

ESTTA Tracking number: **ESTTA599462**

Filing date: **04/18/2014**

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

Proceeding	92056168
Party	Defendant Quentin Davis
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Submission	Opposition/Response to Motion
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Signature	/Quentin Davis/
Date	04/18/2014
Attachments	REGISTRANTS RESPONSE TO PLAINTIFFS 4_4_2014 REPLY.pdf(337655 bytes)

**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

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

REGISTRANT’S RESPONSE TO PLAINTIFF’S 4/4/2014 REPLY

On Apr. 4, 2014 the Plaintiff did file a reply in further support of its 3/10/2014 motion. The Registrant (myself) does hereby respond.

In consideration of the Board, I will attempt to keep this brief abrupt as possible and address only the most pertinent issues brought about in the Plaintiff’s reply. (as many of the Plaintiff’s topics of contention have already been addressed in my 3/20/2014 reply)

The Plaintiff claims it is due unilateral extension of discovery because it feels it has been deprived discovery. It has claimed that these deprivations include my objections (which I have addressed in my 3/20/2014 response) and the absence of a privilege log. The Plaintiff has also (through reference of my claims to attorney client¹ and work product privilege²) emphasized the necessity of the privilege log to discovery.

¹Attorney Client privilege has been held to constitute four basic properties“(1) a communication; (2) made between privileged persons; (3) in confidence; (4) for the purpose of seeking, obtaining or providing legal assistance to the client.” While I am still, and have been fully pro se throughout the entirety of this proceeding, any communication made in the effort of obtaining legal counsel is protected by this privilege.

²Work Product privilege has been held that... an opposing party generally may not discover or compel disclosure of written or oral materials prepared by or for an attorney in the course of legal representation, especially in preparation for litigation. ... As I am acting as my own counsel, I am personally entitled to this privilege.

The Plaintiff has itself neglected to produce a privilege log for even a single of its claimed privileges and has also failed to offer to myself or the Board a valid explanation of this exclusion. The Plaintiff would rather avoid addressing this issue at all while further propounding its accusations against me.

The Plaintiff did mention that I failed to seek further alteration of its inadequate responses to my discovery. As I am pro se, I have not been completely familiar with the Plaintiff's required level of compliance to my discovery. It is for this reason that my follow-up discovery to the Plaintiff has been minimal. The Plaintiff, who is fully aware, has been unethically utilizing this to its advantage. I have since 3/10/2014 become further informed of the Plaintiff's unfulfilled responsibilities. Though previously unbeknownst to me, I have been exceedingly deprived of discovery due to the Plaintiff's unethical omissions. In light of this discovery, I do humbly and respectfully request that the Board consider these circumstances.

Conclusion

The Plaintiff is NOT entitled to unilateral extension on its behalf due to willful and unethical behavior. The Plaintiff's current and planned motions would imply a total lack of misconduct on its part. While **the Plaintiff has yet to deny or explain its lack of a privilege log**, it would **still** seek sanctions against me for lack familiarity with civil procedure of which the Plaintiff is fully versed and required to uphold. Again, I do ask that the Board not turn a blind eye to the Plaintiff's intentional misconduct.

I, the Registrant, do respectfully request of the Board that the requests made in the Plaintiff's 3/10/2014 and 4/4/2014 motions and briefs be denied.

Respectfully Submitted,

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

April 14, 2014
Date

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of April 2014, a true and complete copy of the foregoing **REGISTRANT'S RESPONSE TO PLAINTIFF'S 4/4/2014 REPLY** was served to Plaintiff via electronic mail to:

Carla Calcagno at e-mail addresses:

carla.calcagno@calcagnolaw.com

and

cccalcagno@gmail.com

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/Gloria Walters/

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