19 USPQ2d 1636, 1637 (TTAB 1990); *Pyitronic Industries, Inc. v. Terk Technologies Corp.*, 16 USPQ2d 2055, 2056 (TTAB 1990), citing *Carla Calagno*, "TIPS FROM THE TTAB: Discovery Practice Under Trademark Rule 2.120(d)(1)" 80 TMR 285 (1990).

Notably, while alleging that the interrogatories in question exceed the number permitted under the Board's rules, you have failed to provide any explanation at all for this assertion. We therefore demand that you answer these interrogatories within three days of this letter, or email

Quentin Davis
April 29, 2013

me a document providing your *good faith* calculation of how these interrogatories fail to comply with the Board's rules. We remind you of your duty to cooperate in good faith in discovery.

Second, you have failed completely to comply with the Federal Rules requiring you to respond to Petitioner's Requests to Produce Nos. 2, 3, 4, 5, 6(a), 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39 which are not tied to any interrogatory. While you objected to Petitioner's Interrogatories, nothing in the Board's rules on interrogatories even arguably permitted you to ignore these production requests.

As you have failed to answer or otherwise respond to these document requests within the period required, Legend is entitled that you answer these productions requests and produce the requested documents, without objection.

Legend hereby demands that you produce the documents requested by Requests to Produce Nos 2, 3, 4, 5, 6(a), 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, without objection, by email or CD-Rom within three calendar days of this letter.

Again, Legend hereby demands that you immediately withdraw these baseless and evasive objections and comply with your duties under discovery. Unless you, *within three (3) calendar days of this letter*:

1. Answer the interrogatories, or provide by email a detailed and *good faith* explanation as to how the Legend Interrogatories fail to comply with Trademark Rule 2.120(d)(1); and

2. Answer without objection and Produce the documents sought in Requests to Produce Nos. 2, 3, 4, 5, 6(a), 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39 by email or CD-Rom, and

3. Agree to a unilateral 30 day extension of the discovery period, including expert disclosures, solely for Legend's benefit due to the delay cause by your failure to properly respond to discovery,

Legend will vigorously pursue its remedies against you.

Please consider this our good faith effort to resolve this discovery dispute, failing which Legend will seek all and appropriate action from the Board.

Very truly yours,

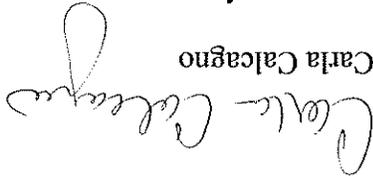

Carla Calcano

EXHIBIT D

REGISTRANT'S INITIAL CORRESPONDENCE TO RESOLVE DISCOVERY DISPUTE

Ms. Calcagno,

I have received the written e-mail correspondence of which you referred to in closing as your "good faith effort to resolve this discovery dispute". In spite of the fervent vehemence it did contain, accompanied with the exorbitant, over two week (sixteen days to be precise) lack of response to the objections it addressed, I do hereby respectfully respond as well as offer a peaceful and reasonable remedy to you.

In your correspondence you did;

1. "Demand" that I withdraw what you referred to as my "spurious" and "baseless" and "evasive" objection,
2. "Demand" that I answer the objected interrogatories and accompanying document requests you served,
3. Reference Trademark Rule 2.120(d)(1) & TBMP 405.03(d),
4. Attempt an extremely brief summary concerning the subject matter of the objected interrogatories and accompanying document requests you served,
5. Offer your version of the reason for the cancellation petition which began these proceedings and list service uses which do legally and lawfully belong to me in connection with registration # 4106459 for the mark LEGENDARY,
6. Reference a telephone conference you and I engaged in,
7. Make several other demands for my compliance.

I humbly respond with the following:

1. Although you are clearly unhappy with the objection I asserted, I am in compliance with the remedies available to all parties who may be the recipient of excessive interrogatories in accordance with TBMP 405.03(e) which specifically quotes in relation to my objection that;

If a party on which interrogatories have been served, in a proceeding before the Board, believes that the number of interrogatories exceeds the limit specified in 37 CFR § 2.120(d)(1), and wishes to object to the interrogatories on this basis, the party must, within the time for (and instead of) serving answers and specific objections to the interrogatories, serve a general objection on the ground of their excessive number. [Note 1.] A party should not answer what it considers to be the first 75 interrogatories and object to the rest as excessive.

(underline and bold added for specific emphasis)

In accordance with TBMP 405.03 (e) and 37 CFR § 2.120(d)(1), I refuse to withdraw or alter my objection.

2. The interrogatories and document requests that you sent were inter-related throughout. They were served at the same time, contained a single certificate of service that applied to both, and contained several requests and statements that directly referenced the other. Aside from the several statements in one document that instructed me to refer to the other, the preface of your request for documents directly conveyed the relevance of it to be contingent on the validity of the interrogatories that accompanied it by advising that I refer to “Legend Pictures’ First Set of Interrogatories to Davis” for definitions and instructions (a document which happened to be objected in its entirety).

3. You referenced Trademark Rule 2.120(d)(1) and TBMP 405.03(d) and claimed that the discovery requests you served were in complete compliance with them.

You did list a **very small portion of TBMP 405.03(d)** and although the words contained in excerpt of text you listed were accurate, the context in which you are asserting said excerpt is either intentionally or mistakenly misconstrued. The portion of text you quoted from TBMP 405.03(d) was;

... if an interrogatory requests **“all relevant facts and circumstances”** concerning a single issue, event, or matter; or asks that a particular piece of information, such as, for example, annual sales figures under a mark, be given for multiple years, and/or for each of the responding party's involved marks, it will be counted as a single interrogatory.

Do note that the words... “all relevant facts and circumstances”... are in quotation which directly conveys that interrogatories containing only a phrase of this nature in relation to a particular piece of information shall be counted as a single interrogatory.

I find it extremely peculiar (especially given your experience and employment history with the USPTO) that although TBMP 405.03(d) contains **seven** paragraphs in the form of 8 notes, you chose to list only the latter half of, and contort the context of a single paragraph - paragraph 6 which is also Note 7. Surely if you had even considered just that single paragraph in its entirety (Note 7), you would have clearly understood that **the interrogatories you served were FAR from reasonably and acceptably compliant with TBMP 405.03(d).**

Allow me to inform you of the full section of TBMP 405.03(d) [Note 7] in proper context as follows;

If an interrogatory requests information concerning more than one issue, such as information concerning both “sales and advertising figures,” or both “adoption and use,” the Board will count each issue on which information is sought as a separate interrogatory. In contrast, if an interrogatory requests “all relevant facts and circumstances” concerning a single issue, event, or matter; or asks that a particular piece of information, such as, for example, annual sales figures under a mark, be given for multiple years, and/or for each of the responding party's involved marks, it will be counted as a single interrogatory. [Note 7.]

(underline and bold added for specific emphasis)

I remind you of your interrogatories 1 and 2 (a representative sample among a document filled with numerous instances of the like) as examples of noncompliance with this and almost every other note listed in TBMP 405.03(d);

In accordance with TBMP 405.03(d) Notes 1 through 8, the following interrogatories are noncompliant and do exceed their listed count of 1 (one) single interrogatory each.

INTERROGATORY NO. 1

(1)Identify, with the same degree of particularity as in its registration(s), each of the products or services now or ever applied for, (2)registered,(3) promoted, (4)sold, (5)rendered or (6)performed by DAVIS (see Definitions and Instructions) in connection with any mark consisting of or including the term LEGENDARY (see Definitions and Instructions).

INTERROGATORY NO. 2

For each and every product or service identified in response to Interrogatory No 1, state the following:

(7)(a) the date DAVIS first either offered, (8)sold or (9)promoted the product or service in connection with the DAVIS LEGENDARY Mark (see Definitions and Instructions) in the United States;

(10)or if the product or service has not yet been offered,(11) sold or (12)distributed, (13)the expected first use date of the DAVIS LEGENDARY Mark in connection with such goods or services;

(14)(b) the earliest priority date DAVIS contends it is entitled to claim as to the United States for each product or service; and

(15)(d) the circumstance (i.e., in the case of actual use, the mark used, or in the case of constructive use, the application filing, by country and serial number) giving rise to such alleged actual or constructive priority rights.

(For any confusion involving re-count #s 7, 14, and 15, please see specifically TBMP 405.03(d) Notes 1 and 2 concerning subparts. For any confusion involving re-count # 10, please see

specifically TBMP 405.03(d) Notes 3, 4, and 5 concerning two or more questions combined in a single compound interrogatory and follow-up questions. For any confusion involving all other re-count #s, please see TBMP 405.03(d) in its entirety [most relevantly Notes 6 and 7])

4. You offered a brief generalization of the content contained in your interrogatories and expressed that the topics of the interrogatories are permitted in accordance with TBMP 402.01. In response to this I remind you that the interrogatories were not objected to on the basis of subject matter, rather excessive length.

5. In your correspondence, you mentioned your client's petition to cancel my registration stating that it was supposedly petitioned on the grounds of willful and knowing misrepresentation of use.

Do allow me to remind you that **YOUR CLIENT EXPRESSED ABSOLUTELY NO OPPOSITION TO MY REGISTRATION UNTIL THEIR NEW APPLICATIONS WERE SUSPENDED IN CITATION AGAINST MY ESTABLISHED REGISTRATION.** Your client's reactive behavior is in direct congruence with **estoppel by laches.** While I understand that it is your job to make me appear to be a liar, this circumstance will not alter the fact that I **did not** commit fraud before the United States Patent and Trademark Office.

6. You mentioned a telephone conference we engaged in on April 10, 2013 and while the portions of the conversation you mentioned were generally accurate you failed to mention some very relevant things that were said in that conversation. I recall you telling me that to that I was required to put my issues or concerns (your direct word was "everything") in writing. As per your instructions, I filed my grievances concerning the excessive length and improper calculations of the petition you served.

In your correspondence you mentioned what you referred to as my “alleged pro se status”. As I receive a current income of less than 12,000 annually, I have been unable to afford legal counsel or assistance during this entire proceeding and have been my own personal representation. Although I am self-represented and have no formal legal education, I do hope that these circumstances will not cause you to render any less reverence to my involvement in this proceeding.

I do understand that the nature of your employment for the Petitioner involves creating an undesirable image of me (however untrue that image may be) but I do feel that we can be as amicable as our interactions will allow. With that being said, I am willing to respond to a properly revised set of interrogatories and document requests. To all other demands, I decline. If you disagree with this, I implore you to pursue all remedies you feel may be available to you, as I will do the same.

Nothing contained in this letter is intended, nor shall anything be construed to constitute an express or implied waiver of any rights or remedies to which I the Registrant (Quentin Davis) may be entitled at law or in equity. The foregoing is not intended to be a complete recitation of the facts upon which this matter is based.

With the Utmost Regard,

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

5/1/2013

Date

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May 2013, a true and complete copy of the foregoing **REGISTRANT'S INITIAL CORRESPONDENCE TO RESOLVE DISCOVERY DISPUTE** was served to Petitioner via electronic mail to:

Carla Calcagno at e-mail addresses:

carla.calcagno@calcagnolaw.com

and

cccagno@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

EXHIBIT E

May 2, 2013

Quentin Davis
Po Box 47893
Tampa, Florida 33646
United States

nevisbaby@hotmail.com; tharilest@yahoo.com

RE: Legend Pictures LLC v Davis, Cancellation No. 92056168

Dear Mr. Davis:

We write in response to your May 1, 2013 communication refusing to comply with the requirements of Trademark Rule 2.120(d)(1), refusing to provide any written responses to timely and lawfully served production requests, and refusing to produce any documents sought therein. While I appreciate your effort to understand the rules and regulations imposed by the TTAB, and educate us on your interpretation, I must re-iterate our position that the interrogatories served on you do not exceed the maximum of 75. Further, your current objection on the interrogatory number does not constitute an objection to the interrogatory definitions, as you aver.

Further, we must re-iterate that Production Requests Nos. 2-5, 6(a), 7, 12-29, 31-39 were not tied to any specific interrogatory response. Therefore, your current objection on the interrogatory number does not constitute an objection to the production requests, nor delay your obligation to have produced the requested documents. Thus, you must produce all documents sought by those production requests, immediately and without objection.

In this regard, unless the production request expressly sought all documents sought by a particular interrogatory, Legend Pictures' Interrogatories and the Request to Produce Documents are not tied together or inter-related to such a degree that any objection to one is an objection of the other. Interrogatories and Production Requests are two very distinct discovery tools and are treated by the courts and the TTAB as specific onto themselves regardless of whether there is a commonality of definitions and instructions, or whether they were served on the same date under the same certificate of service. Each of these discovery tools has its own rules on scope, timing, methods of response, etc. as dictated by Federal Rules of Civil Procedure 33 (Interrogatories) and 34 (Requests for Production of Documents).

As an explanation of how the TTAB numbers/counts interrogatories, we attach a copy of the Interrogatories Nos. 1-21, as marked to show you how, under the rules of the TTAB, they number less than 75. As you will see, where you found 15 interrogatories between Interrogatories 1 and 2, these two interrogatories actually comprise 8 interrogatories under TTAB Rule 2.120(d)(1).

Your reference to the phrase "all relevant facts and circumstances" from TBMP 405.03(d) as dictating the sole situation when an interrogatory can be counted as a single interrogatory (i.e. only those interrogatories containing a phrase of this nature in relation to a particular piece of information), is simply incorrect. The term "facts and circumstances" can refer to a number of things including sales, advertisements, promotions, customers, etc., concerning a single issue. We refer you again to an article that you may read as to how to count interrogatories. See Carla Calcagno, TIPS FROM THE TTAB: "Discovery Practice under Trademark Rule 2.120(d)(1)", 80 TMR 285 (1990). As stated there:

"...On the other hand, an interrogatory that requests, for example, information respecting sales figures over a certain period of years or which requests the date of first use for "each of the responding party's involved marks" is counted as one interrogatory. Similarly, one interrogatory may request "all relevant facts and circumstances" surrounding a particular event, such as a party's first use of its mark.

With this letter and attachments, we have done more than is required to resolve this discovery dispute. We reached out to you before your discovery responses were due on April 10, 2013 at which time we invited you to discuss any problems, questions or issues that you had; we sent you a letter regarding same; and now we write again. The Board's rules on answering discovery are clear; your refusal to comply is both disappointing and unacceptable.

We urge you again to reconsider your objections and failure to respond to Opposer's First and Second Set of Interrogatories and Production Requests. And we will allow you one further day to do so. Unless by 5 pm eastern time on Friday, May 5, 2013, we receive your unqualified written assurances that by Monday May 8, 2013 you will email us: (1) complete answers to Petitioner's interrogatories; (2) complete answers to Petitioner's production requests, without objection where indicated above; (3) your production documents, (without objection, where

Quentin Davis
May 2, 2013

indicated above); and (4) written assurances that you consent to a thirty day unilateral extension of the discovery period solely for Petitioner's benefit, we will be forced to file a Motion to Compel.

Very truly yours

/Carla Calcagno/

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

LEGEND PICTURES, LLC)	
)	
Petitioner)	
)	
v.)	Cancellation No.: 92056168
)	
QUENTIN DAVIS)	
)	
Defendant)	

LEGEND PICTURES, LLC’s FIRST SET OF INTERROGATORIES 1-20

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Legend Pictures, LLC (“Legend Pictures”) requests that Quentin Davis (“Davis”) serve upon Legend Pictures sworn answers to the interrogatories set forth below at the offices of Calcagno Law, 2300 M Street, N.W., Suite 800, Washington, D.C. 20037, within thirty (30) days after the service hereof. These discovery requests are intended to be continuing in nature and any information or materials which may be discovered subsequent to the service and filing of the answers should be brought to the attention of Legend Pictures through supplemental answers within a reasonable time following such discovery.

For the convenience of the Board and the Parties, Legend Pictures requests that each discovery request (including subparts) be quoted in full immediately preceding the response.

DEFINITIONS AND INSTRUCTIONS

a. The word "person" or "entity" shall mean and include without limitation, individuals, firms, associations, partnerships and corporations.

b. The term "Petitioner," "or "Legend Pictures", shall mean Legend Pictures, LLC its predecessors-in-interest, licensees and any affiliated or related companies or agents having any involvement with use by it or on its behalf of any mark or designation consisting of or including the term LEGENDARY and shall include, individually or collectively, its partners, officers, directors, employees, agents or representatives.

c. The term "Defendant," or "Davis", shall mean "Quentin Davis" his predecessors-in-interest, licensees and any affiliated or related companies or agents having any involvement with the use by him or on his behalf of any mark or designation consisting of or including the term LEGENDARY and shall include, individually or collectively, his partners, officers, directors, employees, agents or representatives.

d. In the following discovery requests, the term "document" or "documents" is used in its customary broad sense to mean all non-identical copies of all documents within the scope of Rule 34, Fed. R. Civ. P., including, without limitation, reports and/or summaries of interviews; reports and/or summaries of investigations; opinions or reports of consultants; opinions of counsel; communications of any nature including internal company communications; memoranda; notes; letters; e-mail; agreements; reports or summaries of negotiations; brochures; pamphlets; advertisements; circulars; trade letters; press releases; drafts of documents and revisions of drafts of documents and any written, printed, typed or other graphic matter of any kind of nature; drawings; photographs; charts; electronically stored data; and all mechanical and electronic sound recordings or transcripts thereof, in the possession and/or control of Davis or his

employees or agents, or known to Davis to exist, and shall include all non-identical copies of documents by whatever means made and whether or not claimed to be privileged or otherwise excludable from discovery. By way of illustration only and not by way of limitation, any document bearing on any sheet or side thereof any marks, including, but not limited to, initials, stamped indicia, comment or notation of any character and not a part of the original text or any reproduction thereof, is to be considered a separate document, in the case of a machine readable document, identify the specifications and/or common name of the machine on which the document can be read such as "VHS videotape, MS DOS (IBM) PC using WordPerfect 5.1" or the like.

e. In the following discovery requests, where identifications of a document is required, such identification should describe the document sufficiently so that it can be specifically requested under Rule 34, Fed. R. Civ. P., and should include without limitation the following information, namely:

- I. the name and address of the author;
- ii. the date;
- iii. the general nature of the document, i.e., whether it is a letter, memorandum, pamphlet, report, advertising (including proofs), etc.;
- iv. the general subject matter of the documents;
- v. the name and address of all recipients of copies of the documents;
- vi. the name and address of the person now having possession of the original and the location of the original;
- vii. the name and address of each person now having possession of a copy and the location of each such copy;

viii. for each document DAVIS contends is privileged or otherwise excludable from discovery, the basis for such claim of privilege or other grounds for exclusion; and

ix. whether DAVIS is willing to produce such document voluntarily to Legend Pictures for inspection and copying.

f. In the following discovery requests, where identification of a person, as defined, is required, state:

I. the person's full name, state of incorporation, if any, present and/or last known home address (designating which), present and/or last known position or business affiliation (designating which), and/or present or last known affiliation with DAVIS (designating which), if any. In the case of a present or past employee, officer or director or agent of DAVIS, also state the person's period of employment or affiliation with DAVIS, and his or her present or last position during his affiliation with DAVIS. A post office box is not acceptable in responding to this instruction.

g. In the following discovery requests, where identification of an oral communication is required, state the date, the communicator, the recipient of the communication, and the nature of the communication.

h. All references in these discovery requests to the term or mark "LEGENDARY" shall mean all marks and designations consisting of or including the term LEGENDARY whether printed in all capital letters, all lower case letters, or a mixture of capital with lower case letters, in any size or style of font, and whether standing alone or in conjunction with other words, letters, numbers, symbols, or designs.

i. All references in these discovery requests to "the DAVIS LEGENDARY Mark" shall mean all marks and designations either used, applied for, or registered by or on behalf of

DAVIS, (see Definitions above) consisting of or including the term LEGENDARY whether printed in all capital letters, all lower case letters, or a mixture of capital with lower case letters, in any size or style of font, and whether standing alone or in conjunction with other words, letters, numbers, symbols, or designs, upon which DAVIS may rely in these proceedings. This definition specifically includes but is not limited to the mark depicted in Registration No. 4106459.

j. All references in these discovery requests to the "Legend Pictures' Marks" or the LEGEND PICTURES LEGENDARY Marks shall mean all marks and designations either used, applied for, or registered by or on behalf of Legend Pictures, LLC consisting of or including the term LEGENDARY, whether printed in all capital letters, all lower case letters, or a mixture of capital with lower case letters, in any size or style of font, and whether standing alone or in conjunction with other words, letters, numbers, symbols, or designs. This definition specifically includes but is not limited to each of the marks and registrations pled by Legend Pictures, LLC in these proceedings.

k. Whenever used herein, the term "&" shall be deemed to include the term "and" and the term "n"; the singular shall be deemed to include the plural, the plural shall be deemed to include the singular; the masculine shall be deemed to include the feminine and the feminine shall be deemed to include the masculine; the disjunctive ("or") shall be deemed to include the conjunctive ("and"), and the conjunctive ("and") shall be deemed to include the disjunctive ("or"); and each of the functional words "each," "any," and "all" shall be deemed to include each of the other functional words.

l. The terms "state" or "describe" (as used with respect to specific interrogatories below) shall mean to set forth and/or identify with particularity all evidence or other information

available to DAVIS (see Definition a. above) concerning the matter, to identify each person with knowledge and to identify all communications and documents concerning the subject matter.

m. The term “Person” shall mean both natural, legal and juristic persons, and therefore shall include but not be limited to individuals, partnerships, corporations, limited liability companies, unincorporated organizations and associations.

INTERROGATORIES

INTERROGATORY NO. 1

Identify, with the same degree of particularity as in its registration(s), each of the products or services now or ever applied for, registered, promoted, sold, rendered or performed by DAVIS (see Definitions and Instructions) in connection with any mark consisting of or including the term LEGENDARY (see Definitions and Instructions). **(1)**

INTERROGATORY NO. 2

For each and every product or service identified in response to Interrogatory No 1, state the following:

(a) the date DAVIS first either offered, sold or promoted the product or service in connection with the DAVIS LEGENDARY Mark (see Definitions and Instructions) in the United States; or if the product or service has not yet been offered, sold or distributed, the expected first use date of the DAVIS LEGENDARY Mark in connection with such goods or services; **(2)**

(b) the earliest priority date DAVIS contends it is entitled to claim as to the United States for each product or service; and **(1)**

(d) the circumstance (i.e., in the case of actual use, the mark used, or in the case of constructive use, the application filing, by country and serial number) giving rise to such alleged actual or constructive priority rights. **(4)**

INTERROGATORY NO. 3

Identify all outside firms that are now or have ever been employed by DAVIS in connection with the advertising or promotion of goods or services under the DAVIS LEGENDARY Mark in the United States, and state the identity of those persons responsible for

DAVIS's account with respect to the DAVIS LEGENDARY Mark. This specifically includes but is not limited to the agencies or firms now or ever employed by DAVIS in connection with the design, text, or content of each business card, webpage or other advertisement ever displayed by DAVIS for products or services advertised or offered under the DAVIS LEGENDARY Mark.

(2)

INTERROGATORY NO. 4

For each and every product or service identified in response to Interrogatory No. 1 now or ever sold by DAVIS under the DAVIS Mark in the United States, state the inclusive dates during which DAVIS has offered or sold such products or services under the DAVIS LEGENDARY Mark in the United States, and for any periods of non-use in the United States, explain the reasons for such non-use.

(2)

INTERROGATORY NO. 5

Identify all instances of actual confusion, mistake or deception known to DAVIS as to the source or origin, sponsorship or association as between its use or proposed use of any mark or designation consisting of or including the term LEGENDARY for any goods or services and the LEGEND PICTURES LEGENDARY Marks (see Definitions and Instructions).

(1)

INTERROGATORY NO. 6

Identify each person whom DAVIS expects to call as a witness at trial, state the subject matter on which the person is expected to testify, and state the substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion.

(4)

INTERROGATORY NO. 7

Identify each person (see Definitions and Instructions) DAVIS is aware of who now or ever has used, applied for, or registered any mark, company or trade name, or domain name (hereafter collectively “proprietary designations”) consisting of, or including, the term LEGENDARY for any goods or services in the United States, and state the nature of the goods or services on which each of these proprietary designations were used, applied for, or registered by each third party. (2)

INTERROGATORY NO. 8

For each product and service presently distributed, offered, sold or promoted or planned to be distributed, offered, sold or promoted under the LEGENDARY Mark by or on behalf of DAVIS in the United States, state the channels of trade through which DAVIS nor or has ever moved, or for products and services not presently in use, intends to move such products and/or services. (2)

INTERROGATORY NO. 9

State: (1) the name of the parties, (2) the Civil Action number, Opposition Number, Cancellation Number or other proceeding number; and (3) the jurisdiction, of all legal, administrative, or regulatory proceedings known to DAVIS, brought by or against DAVIS or any affiliated “person” (see Definitions and Instructions) involving any of the goods or services involved in these proceedings or which concern any mark or designation consisting of the term LEGENDARY, or which concern allegations of intellectual property infringement. (3)

INTERROGATORY NO. 10

For each and every product and service now or ever sold or rendered under the DAVIS LEGENDARY Mark in the United States, state by the type of product or service (e.g. “live musical performances,” “music production,” “record distribution,” “music recordation,” “music composition,” “music transcription,” “songwriting,” “music publishing” or other entertainment services), DAVIS’s annual U.S. sales by unit and dollar amount for each year since DAVIS alleges his DAVIS LEGENDARY Mark was first used. (3)

INTERROGATORY NO. 11

For each and every product and service identified in response to Interrogatory No. 1 state the following:

(a) the number of persons annually who retained Davis to either produce, distribute, record, publish, compose, transcribe, write songs, or perform any other entertainment services offered under the DAVIS LEGENDARY Mark, for each year since DAVIS alleges his DAVIS LEGENDARY Mark was first used;

(b) the inclusive dates and locations where such services were actually performed or rendered; (5)

INTERROGATORY NO. 12

For each and every product or service now or ever offered or promoted or distributed by DAVIS in the United States under the LEGENDARY Mark, state by the type of product or service (e.g. live musical performances,” “music production,” “record distribution,” “music recordation,” “music composition,” “music transcription,” “songwriting,” “music publishing” or other entertainment services), in U.S. dollars the amount DAVIS has expended annually

promoting each of those goods and services for each year since first use; stating the types of advertising or promotional media employed; the geographic regions of the United States in which each type of media was employed; and the amount expended each year for each type of media. (6)

INTERROGATORY NO. 13

Describe in detail DAVIS's contention as to the ordinary purchasers or expected ordinary purchasers of the goods and/or services sold or to be sold under the parties' LEGENDARY Marks including without limitation, DAVIS's contention as to the level of care likely to be exercised by such ordinary purchasers in purchasing the goods and/or services sold under the Parties' Marks. (2)

INTERROGATORY NO. 14

Identify (See Definitions and Instructions) all person(s) whom DAVIS contends is knowledgeable or upon whom DAVIS may rely as knowledgeable as to DAVIS's use in commerce, as that term is defined in Section 45 of the Lanham Act, of products or services under the DAVIS LEGENDARY Mark, from the first use to the present for each and every product and service upon which Davis contends the DAVIS LEGENDARY Mark now or has ever been used. This interrogatory specifically includes but is not limited to those knowledgeable as to DAVIS's alleged use of the term LEGENDARY in connection with each product and service listed in Registration No. 4106459. (1)

INTERROGATORY NO. 15

State the inclusive dates during which DAVIS first and has continued to use the DAVIS LEGENDARY mark and identify all documents in DAVIS's possession evidencing such first and continuing use. (3)

INTERROGATORY NO. 16

State with particularity all information in support of the denials in DAVIS's Response to Legend Pictures' Petition for Cancellation. (1)

INTERROGATORY NO. 17

State with particularity all information in support of the affirmative defenses in DAVIS's Response to Legend Pictures' Petition for Cancellation. (1)

INTERROGATORY NO. 18

Identify (See definitions and instructions) each person other than Petitioner or its agents and attorneys, or the USPTO with whom DAVIS has communicated about this proceeding, or with whom DAVIS consulted in drafting "Registrant's Response to Petition for Cancellation," and state in detail the substance of the facts and opinions communicated by each party to the communication. (3)

INTERROGATORY NO. 19

For each witness named in DAVIS's initial disclosures other than Petitioner's attorneys, state in detail the substance of the facts and or opinions about which the witnesses named is expected to have discoverable information, and provide the regular employment or business

address (or other applicable daytime address) where the witness can be personally served. Please note that this interrogatory is not satisfied by a post office box address, as set forth in the present initial disclosures. (3)

INTERROGATORY NO. 20

Identify those persons who had more than a clerical role in the answering of Legend Pictures' First or Second Set of Interrogatories or in any search for documents in connection with said interrogatories or Legend Pictures' Request for Production of Documents and beside the name of each such person, state the number of the interrogatory answer(s) with respect to which that person participated in or supplied information. (2)

Respectfully submitted, Total: **54**

Date: March 14, 2013

By: /Carla C. Calcagno/
Calcagno Law PLLC
2300 M Street, N.W.
Suite 800
Washington, D.C. 20037
Telephone: (202) 973-2880

Attorneys for Legend Pictures, LLC.

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

LEGEND PICTURES, LLC)	
)	
Petitioner)	
)	
v.)	Cancellation No.: 92056168
)	
QUENTIN DAVIS)	
)	
Defendant)	

**LEGEND PICTURES, LLC’s SECOND SET OF INTERROGATORIES
No. 21**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Legend Pictures, LLC (“Legend Pictures”) requests that Quentin Davis (“Davis”) serve upon Legend Pictures sworn answers to the interrogatories set forth below at the offices of Calcagno Law, 2300 M Street, N.W., Suite 800, Washington, D.C. 20037, within thirty (30) days after the service hereof. These discovery requests are intended to be continuing in nature and any information or materials which may be discovered subsequent to the service and filing of the answers should be brought to the attention of Legend Pictures through supplemental answers within a reasonable time following such discovery.

For the convenience of the Board and the Parties, Legend Pictures requests that each discovery request (including subparts) be quoted in full immediately preceding the response.

DEFINITIONS AND INSTRUCTIONS

For purposes of Legend Pictures' Second Set of Interrogatories, Legend Pictures hereby adopts and incorporates each of the Definitions and Instructions set forth in Legend Pictures' First Set of Interrogatories.

INTERROGATORIES

INTERROGATORY NO. 21

For each and every product and service identified in response to Interrogatory No. 1 set forth in Legend Pictures First Set of Interrogatories, identify (see Definitions and Instructions) five persons annually who retained DAVIS to perform or render each such services, or to whom Davis actually sold such products, for each year which DAVIS alleges he sold such products or rendered such services. (7)

Respectfully submitted,

Date: March 14, 2013

By: /Carla C. Calcagno/
Calcagno Law PLLC
2300 M Street, N.W.
Suite 800
Washington, D.C. 20037
Telephone: (202) 973-2880

Attorneys for Legend Pictures, LLC.

EXHIBIT F

REGISTRANT'S SECOND RESPONSE TO RESOLVE DISCOVERY DISPUTE

Ms. Calcagno,

I have received your May 2nd correspondence and with all respect due to your experience concerning matters of legal relevance, I do respectfully disagree with your misconstrued interpretation of TBMP 405.03(d) and your revised count of the interrogatories you served.

While you did admit that your initial interrogatories were improperly calculated (by way of a revised count of your first and second set of interrogatories which by your admission increased their number from 21 to at least 61), your calculations are still insufficient.

I as examples of the calculation discrepancy, I remind you of the count I displayed for your interrogatories 1 and 2:

INTERROGATORY NO. 1

(1) Identify, with the same degree of particularity as in its registration(s), each of the products or services now or ever applied for, (2) registered, (3) promoted, (4) sold, (5) rendered or (6) performed by DAVIS (see Definitions and Instructions) in connection with any mark consisting of or including the term LEGENDARY (see Definitions and Instructions).

INTERROGATORY NO. 2

For each and every product or service identified in response to Interrogatory No 1, state the following:

(7)(a) the date DAVIS first either offered, (8) sold or (9) promoted the product or service in connection with the DAVIS LEGENDARY Mark (see Definitions and Instructions) in the United States;

(10) or if the product or service has not yet been offered, (11) sold or (12) distributed, (13) the expected first use date of the DAVIS LEGENDARY Mark in connection with such goods or services;

(14)(b) the earliest priority date DAVIS contends it is entitled to claim as to the United States for each product or service; and

(15)(d) the circumstance (i.e., in the case of actual use, the mark used, or in the case of constructive use, the application filing, by country and serial number) giving rise to such alleged actual or constructive priority rights.

In your re-count, you aver that your "Interrogatory No. 1" is a single interrogatory although you ask for 6 completely different things. You ask me to identify products or services I;

1. Applied for...
2. Registered...
3. Promoted...
4. Sold...
5. Rendered, or...
6. Performed.

I implore you to comprehend TBMP 405.03(d) [Notes 3 & 4]

if a propounding party sets forth its interrogatories as 75 or fewer separately designated questions (counting both separately designated interrogatories and separately designated subparts), but the interrogatories actually contain more than 75 questions, the Board will not be bound by the propounding party's numbering or designating system. Rather, the Board will look to the substance of the interrogatories, and count each question as a separate interrogatory. [Note 3.] For example, **if two or more questions are combined in a single compound interrogatory, and are not set out as separate subparts, the Board will look to the substance of the interrogatory, and count each of the combined questions as a separate interrogatory.** [Note 4.]

(underline and bold added for specific emphasis)

Suppose I **applied for** services that were never **performed** or **promoted** services that were never **sold**. Perhaps you intended me to respond to a single question in your “Interrogatory No. 1” and allow you to assume that the answer given should apply to all questions listed. There is no affirmative way to answer this interrogatory without multiple answers –which is the reason why the TTAB classifies each of these as separate interrogatories.

You also averred that your “Interrogatory No. 2” subsection (a) is a single interrogatory, yet you ask for 3 different things. You ask me to state the date I first;

1. Offered...
2. Sold, or...
- 3 Promoted... services in connection with my trademark.

I implore you to comprehend TBMP 405.03(d) [Note 6]

if an interrogatory begins with a broad introductory clause (“Describe fully the facts and circumstances surrounding applicant's first use of the mark XYZ, including:”) **followed by several subparts** (“Applicant's **(1)date of first use** of the mark on the goods listed in the application,” “Applicant's **(2)date of first use** of the mark on such goods in commerce,” etc.), the **Board will count the broad introductory clause and each subpart as a separate interrogatory, whether or not the subparts are separately designated.** [Note 6.]

(underline, bold, parenthesis (1) and (2) added for specific emphasis.)

While your “Interrogatory No. 2” does have certain subparts designated individually, they are still insufficiently numbered. Suppose that the dates that I first **promoted** or **offered** or **sold** services in connection with my mark are not the same. There is no affirmative way to answer this interrogatory with a single answer –which is yet another example of the reason why the TTAB classifies each of these as separate interrogatories.

The two interrogatories listed in this correspondence are merely representative samples of your first and second set of interrogatories which are filled with numerous similar instances.

You averred in your second correspondence that you are permitted to ask as many portions of information that you feel to be relevant facts and circumstances concerning an issue as a single interrogatory. TBMP 405.03(d) [Note 7] **SPECIFICALLY QUOTES;**

If an interrogatory requests information concerning more than one issue, such as information concerning both “**sales and advertising figures,**” or both “**adoption and use,**” **the Board will count each issue on which information is sought as a separate interrogatory.**

(underline and bold added for specific emphasis)

Sales and advertising figures as well as adoption and use are all information requests that may be deemed relevant concerning a single issue yet **the Board still counts each as a separate interrogatory.** It is extremely difficult to misconstrue the clarity of this guideline, yet your logic concerning counting of interrogatories would deem an interrogatory containing all of these requests as a single interrogatory.

While it is at this point quite noticeable that even in your secondary correspondence concerning this issue, you are **still** attempting to assert a very small and contextually inaccurate portion of TBMP 405.03(d) which you feel will best support your invalid claims, you have not explained why **you are completely refusing to address any other portion of TBMP 405.03(d)** which very clearly and directly contradicts your initial and secondary calculations of the interrogatories you served.

Ms. Calcagno I am not looking for a fight. I only request fair process and consideration in these proceedings. In the interest of civility, I am willing to respond to the portions of document requests you served which are unconnected to the interrogatories. I am willing to serve answers to these specific document requests before the close of discovery. However, as you have still offered no explanation whatsoever for your extremely extensive, sixteen-day delay in responding to the objections I served, I am unwilling to agree to discovery extension.

(Please note that your second correspondence requests that I comply with days that do not exist. i.e. "Friday, May 5, 2013" and "Monday May 8, 2013")

Nothing contained in this letter is intended, nor shall anything be construed to constitute an express or implied waiver of any rights or remedies to which I the Registrant (Quentin Davis) may be entitled at law or in equity. The foregoing is not intended to be a complete recitation of the facts upon which this matter is based.

With the Utmost Regard,

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

5/3/2013

Date

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May 2013, a true and complete copy of the foregoing **REGISTRANT'S SECOND RESPONSE TO RESOLVE DISCOVERY DISPUTE** was served to Petitioner via electronic mail to:

Carla Calcagno at e-mail addresses:

carla.calcagno@calcagnolaw.com

and

cccagno@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

EXHIBIT G

Re: Davis email

From: **Carla Calcagno** (carla.calcagno@calcagnolaw.com) You moved this message to its current location.

Sent: Tue 5/07/13 3:06 PM

To: nevisbaby@hotmail.com (nevisbaby@hotmail.com); tharilest @yahoo.com (tharilest@yahoo.com)

Cc: Calcagno Carla (cccagno@gmail.com)

> Dear Mr Davis:

>

> We confirm receipt of your most recent letter by which you continue to refuse to answer the interrogatories and related production requests and continue to refuse to agree to an extension of the discovery period. You state that you will produce documents in response to Production Request Nos. 2-5, 6(a), 7, 12-29, 31-39. Please clarify that you will answer those production requests and produce all documents sought in those production requests, without objection, not later than Wednesday May 8, 2013.

>

> We note your remark that the documents will be produced by close of the discovery period. This is unacceptable. Under the rules of procedure, these documents were due close to three weeks ago on April 13, 2013. You cannot unilaterally decide when it will be convenient for you to produce the documents.

>

> You have had a duty to produce these documents for close to three weeks and waiting to the close of discovery to respond is not acceptable and is prejudicial to our right to conduct follow up discovery.

>

> We will wait no longer. We have endeavored to resolve this issue with you several times and failed to obtain your compliance with the federal rules and the trademark rules of practice.

>

>

>

>

>

EXHIBIT H

**REGISTRANT’S RESPONSE TO EXPERT TESTIMONY COMPEL
MOTION**

Ms. Calcagno,

I apologize for any misunderstanding involving my ‘Notice of expert testimony’. I have not yet secured any expert witness but I was under the impression that parties were to notify the board if there was any possibility of expert testimony. I would have removed the notice but I don’t know how to. Please accept my sincere apology for any confusion or inconvenience in this matter.

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

5/22/2013

Date

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of May 2013, a true and complete copy of the foregoing **REGISTRANT'S RESPONSE TO EXPERT TESTIMONY COMPEL MOTION** was served to Petitioner via electronic mail to (motion was served via two email addresses from a Janet Ricciuti):

Carla Calcagno and Janet Ricciuti at e-mail addresses:

carla.calcagno@calcagnolaw.com

and

cccagno@gmail.com

and

ricciutij@comcast.net

and

janet.ricciuti@calcagnolaw.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