

ESTTA Tracking number: **ESTTA623401**

Filing date: **08/25/2014**

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

Proceeding	92056168
Party	Plaintiff Legend Pictures LLC
Correspondence Address	CARLA CALCAGNO CALCAGNO LAW PLLC 1250 24TH ST NW , SUITE 300 WASHINGTON, DC 20037 UNITED STATES Carla.calcagno@calcagnolaw.com, cccalcagno@gmail.com, trade- marks@canopyparalegal.com
Submission	Other Motions/Papers
Filer's Name	Carla C. Calcagno
Filer's e-mail	ccccalcagno@gmail.com, trade- marks@canopyparalegal.com,ricciutij@comcast.net
Signature	/Carla C. Calcagno/
Date	08/25/2014
Attachments	Petitioner's request for Clarification Or Reconsideration of Motion for Extension of Discovery Period.pdf(76717 bytes ) EXHIBIT B REGISTRANT'S ANSWERS AND OBJECTIONS TO PETITIONER'S FIRST AND SECOND SET OF INTERROGATORIES.pdf(368322 bytes ) EXHIBIT C REGISTRANTS ANSWERS AND OBJECTIONS TO PETITIONERS FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS 1-39 (2).pdf(379014 bytes ) Exhibit D Email from Davis promising documents.pdf(40653 bytes )

**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	)	
	)	
Respondent	)	

**PETITIONER’S REQUEST FOR CLARIFICATION OR MODIFICATION OF DISCOVERY  
SANCTIONS OR FOR RECONSIDERATION OF MOTION FOR EXTENSION  
AND PETITIONERS MOTION FOR SUSPENSION**

By this motion, Petitioner respectfully requests that the Board clarify its July 26, 2014 Order, or in the alternative reconsider and grant Petitioner’s Motion for Extension, which was Denied in that Order.

As the outcome of this motion will materially affect the evidence Petitioner need to introduce during its case in chief, Petitioner respectfully requests that all dates in the case be suspended, beginning with the time for Petitioner to serve its pretrial disclosures, until this motion is decided.

I.      **PETITIONER REQUESTS THAT THE BOARD CLARIFY ITS DISCOVERY  
SANCTIONS**

On July 26, 2012, the Board issued an order granting Petitioner’s motion. The Board stated:

Registrant cannot submit at trial or rely on as evidence at trial, any information or documents that were the subject of Petitioner's discovery requests, but which were not served on Petitioner prior to the filing of Petitioner's motion for sanctions.

While it seems to sanction Davis, the Board order effectively prejudices Petitioner and rewards Registrant, by hindering Petitioner's proof of fraud and nonuse during its case in chief.

Two of the grounds for petition for cancellation are that Davis did not use the mark and further committed fraud when he filed the Statement of Use. In 2011, Defendant filed its Statement of Use. In his Statement of Use, Davis alleged first use of 1999 and first use in commerce of 2011 on all of the many goods and services listed in the registration.

As the Board knows, Petitioner has the burden of proof on the non-use and fraud issues (hereafter collectively non-use issues). Further, as the Petitioner has the burden of proof, Petitioner's prima facie case on these issues must be introduced during Petitioner's case in-chief.

However, while having the burden of proving these claims during Petitioner's case in chief, the facts needed to prove these claims lie solely within Defendant's knowledge.

Since this case began, Defendant has claimed to have used the mark on all the services. Further, since his initial disclosures, he promised to produce the documents to back up these claims.

Exhibit A. But up until February 19, 2014, **two weeks prior to the close of discovery**, and despite two Orders to Compel, Defendant produced only two pieces of documentary evidence relating to Petitioner's fraud and non-use claims - a short mp3 excerpt of a few notes, and a video of himself singing.

As the board knows, Petitioner had previously promptly and diligently served discovery on these issues. Over two months before the initial closing of discovery in 2013, Petitioner had served interrogatories asking Defendant, inter alia, for each product and services listed in the registration, to state his date of first use and continuing use, to describe the circumstances constituting the first use, to identify and produce documents that support his first and continuing use, to provide sales figures to show continuing use and to identify all individuals to whom he had rendered his services, to identify where those services were rendered, the inclusive dates and where the services were performed, the regular employment or business address of where any witness listed in the initial disclosure could be served, and the identify of five persons per year to whom Defendant rendered it services, and all person defendant may rely as knowledgeable about his first and continuing use in commerce or on whose testimony Defendant intended to rely.

Through the machinations the Board knows, Defendant evaded discovery. When finally forced to respond, (after two orders to compel), on January 23, 2014, in his interrogatory answers, Davis gave only one self-serving answer to any of these interrogatories regarding non-use. He repeated that he had used the mark on all the registered services since 1999 to the present. But, in his interrogatory answers, he promised again to produce the requisite documents. See responses to Interrogatories, 2, 4 and 15 Interrogatories. Exhibit B, attached.

On February 19, 2014, **for the first time, Davis produced documents that - he alleges- reflectuse of the mark on services other than audio and singing.**

These exhibits consisted of:<sup>1</sup>

Exhibit A: a blank screen shot with the words LEGENDARY PRODUCTIONS

Exhibit B: another blank screen shot with the words LEGENDARY PRODUCTIONS

Exhibits C through E: videos of girls walking, or sitting or and running through a hallway;

Exhibit G: a person (who may or may not be Respondent) jumping up and down in a gym;

Exhibit H: three audio notes, sounding against a blank screen showing the word LEGENDARY PRODUCTIONS

Exhibit I: A document that appears to be new and materially different business card for Registrant that now- **for the first time-** lists the services listed in the registration; and

Exhibit J: **a disabled** link to social media site

<https://www.facebook.com/photo.php?v=400064675869&set=vb.504730869&type=3&theater>

The nature, quality, timing and content of these documents are ambiguous as evidence of use.

Defendant appears to contend however that these attached documents show first and continuing use of the LEGENDARY mark in commerce. And, in his preamble to the document production, Defendant offers a self-serving characterization of these documents as excerpts from music and audio videos produced by him. Exhibit C

But these vague self-serving generalizations do not prove what these documents are, when they were actually produced and when if any were offered for distribution or distributed. And it is unclear to the Petitioner whether the Board's order means Defendant will be allowed to

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<sup>1</sup> Exhibit F was a duplicate of the document produced with his initial disclosures

effectively rely on these documents at trial by introducing his self-serving statements as to what these documents are.

Further, while the Board's Order should bar Davis from testifying as to when they were actually produced and when if any were offered for distribution or distributed, as Defendant has not given any of these specifics, **Petitioner** affirmatively requires this information in order to meet its case in chief.

Unless the Board either (1) bars Defendant from either introducing these February 19, 2014 documents at all; or (b) introducing his own self-serving statements at trial as to what they are, when they were produced or and when if any were offered for distribution or distributed or (2) allows Petitioner to depose Defendant on these subjects, the Board is prejudicing Petitioner from making its case during its case in chief.

In this regard, this case is very much like *M.C.I. Foods, Inc. v. Brady Bunte*, 86 U.S.P.Q.2d 1044 (TTAB 2008). In that case, which is very similar to this case, the parties were engaged in a litigation that dealt with nonuse. MCI, the petitioner and counter respondent, failed to comply with discovery and then failed to comply with an order to compel. This prejudiced Bunte's ability, as a counterclaim plaintiff, to prove up fraud, nonuse and priority.

To allow Bunte to prove its case as plaintiff in the counterclaim, the Board ordered MCI as a sanction to answer all of Bunte's discovery requests without objection; and (2) precluded MCI, but not Bunte, from relying at trial on any documents requested by Bunte during discovery but not produced by M.C.I. within the time set for complying with the Board orders granting Brunte motions to compel.

As a result of this prohibition, Bunte, who had an affirmative burden of proof, was given the affirmative information to which it was entitled and M.C.I. was not permitted to introduce documents requested by Bunte during discovery but which were not produced at the time the Board ordered. As the Board made clear, once a motion to compel is granted, a party is required to produce the documents when and at the time the Board orders. Id.

Similarly, in *Highbeam Marketing LLC v Highbeam Research*, 85 USPQ 2d 1902, (TTAB 2008) as a discovery sanction, the Board issued discovery sanctions against the Opposer. The Opposer, who was guilty of failing to comply with a TTAB order relating to discovery, was expressly precluded from relying on survey documents that would have helped with Highbeam's case in chief relating to confusion. Specifically, Opposer had produced a survey but refused to have the survey expert witness appear. Here as in that case, allowing in Davis's document that were produced for the first time belatedly after the date set by the Board, but not extending discovery to allow interrogation by the party against whom that document would be used violates due process and discovery.

Because Defendant was Ordered to have produced these documents fully eight weeks earlier and well in time for follow up, Petitioner should be allowed to take discovery on these documents or Defendant should be effectively barred from relying on these at trial.

Any other Order rewards Defendant for his behavior, prejudices Petitioner and will encourage parties to ignore Board orders.

II. Alternatively If The Board Does Not Either Bar Defendant From Relying On Any Documents It Failed To Produce By The Date The Board Ordered Or Precludes Defendant From Providing Information As To The Specifics Of These Documents, Petitioner Is Entitled To A Reopening Of Discovery To Inter Alia Take The Defendant's Deposition

As the Board knows, Petitioner served the relevant discovery requests two months and one week before the initial close of discovery. On the date Davis was ordered to answer, he instead petitioned the director.

When the case resumed, and Davis was ordered again to answer Davis provided essentially one self-serving response to the interrogatory use questions: that he had used the mark on all the goods as early as 1999. He simultaneously stated however in his interrogatory answers that relevant documents would be produced and promised that he would produce the documents sought in the interrogatories. As stated in his email, Exhibit D:

The Registrant is having issues with some of the drives containing the documents you requested. He will serve the applicable documents to you as soon as possible.

Gloria Walters

Administrative Assistant to the Registrant

P.O.Box 47893

Tampa, Florida 33646

As he is prose, and to not burden the Board with yet further motions in this case, Davis was given the benefit of doubt. Legend waited.

Fully one month later, rather than complying with the Board order, Davis entered objections. For the first time, Legend received the few documents referred to above and a disabled Facebook page link. Discovery was scheduled to close *only two weeks later*.

It has been the law of the TTAB for over thirty years that:

“A party which receives discovery requests early in the discovery period may not, by delaying its response thereto, or by responding improperly so that its adversary is forced to file a motion to compel discovery, deprive its adversary of the opportunity to take “follow-up” discovery. Such a delay or improper response constitutes good cause for an extension of the discovery period. Therefore, the Board will, at the request of the propounding party, extend the discovery period (at least for the propounding party) so as to restore that amount of time which would have remained in the discovery period had the discovery responses been made in a timely and proper fashion.”

*See, Miss America Pageant v. Petite Productions, Inc., 17 USPQ2d 1067, 1070 (TTAB 1990); Neville Chemical Co. v. Lubrizol Corp., 184 USPQ 689, 690 (TTAB 1975); and TBMP 403.04.*

Here, this rule has been violated. Petitioner served its discovery request over one year ago and with enough time to review the evidence to be produced and depositions taken before discovery closed.

Defendant delayed in responding until two weeks before the close of discovery. In doing so, Defendant deprived Petitioner of the right to determine what these documents are and to attack the validity of Defendant’s allegations as to their nature.

On the other hand, Petitioner has been diligent in serving and pursuing discovery and should not be prejudiced by Davis’ contempt of Board orders.

In short, Petitioner respectfully requests that pursuant to *MCI and Highbeam supra*, the Board either (1) bar Defendant from either introducing the documents first produced on February 19,

2014 at all; or (b) bar Defendant from introducing his own self-serving statements at trial as to what they are, when they were produced or and when if any were offered for distribution or distributed. Alternatively, pursuant to *Miss America, supra*, Petitioner respectfully requests that the Board allow Petitioner to take further discovery, including deposing Defendant, on these subjects (but continuing to bar Defendant pursuant to *MCI* from relying on any information or documents he failed to produce on or after February 19, 2014).

Without these orders, the Board order effectively rewards the Defendant and prejudices Petitioner. Further, the interests of justice on the ground of fraud and non-use will not be served by preventing Petitioner from getting follow up answers to discovery it served early in the case.

Without this discovery, Petitioner cannot bring to light facts to which it was entitled early in this case, to test the veracity of the allegations made by respondent and to allow the Board to effectively hear this case.

Wherefore, Petitioner requests that the Board grant the relief requested. As the Board's order will materially affect Petitioner's pretrial disclosures, Petitioner respectfully requests that the Board suspend the case pending disposition of this motion.

Respectfully submitted,

Date: August 25, 2014

/Carla C Calcagno/  
Carla Calcagno  
Janet Ricciuti  
CALCAGNO LAW PLLC  
1250 24<sup>th</sup> Street, NW  
Suite 300  
Washington DC 20037  
Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 25, 2014 a true and accurate copy of the foregoing:

**PETITIONER'S REQUEST FOR CLARIFICATION OR MODIFICATION OF DISCOVERY  
SANCTIONS OR FOR RECONSIDERATION OF MOTION FOR EXTENSION**

**AND PETITIONERS MOTION FOR SUSPENSION**

was served by agreement of the parties on Defendant by emailing a copy of the same to [nevisbaby@hotmail.com](mailto:nevisbaby@hotmail.com) and [tharilest@yahoo.com](mailto:tharilest@yahoo.com).

/Carla Calcagno/

**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 ANSWERS AND OBJECTIONS TO PETITIONER’S  
FIRST AND SECOND SET OF INTERROGATORIES**

In accordance with applicable civil procedure, Registrant does hereby respond to Petitioner’s first and second set of Interrogatories.

**GENERAL OBJECTIONS**

Registrant does present the following as general objections to Petitioner’s first and second set of interrogatories.

- A. Registrant objects to the terms “Petitioner” and “Legend Pictures” by given definition to be over extensively broad, impractical, and inapplicable to the relevance and scope of this proceeding.
  
- B. Registrant objects to the terms “Defendant” and “Davis” which by given definition appear partially to refer to current owner of Registration # 4106459 “Quentin Davis”. To the extent that this is understood, the given definition is highly inaccurate.
  
- C. Registrant objects to the terms “Legend Pictures’ Marks”, and “LEGENDARY PICTURES LEGENDARY Marks” in any instance that the

given definitions, "...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...", do imply ownership which may not be factual.

- D. Registrant objects to the 'identification' requirements of documents on the grounds that they extend undue burden and response beyond the reasonable requirements of the Registrant pursuant to Civil Procedure.
- E. Registrant objects to the Petitioner's discovery requests to the extent that they extend undue burden and response beyond the reasonable requirements of the Registrant pursuant to Civil Procedure.
- F. Registrant objects to Petitioner's discovery requests to the extent that they are vague, ambiguous, overly broad, and/or unduly burdensome.
- G. Registrant's responses to the discovery requests are accurate to the most reasonable knowledge of the Registrant with respect to the clarity, understanding, and reasonable interpretation of the Petitioner's requests.
- H. Registrant's responses do not waive the general objections and are all subject to Registrant's general objects to the extent that they apply.
- I. Registrant's responses re made with the knowledge and information available at the moment of response. Registrant reserves the right to alter, clarify, or amend responses as necessary.
- J. Registrant's general or specific objection, is not to be taken as an admission that any information or documents exist that would be responsive to Petitioner's associated request.

## REGISTRANT'S RESPONSES

### **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).

Response: To the extent that the Registrant understands the question, all of the service uses listed in Registration# 4106459 for the mark Legendary apply.

## **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.

**Response:** Registrant objects to this interrogatory in that it is vague, ambiguous, and overly broad. Subject to this objection and to the extent that the Registrant understands the questions,...

(a) 9/1/1999

(b) Registrant is unfamiliar with the term “priority date”. To the extent that the Registrant understands the question... 9/1/1999

(d) Registrant is unfamiliar with the term “priority rights” ”. To the extent that the Registrant understands the question... 9/1/1999

## **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.

**Response:** To the extent that Registrant understands the interrogatory, none.

#### **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.

**Response:** To the extent that the Registrant understands the interrogatory, Registrant has offered services from 9/1/1999 –currently

#### **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).

**Response:** To the extent that the Registrant understands the interrogatory, Registrant presumes that the Petitioner is asking if the Registrant is aware of any consumer confusion or mistaken association between the Petitioner and the Registrant. The Registrant is unaware of any consumer confusion or mistaken association between the Petitioner and the Registrant.

#### **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.

**Response:** To the extent that the Registrant understands the interrogatory, Registrant has no witnesses to identify at the time.

#### **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.

**Response:** To the extent that the Registrant understands the interrogatory, the Registrant is only aware of himself.

#### **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.

**Response:** To the extent that the Registrant understands the interrogatory, the channels of trade which the Registrant has utilized include, telecommunication, direct to consumer, and internet

#### **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.

**Response:** Registrant objects to this interrogatory on the grounds that it is unduly burdensome, overly broad, and requests information which is not of required compliance with civil procedure.

#### **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.

**Response:** Registrant objects to this interrogatory on the grounds that it seeks confidential information. Registrant further objects to this interrogatory on the grounds that it the information sought is unnecessary.

### **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;

**Response:** Registrant objects to the interrogatory in that it is unduly burdensome and highly unreasonable to expect Registrant to remember the number of persons, dates, and locations Registrant did produce, distribute, record, publish, compose, transcribe, write songs, or perform any other entertainment services

### **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.

**Response:** To the extent that the Registrant understands the interrogatory, the registrant is unaware of how much has been spent annually to promote services.

### **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.

**Response:** To the extent that the Registrant understands the interrogatory, the Registrant’s ‘expected ordinary’ clientele would include many individuals or

companies seeking interests in music related and musical audio and video related services. Registrant is unclear of what the 'level of care' reference means.

#### **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.

**Response:** Registrant objects to the interrogatory as unduly burdensome and furthermore impossible. It is highly unreasonable to expect Registrant to identify every person knowledgeable of Registrant's use in commerce for the mark Legendary.

#### **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.

**Response:** To the extent that the Registrant understands the interrogatory, 9/1/1999 – present. Registrant will attach accompanying documents which are currently available and not subject to privilege.

#### **INTERROGATORY NO. 16**

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

**Response:** Registrant objects to this interrogatory as it seeks information protected by the work-product privilege. Subject to this specific objection and without waiver, Registrant has provided supporting information in Registrant's response to Petitioner's petition.

**INTERROGATORY NO. 17**

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

**Response:** Registrant objects to this interrogatory as it seeks information protected by the work-product privilege. Subject to this specific objection and without waiver, Registrant has provided supporting information in Registrant's response to Petitioner's petition.

**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.

**Response:** Registrant objects to the interrogatory on the grounds that it seeks information protected by privilege and that the information requested is irrelevant.

**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 13 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.

**Response:** At the time, Registrant does not plan to call any witnesses

**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.

**Response:** None

**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.

**Response:** Registrant objects to this interrogatory on the grounds that it seeks privileged confidential information concerning Registrant's clientele who are not a party to this proceeding.

Respectfully Submitted,

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

January 23, 2014  
Date

## CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January 2014, a true and complete copy of the foregoing **REGISTRANT'S ANSWERS AND OBJECTIONS TO PETITIONER'S FIRST AND SECOND SET OF INTERROGATORIES** was served to Plaintiff via electronic mail to:

Carla Calcagno at e-mail addresses:

**carla.calcagno@calcagnolaw.com**

and

**cccalcagno@gmail.com**

Calcagno Law  
1250 24th Street NW, Suite 300  
Washington, DC 20037

/Gloria Walters/

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

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

IN THE MATTER OF REGISTRATION NO.: **4,106,459**

For the mark **LEGENDARY**

**Date of Issue: February 28, 2012**

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

**REGISTRANT’S ANSWERS AND OBJECTIONS TO PETITIONER’S  
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS 1-39**

**GENERAL OBJECTIONS**

Registrant hereby incorporates the General Objections to Petitioner’s first and second set of interrogatories.

Registrant would like to make Petitioner aware that Registrant is unable to produce certain documents at this time due to storage (hard drive) failure and complications, as well as lack of document location knowledge. When and if any applicable documents are recovered or located, Registrant may produce applicable documents to the extent that they still exist, are relevant, necessary, and are not subject to privilege.

Registrant also submitted a business card as a statement of use to the USPTO which has not been included in this response but may apply to several of Petitioner’s requests.

Registrant expressly reserves the right to supplement, amend, correct, or modify the responses and/or objections as deemed necessary by the Registrant.

Registrant has attached file containing exhibits A through I.

**Exhibit A:** exemplary title video taken from music video produced by Registrant

**Exhibit B:** exemplary closing video taken from musical video production produced by Registrant

**Exhibits C through F:** excerpts taken from musical video productions which were produced by Registrant

**Exhibit G:** live stage performance featuring the Registrant

**Exhibit H:** exemplary excerpt of musical audio produced and composed by the Registrant

**Exhibit I:** business card for Registrant

**Exhibit J:** link to social media site with embedded musical audio video featuring the Registrant

<https://www.facebook.com/photo.php?v=400064675869&set=vb.504730869&type=3&theater>

## **REGISTRANT’S RESPONSES TO PETITIONER’S PRODUCTION REQUESTS**

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.

**Response:** Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant also objects to the extent that the documents requested may be applicable to the protection of confidential trade secret privilege. Subject to and without waiver of these objections and to the extent that the request is understood, Registrant submits Exhibits A,B,I,J.

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.

**Response:** Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant also objects to the extent that certain portions of the information requested may protected by commercial information privilege. Subject to and without waiver of these objections and to the extent that the request is understood, Registrant submits all exhibits attached.

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.

**Response:** Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to this request as it seeks to have the Registrant perform unnecessarily burdensome tasks and to provide information that is not required of the Registrant in compliance with civil procedure. Registrant objects to this request on the grounds that it may seek information protected by privilege.

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.

**Response:** Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. Registrant objects to this request to the extent that it requests information protected by privilege.

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.

**Response:** Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. Registrant objects to this request to the extent that it requests information protected by privilege. Subject to and without waiver of these objections and to the extent the request is understood, Registrant submits all attached exhibits.

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.

**Response:** Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to this request as it seeks to have the Registrant perform unnecessarily burdensome tasks and to provide information that is not required of the Registrant in compliance with civil procedure. Registrant objects to this request on the grounds that it seeks information protected by work product privilege.

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.

**Response:** Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. To the extent the request is understood, Registrant submits all attached exhibits.

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

**Response:** Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege.

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

**Response:** Please see Registrant’s responses to Petitioner’s interrogatories 10, 11, and 12. Registrant objects to this request as it is unduly burdensome. Registrant objects to this request as it seeks information that is confidential. Registrant objects to this request on the grounds that it is overly broad. Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Subject to and without waiver of these objections, Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege.

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.

**Response:** To the extent that the request is understood, no such documents exist.

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

**Response:** Please see Registrant’s response to Petitioner’s interrogatory 5. To the extent this request is understood, Registrant is unaware of the existence of any such document.

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.

**Response:** Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to this request as vague and unclear as the request seeks documents which both “support” and “negate” while utilizing the conjunction “or” between them. Registrant objects to this request to the extent that it seeks information protected by work product privilege.

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.

**Response:** Registrant objects to this request to the extent that it seeks information protected by several privileges. Subject to these objections and without waiver, to the extent that the request is understood, no such documents exist.

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.

**Response:** Registrant objects to this request on the grounds that it seeks information protected by the work product privilege.

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.”

**Response:** Registrant objects to this request on the grounds that it seeks confidential information and information protected by work product privilege. Subject to these objections and without waiver, to the extent that the request is understood, non-privileged documents sufficient to satisfy this request are publicly available through the USPTO.

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.

**Response:** Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant also objects to the extent that the documents requested may be applicable to the protection of confidential information and trade secret privilege. Subject to and without waiver of these objections and to the extent that the request is understood, Registrant submits Exhibits A,B,I,J.

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.”

**Response:** Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant also objects to the extent that the documents requested may be applicable to the protection of trade secret privilege. Registrant objects to the request to the extent that it seeks confidential information. Subject to and without waiver of these objections and to the extent that the request is understood, Registrant submits all attached Exhibits.

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.

**Response:** Registrant objects to this request to the extent that it requests confidential information. Subject to and without waiver of these objections and to the extent that the request is understood, Registrant submits all attached Exhibits.

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.”

**Response:** Registrant objects to this request on the grounds that it is overly broad. Registrant objects to this request to the extent that it requests privileged confidential information concerning clientele who are not a party to this proceeding. Subject to and without waiver of these objections and to the extent that the request is understood, Registrant submits all attached Exhibits.

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.”

**Response:** Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. To the extent that the request is understood, registrant submits all attached Exhibits.

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.

**Response:** Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. To the extent that the request is understood, registrant submits Exhibit J.

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.

**Response:** Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. To the extent that the request is understood, registrant submits all attached Exhibits.

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.

**Response:** Registrant objects to this request as it seeks information protected by financial information privilege.

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.

**Response:** Registrant objects to this request to the extent that it requests privileged confidential information concerning clientele who are not a party to this proceeding.

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.

**Response:** Registrant objects to this request to the extent that it seeks information protected by the financial information privilege. Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist.

Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege.

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.

**Response:** Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. With respect to these conditions, and to the extent that the request is understood, Registrant submits all exhibits attached.

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.

**Response:** Registrant objects to this request as it seeks confidential privileged information.

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.

**Response:** Registrant objects to this request as it seeks confidential privileged information.

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.

**Response:** Registrant objects to this request as it seeks confidential privileged information.

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

**Response:** Registrant objects to this request to the extent that it is overly broad and unduly burdensome as it seeks ALL DOCUMENTS. Registrant objects to this request to the extent that it is vague. Registrant also objects to this request to the extent that it seeks information protected by privilege. Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. Subject to and without waiver of these objections, Registrant submits all attached Exhibits.

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

**Response:** Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to the request on the grounds that it is vague. Registrant objects to this request to the extent that it seeks information protected by work product privilege. Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. Registrant objects to this request to the extent that it requests information protected by privilege. Subject to and without waiver of these objections, Registrant submits all attached Exhibits.

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.

**Response:** Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to this request to the extent that it seeks information protected by work product privilege.

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.

**Response:** Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to this request as it seeks information protected by work product privilege.

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.

**Response:** Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to the request on the grounds that it seeks information protected by the work product privilege.

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.

**Response:** Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege. With respect to these conditions, Registrant submits Exhibits A,B, I, J,

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.

**Response:** Registrant objects to this request as it seeks confidential privileged information.

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.

**Response:** Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to the request as vague as the request seeks information concerning services which both have been or are intended to be applicable.

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.

**Response:** Registrant objects to this request as it seeks information protected by the financial information privilege.

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.

**Response:** Registrant objects to this request as overly broad and unduly burdensome as it seeks ALL DOCUMENTS with respect to this matter. Registrant objects to this request as it seeks information protected by work product privilege. Registrant did make Petitioner aware in preface of this document that several files are unavailable at the time to the extent that they do still exist. Registrant is willing to provide these documents once located to the extent that they exist, are relevant, necessary, and are not subject to privilege.

Respectfully Submitted,

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

February 19, 2014  
Date

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of February 2014, a true and complete copy of the foregoing **REGISTRANT'S ANSWERS AND OBJECTIONS TO PETITIONER'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS 1-39** was served to Plaintiff via electronic mail to:

Carla Calcagno at e-mail addresses:

**carla.calcagno@calcagnolaw.com**

and

**cccalcagno@gmail.com**

Calcagno Law  
1250 24th Street NW, Suite 300  
Washington, DC 20037

/Gloria Walters/

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

**From:** Gloria W. [mailto:nevisbaby@hotmail.com]

**Sent:** Thursday, January 23, 2014 11:15 PM

**To:** Carla Calcagno; cccalcagno@gmail.com

**Cc:** Q D

**Subject:** REGISTRANT'S ANSWERS AND OBJECTIONS TO PETITIONER'S FIRST AND SECOND SET OF INTERROGATORIES

Ms. Calcagno,

Please see the attached document.

The Registrant is having issues with some of the drives containing the documents you requested. He will serve the applicable documents to you as soon as possible.

Gloria Walters

Administrative Assistant to the Registrant

P.O.Box 47893

Tampa, Florida 33646