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

Proceeding	92056509
Party	Defendant 3D Systems, Inc.
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Date	12/13/2014
Attachments	2014-12-13 Respondent's Motion to Compel Depositions on Oral Examination.pdf(706324 bytes ) Exhibit A.pdf(264138 bytes ) Exhibit B.pdf(728416 bytes ) Exhibit C.pdf(424395 bytes ) Exhibit D.pdf(92231 bytes ) Exhibit E.pdf(121167 bytes ) Exhibit F.pdf(91974 bytes ) Exhibit G.pdf(30979 bytes ) Exhibit H.pdf(1364850 bytes ) Exhibit I.pdf(261732 bytes ) Exhibit J.pdf(21871 bytes )

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

Registrant: 3D Systems, Inc.  
Mark: 3DS & Design  
Reg. No.: 4,125,612 in Classes 1, 7, 9 and 40  
Registered: April 10, 2012

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Autodesk, Inc.	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92056509
	)	
3D Systems, Inc.,	)	
	)	
Respondent	)	

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**RESPONDENT’S MOTION TO COMPEL DEPOSITIONS ON ORAL EXAMINATION**

3D Systems, Inc., (“Respondent” or “3D Systems”) moves pursuant to 37 C.F.R. 2.120(c)(1) and Trademark Board Manual of Procedure (“TBMP”) § 520 to compel Autodesk, Inc. (“Petitioner” or “Autodesk”) to make certain witnesses available for deposition on oral examination. Autodesk, a U.S. company, has identified Canadian residents as its witnesses, refused for several months to reveal their respective places of residence in Petitioner’s initial disclosures and interrogatory responses, and now insists that only written question depositions would be proper.

**I. Background Facts and Procedural Posture**

Autodesk, a company incorporated under the laws of the state of California, initiated this cancellation proceeding on November 29, 2012, challenging Respondent’s registration for 3DS & Design (Reg. No. 4,125,612) on the basis of priority and likelihood of confusion and dilution

in favor of Autodesk's 3DS MAX designation, protected by a U.S. Trademark Registration.<sup>1</sup> In its Petition for Cancellation, Autodesk describes itself as "a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 111 McInnis Parkway, San Rafael, CA 94903." TTABVUE 1.

On July 22, 2013, Autodesk served its Initial Disclosures. See Exhibit A. In this document, Autodesk identified its witnesses with discoverable information as Maurice Patel, Stig Gruman, and Chris Young. Importantly, the only information listed by Autodesk as the address and telephone number for each of these witnesses was: "[c]ontact through Autodesk's counsel."

On January 27, 2014, Autodesk served responses to 3D Systems' First Set of Interrogatories. In response to several interrogatories asking Autodesk to identify individuals with knowledge of particular topics, including their address, Autodesk identified Mr. Patel and Mr. Young, but was silent as to the address or location of these individuals. See Exhibit B, pp. 4, 8, 12-13, 14.

Pursuant to the Board's Order dated April 12, 2014, discovery was due to close on August 27, 2014. On August 6, 2014 – more than twenty days before the close of the discovery period – Counsel for Respondent duly served deposition notices on Counsel for Petitioner for the deposition on oral examination of Lisa Turbis, Chris Young, Maurice Patel and Autodesk, Inc. (pursuant to Fed. R. Civ. P. 30(b)(6)). Exhibit C. However, the next day, on August 7, 2014, after a request from 3D Systems for a meet and confer to discuss deficiencies in Petitioner's document production and discovery responses in advance of 3D Systems' expressed intent to move to compel barring a resolution of Autodesk's discovery improprieties, *Autodesk* prematurely filed its own Motion to Compel, and shortly thereafter, on August 8, 2014, the

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<sup>1</sup> Petitioner later consented to dismissal of its dilution claim; hence the only remaining issues are priority and likelihood of confusion. See TTABVUE 12, 13.

Board issued an Order stating, in relevant part, that “[t]he parties should not file any paper which is not germane to the motion to compel.” TTABVUE 25, 26. In view of the Motion to Compel and subsequent Suspension Order, which prevented 3D Systems from filing a Motion to Compel with respect to Autodesk’s discovery deficiencies, Counsel for 3D Systems wrote to Counsel for Autodesk adjourning the noticed depositions *sine dia* until such time as Autodesk’s discovery responses and document production were sufficiently complete. Exhibit D.

On August 12, 2014, during the Board-ordered suspension, Counsel for Petitioner sent a letter to Counsel for Respondent which purported to take issue with the deposition notices served on Petitioner, arguing that the deposition notices for two witnesses, Mssrs. Young and Patel, were “facially invalid” as the witnesses in question “are persons residing and working in Canada.” Exhibit E. The letter went on to say that “the most appropriate and knowledgeable witnesses for much of the requested 30(b)(6) testimony are likely located outside the U.S. [and]...such deposition(s) must be taken on written questions and noticed accordingly.” *Id.* This was the first time that Petitioner had put Respondent on notice that its key witnesses were not located in the United States.

Counsel for Respondent responded to Counsel for Petitioner, noting that Petitioner’s Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1) suggest that Mssrs. Young and Patel will be made available for deposition in California, as the employer for both individuals is listed as “Autodesk, Inc.”, a Delaware corporation with a principal place of business in California, and the address for both witnesses is given as “Contact through Autodesk’s counsel,” which is located in Palo Alto, CA. Exhibit F, *see also* Exhibit A. Moreover, Counsel for Respondent noted that Autodesk’s responses to certain Interrogatories, which required an address to be stated for each witness, were “disingenuously deficient in this respect.” *Id.* Counsel for Respondent offered to

travel to Canada to depose the witnesses on oral examination if Counsel for Petitioner would stipulate to make them available. However, on August 22, 2014, Petitioner served objections to the deposition notices, again claiming that they were “invalid,” and by letter dated August 28, 2014, Counsel for Petitioner refused to consent to depositions on oral examination for Mssrs. Young and Patel, but assured Counsel for Respondent that Counsel for Petitioner would cooperate to facilitate depositions on written questions “once the current suspension of proceedings is lifted.” Exhibits G, H. Due to the Board’s Suspension Order, Respondent was not allowed to immediately file a motion concerning these depositions. TTABVUE 26.

On October 30, 2014, the Board issued an Order on Petitioner’s Motion to Compel and Respondent filed a Motion for Reconsideration in Part on November 29, 2014. TTABVUE 29, 30. Petitioner served notices of deposition on November 10, 2014, arbitrarily picking dates (December 15, 16, and 17) and a location (Hilton Garden Inn, Rock Hill, SC) for the depositions to go forward. Exhibit I. Counsel for Petitioner subsequently wrote to Respondent inquiring if the depositions were to go forward. Exhibit J. Counsel for Respondent suggested a teleconference on December 10, 2014 to discuss deposition scheduling, generally. However, during the conference, Counsel for Petitioner maintained the position that Petitioner: i) would not produce Mssrs. Young and Patel for deposition on oral examination in Canada; ii) would not produce witnesses in the United States to testify on topics set forth in the 30(b)(6) notice; and iii) was taking the position that discovery had closed for Respondent and would not cooperate with scheduling any depositions. Accordingly, Respondent is filing the instant motion.

## **II. Applicable Law**

37 C.F.R. 2.120(c)(1) provides that the Board may order a deposition on oral examination of a foreign party witness on a motion for good cause. *See also* TBMP § 404.03(b). In

determining whether good cause exists, the Board “weighs the equities, including the advantages of an oral deposition and any financial hardship that the nonmoving party might suffer if the deposition were taken orally in the foreign country.” TBMP §520. The Board has found that where information regarding central issues involved in a case are only available through the testimony of a party witness located abroad, “[i]t would be unjust...to deprive [a party] of the opportunity of...confronting and examining the witness by oral examination. *Orion Group Inc. v. the Orion Insurance Co. P.L.C.*, 12 USPQ2d 1923, at \*3 (TTAB 1989) (citing *Societe Nationale Industrielle Aerospatiale, et al. v. U.S. District Court for the Southern District of Iowa*, 107 U.S. 2542 (1987)).

### **III. Argument**

#### **A. Good Cause Exists to Order Petitioner to Produce Mssrs. Young and Patel for Deposition on Oral Examination in Canada**

##### ***1. Requiring Petitioner’s Key Witnesses to be Deposed on Written Questions Will Prejudice Respondent***

Good cause exists to order Petitioner to produce its key witnesses for deposition on oral examination in Canada pursuant to 37 C.F.R. § 1.120(c)(1). *See also* TBMP 404.03(b). In its Initial Disclosures, served on July 22, 2013, Petitioner identified three witnesses as individuals having discoverable information that it may use to support its claims or defenses: Maurice Patel, Stig Gruman and Chris Young. Exhibit A. Yet Petitioner now claims that all of its material witnesses are located outside the United States, thereby depriving Respondent of the unquestionable advantage of being able to confront a witness by way of oral cross-examination. There is no question that being able to take the deposition of a witness by oral examination is advantageous for the examining party. *See Century 21 Real Estate Corp. v. Century Life of*

*America*, 15 U.S.P.Q.2d 1079, at \*1 (TTAB 1990) (ordering deposition on oral examination and noting that it “would be unjust for applicant to be deprived of the valuable aid of confronting the witness by way of oral cross-examination...”). Particularly here, where all of Petitioner’s key witnesses allegedly reside and work in Canada, it would severely prejudice Respondent in its ability to obtain discovery if Respondent were forced to conduct all of the depositions on issues central to this proceeding by written questions. This factor thus clearly favors Respondent.

Moreover, Petitioner’s tactics are particularly egregious in view of the fact that it is a Delaware corporation, with a principal place of business in California, seeking relief from the United States Patent and Trademark Office on the grounds that its U.S. trademark registration is being impaired. Petitioner should not be allowed to take advantage of the benefits of the trademark laws of the United States, but prevent Respondent from obtaining meaningful discovery by designating foreign individuals as all of its key witnesses.

Finally, Autodesk cannot claim any financial hardship due to depositions on oral examination in Canada. Autodesk states that its sales of products using its 3DS MAX designation are “tens of millions of dollars.” TTABVUE 1, at p.2. The cost for its attorneys to attend and defend depositions on oral examination would not cost significantly more than it would cost them to attend and take depositions in South Carolina. Thus, this factor also weighs in favor of Respondent.

2. *Petitioner’s Initial Disclosures Suggest that it Will Make its  
Witnesses Available for Deposition in the United States*

The Federal Rules of Civil Procedure require that the address and telephone number of each individual so identified should be disclosed, and Petitioner identified, as the address for each of these witnesses, that they should be contacted through “Autodesk’s counsel,” Wilson

Sonsini Goodrich & Rosati, located at 650 Page Mill Road, Palo Alto, CA 94304. Exhibit A; *see also* Fed. R. Civ. P. 26(a)(1). Autodesk's principal place of business is in California, and nowhere in Petitioner's Initial Disclosures did it state that any of its witnesses lived or worked anywhere other than the United States. Respondent thus had no reason to believe that these party witnesses, who worked for a U.S. company, were located in Canada. Nor did Respondent have any reason to believe that these witnesses would not be made available for deposition on oral examination in the United States.

Moreover, in response to Interrogatories explicitly asking for the address of individuals most knowledgeable about certain key subjects, such as use of Petitioner's 3DS MAX designation, Petitioner identified Msrs. Young and Patel, but was silent as to their location, thereby obscuring their location outside the United States. At no point, until Counsel for Petitioner's letter of August 12, 2014, did Petitioner make Respondent aware that it would not produce its key witnesses for deposition on oral examination in the United States. While the Board cannot order these witnesses to come to the United States for deposition on oral examination, the Board should find that good cause exists to order deposition on oral examination for Msrs. Young and Patel in Canada.

B. Good Cause Exists to Order Petitioner to Produce Witnesses for a Deposition

Pursuant to Fed. R. Civ. P. 30(b)(6) on Oral Examination in the United States

Similarly, Counsel for Petitioner is taking the position that many – if not all - of the witnesses that Petitioner will designate as 30(b)(6) witnesses are located outside the United States, and, as such, most, if not all, of the noticed 30(b)(6) deposition will need to take place on written questions. For the same reasons set forth above, Petitioner's position should be rejected, and the Board should order that Petitioner make its 30(b)(6) witnesses available for deposition on

oral examination, in Canada or the United States, or, in the alternative, that Petitioner prepare witnesses in the United States to testify on the topics set forth in the 30(b)(6) deposition notice.

Without depositions on oral examination for topics central to the issues in this cancellation proceeding, Respondent will be severely prejudiced. *See Orion Group Inc.*, 12 USPQ2d 1923, at \*3 (TTAB 1989); *see also Century 21 Real Estate Corp.*, 15 U.S.P.Q.2d 1079, at \*1 (TTAB 1990). Autodesk, a company with significant resources, will not be subjected to any undue financial hardship resulting from the depositions on oral examination. The Board should thus find good cause, and order Autodesk to produce witnesses for 30(b)(6) deposition on oral examination, whether in Canada or the U.S.

#### **IV. Conclusion**

Petitioner is using certain provisions of the TBMP rules to prevent Respondent from obtaining meaningful discovery. For the other foregoing reasons, Respondent respectfully requests that the Board grant Respondent's Motion to Compel Depositions on Oral Examination in its entirety and: (a) order that the depositions of Petitioner's witnesses may be taken on oral examination where those witnesses are located (whether Canada or the United States); and (b) reset the discovery period to allow sufficient time Respondent to complete discovery.

#### **CERTIFICATION OF COMPLIANCE WITH 37 C.F.R. § 2.120(e)**

The undersigned counsel for Respondent HEREBY CERTIFIES that Respondent has made a good faith effort to resolve the issues presented in this motion, including correspondence and a December 10, 2014 teleconference with opposing counsel as detailed in the above motion, but the parties have been unable to come to a resolution.

Dated: December 13, 2014

Respectfully Submitted,

/Jason M. Sneed/

Jason M. Sneed, Esq.

Sarah C. Hsia, Esq.

Gina R. Iacona, Esq.

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*Attorneys for Respondent 3D Systems, Inc.*

Certificate of Filing / Certificate of Service

The undersigned hereby certifies that the foregoing *Respondent's Motion to Compel Depositions on Oral Examination* was filed via ESTTA, and that a copy was placed in U.S. Mail, postage prepaid, addressed to the following counsel of record:

John L. Slafsky  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, California 94304-1050  
*Attorneys for Petitioner Autodesk, Inc.*

This the 13<sup>th</sup> day of December, 2014.

/Jason M. Sneed/  
An Attorney for Respondent

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

AUTODESK, INC.,

Petitioner,

v.

3D SYSTEMS, INC.,

Respondent.

) Cancellation No: 92056509

) Serial No. 4,125,612

**INITIAL DISCLOSURES OF PETITIONER AUTODESK, INC.**

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and the Trademark Trial and Appeal Board Manual of Procedure, Petitioner, Autodesk, Inc. ("Autodesk") makes the following initial disclosures ("Disclosures") to Respondent 3d Systems, Inc.

**I. RIGHT TO SUPPLEMENT**

Autodesk bases these disclosures on its current knowledge, understanding and belief as to the facts and information available as of the date of these Disclosures. Autodesk has not yet completed its investigation, collection of information, discovery or analysis relating to this action, and reserves the right to clarify, amend, supplement or modify the information contained in these disclosures if and when Autodesk obtains supplemental information and to the extent required by the federal rules of civil procedure and the Board's manual of procedure. Autodesk further reserves the right to use and introduce such supplemental information or any subsequently produced documents at the trial in this proceeding.

Autodesk's Disclosures are made without waiver of, or prejudice to, any objections that Autodesk may have.

## II. DISCLOSURES

### A. Disclosure pursuant to 26(a)(1)(A)(i)

Autodesk identifies the following persons as individuals who may have discoverable information that Autodesk may use to support its claims or defenses:

Name, Address, and Phone Number	Subject of Knowledge
Maurice Patel Senior Manager M&E Industry Marketing Autodesk, Inc.  Contact through Autodesk's counsel	Historical and current efforts to promote the 3DS MAX trademark; fame and reputation of the mark; sales of products and services related to the mark; Autodesk's relevant products and services; Autodesk's competitors and potential competitors; Autodesk's trademark filings.
Stig Gruman Vice President Worldwide M&E Sales Autodesk, Inc.  Contact through Autodesk's counsel	Historical and current efforts to promote the 3DS MAX trademark; fame and reputation of the mark; sales of products and services related to the mark; Autodesk's competitors and potential competitors; Autodesk's relevant products and services.
Chris Young Vice President, Engineering Autodesk, Inc.  Contact through Autodesk's counsel	Nature of the products and services promoted and sold under the 3DS MAX mark.

Other individuals not specifically known to Autodesk at this time may possess relevant information, and the individuals listed may have information on subjects not yet identified.

### B. Disclosure pursuant to 26(a)(1)(A)(ii)

Autodesk maintains the following categories of documents at its place of business: documents concerning Respondent; documents concerning the application to register the 3DS MAX mark with the U.S. Patent and Trademark Office; documents concerning products and services offered under the 3DS MAX mark; documents concerning Autodesk's use of the 3DS MAX mark; documents concerning Autodesk's advertising, marketing and promotion of its products and services; documents concerning Autodesk's channels of trade for its products and services; documents concerning sales and revenues generated by the sale of Autodesk's products and services; documents concerning the classes of consumers of Autodesk's products

and services; documents concerning publicity for the 3DS MAX mark; documents concerning consumers' association of the 3DS MAX mark with Autodesk; and documents concerning the marketplace reputation of the 3DS MAX mark.

Dated: July 22, 2013

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: John L. Slafsky  
John L. Slafsky

Attorneys for Petitioner  
AUTODESK, INC.

650 Page Mill Road  
Palo Alto, CA 94304  
Telephone: (650) 493-9300

**CERTIFICATE OF SERVICE BY MAIL**

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served these **INITIAL DISCLOSURES OF PETITIONER AUTODESK, INC.** on each person listed below, by placing the document described above in an envelope addressed as indicated below, which I sealed. I placed the envelope for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Jason M. Sneed  
Sneed PLLC  
610 Jetton St., Suite 120-107  
Davidson, North Carolina 28036

I declare under penalty of perjury that the foregoing is true and correct. Executed at Palo Alto, California on July 22, 2013.

  
Elvira Minjarez

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

Autodesk, Inc.,

Petitioner,

v.

3D Systems, Inc.,

Respondent.

Cancellation No. 92056509

**PETITIONER AUTODESK'S RESPONSES TO  
RESPONDENT 3D SYSTEMS' FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33 and the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), Petitioner Autodesk, Inc. ("Autodesk"), by and through its undersigned counsel, hereby responds to the First Set of Interrogatories ("Interrogatories") by Respondent 3D Systems, Inc. as follows:

**GENERAL OBJECTIONS**

**GENERAL OBJECTION NO. 1:**

Autodesk has not completed its investigation in this matter. All responses to the Interrogatories are based upon the information presently known to Autodesk and are given without prejudice to Autodesk's right to adduce evidence discovered or analyzed subsequent to the date of these responses. Autodesk expressly reserves the right to revise and supplement its responses to the Interrogatories in the event that its continuing investigation of the facts and/or discovery bring to light any additional information responsive to the Interrogatories.

**GENERAL OBJECTION NO. 2:**

Autodesk objects to the Interrogatories, and to each and every individual interrogatory, to the extent they seek information protected by the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection. Without prejudice to this objection,

Autodesk will provide responses to the Interrogatories to the extent that such responses do not waive such privileges or protections.

**GENERAL OBJECTION NO. 3:**

Autodesk objects to the Interrogatories, including, but not limited to, the “Definitions” therein, and to each and every individual interrogatory, to the extent they purport to impose duties on Autodesk that are greater than those imposed by the Federal Rules of Civil Procedure and/or the TBMP.

**GENERAL OBJECTION NO. 4:**

Autodesk objects to the Interrogatories, and to each and every individual interrogatory, to the extent they seek information outside of Autodesk’s possession, custody, or control, on the grounds that any such interrogatory is overbroad and unduly burdensome, seeks to impose discovery obligations in excess of those imposed by the Federal Rules of Civil Procedure and/or the TBMP, and would subject Autodesk to unreasonable annoyance, burden, and expense.

**GENERAL OBJECTION NO. 5:**

Autodesk objects to the Interrogatories, and to each and every individual interrogatory, as unduly burdensome, oppressive and in violation of the Federal Rules of Civil Procedure and/or the TBMP to the extent they purport to require Autodesk to respond on behalf of, or conduct any inquiry or investigation with respect to, any party other than Autodesk. Autodesk will only answer the Interrogatories on its own behalf.

**GENERAL OBJECTION NO. 6:**

Autodesk objects to the Interrogatories, and to each and every individual interrogatory, to the extent they seek information that is neither admissible nor reasonably calculated to lead to the discovery of admissible evidence.

**GENERAL OBJECTION NO. 7:**

Autodesk objects to the Interrogatories, and to each and every individual interrogatory, as overbroad and unduly burdensome to the extent they do not include a limitation or proposed definition of a relevant time period.

**GENERAL OBJECTION NO. 8:**

Autodesk objects to the Interrogatories, and to each and every individual interrogatory, to the extent they are not consistent with or do not meet the requirements of Federal Rule of Civil Procedure 33 or the TBMP.

**GENERAL OBJECTION NO. 9:**

Autodesk specifically reserves all objections as to the competence, relevancy, materiality, and admissibility of its documents and interrogatory responses or the subject matter thereof, and all rights to object on any ground to the use of any document or interrogatory response, or the subject matter thereof, in any subsequent proceeding, including without limitation the trial of this or any action.

**GENERAL OBJECTION NO. 10:**

Autodesk objects to the Interrogatories, and to each and every individual interrogatory contained therein, to the extent they seek confidential or proprietary information pertaining to Autodesk's business, trade secrets and/or economic relationships ("Trade Secret Information"). To the extent such information is responsive to these Interrogatories and within the proper scope of discovery in this action, Autodesk will provide such information subject to the terms of a Protective Order signed by the parties in this matter and approved by the Trademark Trial and Appeal Board. Autodesk objects to producing Trade Secret Information before the execution of such a protective order and approval of such a Protective Order by the Trademark Trial and Appeal Board.

Autodesk expressly incorporates the above General Objections as though set forth fully in response to each of the following individual interrogatories, and, to the extent they are not raised in any particular response, Autodesk does not waive those objections. An answer to an interrogatory shall not be deemed a waiver of any applicable specific or general objection to an interrogatory. Likewise, an answer to an interrogatory shall not be deemed an admission of any assertions contained in that interrogatory.

## RESPONSES

### INTERROGATORY NO. 1:

Identify the three persons who are the most knowledgeable concerning the use of the 3DS MAX Mark by Autodesk and/or its Licensees in the United States, including the date of first use, and the products and services sold and/or provided, or to be sold or provided, under the 3DS MAX Mark.

### RESPONSE TO INTERROGATORY NO. 1:

Autodesk objects to this request, and particularly to the request for identification of three persons, on the grounds that it is unduly burdensome.

Subject to and without waiving the General Objections and specific objections above, Autodesk responds: the individual most knowledgeable concerning the use of the 3DS MAX Mark by Autodesk is Maurice Patel, Sr. Manager, Media & Entertainment, Industry Marketing for Autodesk.

### INTERROGATORY NO. 2:

Identify each of Autodesk's related companies, as well as each predecessor or successor in interest of Autodesk, insofar as the business or interest of such related company pertains to any use of the 3DS MAX Mark in the United States.

**RESPONSE TO INTERROGATORY NO. 2:**

Autodesk objects to this request as vague and ambiguous on the grounds that the terms “related,” “interest” and “pertains” are unclear and not defined. Autodesk objects to this request on the grounds that it is overbroad and unduly burdensome.

Subject to and without waiving the General Objections and specific objections above, Autodesk, pursuant to Federal Rule of Civil Procedure 33(d), will produce non-privileged documents that are responsive to the request after a reasonable search.

**INTERROGATORY NO. 3:**

If Autodesk now has, or ever had, any agreement, either written or oral, concerning any use or non-use of the 3DS MAX Mark, then, for each such agreement or understanding, identify all parties to the agreement, including all persons participating in its creation, and state the nature and substance of the agreement and the circumstances which led to its existence.

**RESPONSE TO INTERROGATORY NO. 3:**

Autodesk objects to this interrogatory on the grounds that it is vague, overly broad and unduly burdensome. Autodesk further objects to this request on the grounds that it calls for disclosure of highly sensitive commercial information and/or trade secrets subject to contractual or other confidentiality restrictions.

Subject to and without waiving the General Objections and specific objections above, Autodesk responds: Autodesk is not party to any licenses or other agreements directed specifically at the use of the trademark 3DS MAX. Autodesk, as a software manufacturer, is party to thousands of agreements with training centers, distributors and other channel partners permitting them to market and/or sell licenses to Autodesk products, including products bearing the 3DS MAX trademark; to the extent this interrogatory calls for disclosure of the requested information concerning all such agreements, it is patently improper.

**INTERROGATORY NO. 4:**

State all ways in which Autodesk (or any of its Licensees) has used the 3DS MAX Mark in the United States (including an identification of all materials on which said mark has been used), and identify when each such use began.

**RESPONSE TO INTERROGATORY NO. 4:**

Autodesk objects to this request on the grounds that it is overbroad and unduly burdensome.

Subject to and without waiving the General Objections and specific objections above, Autodesk responds: Since at least as early as January 22, 2001, Autodesk and its licensees have displayed the 3DS MAX Mark on discs and product packaging, and they have also displayed the mark in advertising and promotional material, including on Autodesk's primary website located at <autodesk.com>, and at trade shows.

**INTERROGATORY NO. 5:**

(a) Identify with particularity each different type of product and service ever offered for sale or sold in the United States by Autodesk (or its Licensees) under the 3DS MAX Mark.

(b) Separately for each type of product and service identified in response to Interrogatory No. 5(a), state in detail:

(i) the date on which Autodesk (or its Licensees) commenced offering for sale or selling each such type of product or service under said mark in this country;

(ii) the date on which Autodesk (or its Licensees) ceased offering for sale, selling or otherwise using the 3DS MAX Mark in connection with each such type of product or service in the United States;

(iii) the classes or types of customers in this country who purchased (or will be targeted as purchasers) directly from Autodesk (or its Licensees) each such type of product or service;

(iv) the channels of trade through which each product or service is offered for sale;

(v) the manner in which the 3DS Max Mark has been used in the United States in connection with each type of product or service and its promotion; and

(vi) the gross sales revenue generated annually by sales of such goods and services in this country by Autodesk and its Licensees, for each calendar year in which such goods or services have been sold, including, without limitation, that portion of the current year.

**RESPONSE TO INTERROGATORY NO. 5:**

Autodesk objects to this request as compound. Autodesk objects to this request as overly broad and unduly burdensome.

Subject to and without waiving the General Objections and specific objections above, Autodesk responds: Since at least as early as January 22, 2001, Autodesk has offered for sale computer software for animating, modeling and rendering images, under marks containing the 3DS MAX Mark. Said marks include, but are not limited to: 3DS MAX 4.0, 3DS MAX 4.3, 3DS MAX 5.0, 3DS MAX 5 DISCREET, 3DS MAX 6 DISCREET, 3DS MAX 7, 3DS MAX 7 DISCREET, 3DS MAX 8, 3DS MAX 9, 3DS MAX 2008, 3DS MAX 2009, 3DS MAX DESIGN 2009, 3DS MAX 2010, 3DS MAX DESIGN 2010, 3DS MAX ENTERTAINMENT CREATION SUITE 2010, 3DS MAX REAL-TIME ANIMATION SUITE 2010, 3DS MAX 2011, 3DS MAX DESIGN 2011, 3DS MAX ENTERTAINMENT CREATION SUITE 2011, 3DS MAX 2012, 3DS MAX DESIGN 2012, 3DS MAX ENTERTAINMENT CREATION SUITE STANDARD 2012, 3DS MAX ENTERTAINMENT CREATION SUITE PREMIUM 2012, 3DS MAX 2013, 3DS MAX DESIGN 2013, 3DS MAX ENTERTAINMENT CREATION SUITE STANDARD 2013 and 3DS MAX ENTERTAINMENT CREATION SUITE PREMIUM 2013. The classes of consumers for products bearing the 3DS MAX Mark include developers of computer games and films as well as motion graphic artists. Software licenses for products bearing the 3DS MAX Mark are purchased directly from Autodesk and from authorized distributors, channel partners and training centers.

**INTERROGATORY NO. 6:**

Identify the three persons most knowledgeable about the sales and distribution of products or services sold by Autodesk in connection with the 3DS MAX Mark.

**RESPONSE TO INTERROGATORY NO. 6:**

Autodesk objects to this request, and particularly to the request for identification of three persons, on the grounds that it is unduly burdensome.

Subject to and without waiving the General Objections above, Autodesk responds: The individual most knowledgeable about the sales and distribution of products or services sold by Autodesk in connection with the 3DS MAX Mark is Maurice Patel, Sr. Manager, Media & Entertainment, Industry Marketing for Autodesk.

**INTERROGATORY NO. 7:**

Identify each person whom Autodesk may call as a fact witness on its behalf in this proceeding, and state, for each such witness, the expected subject matter, substance and foundation of and for his or her testimony.

**RESPONSE TO INTERROGATORY NO. 7:**

Autodesk objects to this request on the ground that it calls for information protected by the attorney-client privilege and/or attorney work product doctrines. Autodesk further objects to this request on the grounds that it is overbroad and unduly burdensome. Autodesk objects to this request as compound.

**INTERROGATORY NO. 8:**

Identify each person Autodesk may call as an expert witness on its behalf in this proceeding, and for each such person, state the basis for his or her qualification as an expert, the subject matter on which he or she is expected to give testimony, the substance of the facts and opinions to which he or she is expected to give testimony, and any reports prepared by each expert.

**RESPONSE TO INTERROGATORY NO. 8:**

Autodesk objects to this request on the ground that it calls for information protected by the attorney-client privilege and/or attorney work product doctrines. Autodesk further objects to this request on the grounds that it is unduly burdensome.

Subject to and without waiving the General Objections and specific objections above, Autodesk responds: Autodesk has not yet decided which experts, if any, on which it will rely in this proceeding. Autodesk will supplement its response if necessary.

**INTERROGATORY NO. 9:**

Identify all Licensees, and any other third parties authorized by Autodesk to market, sell, offer for sale, or distribute goods or services under the 3DS MAX Mark.

**RESPONSE TO INTERROGATORY NO. 9:**

Autodesk objects to this request on the grounds that it is overly broad and unduly burdensome. Autodesk further objects to this request on the grounds that it calls for disclosure of highly sensitive commercial information and/or trade secrets subject to contractual or other confidentiality restrictions. Autodesk objects to this request as compound.

Subject to and without waiving the General Objections above, Autodesk responds: Autodesk is not party to any licenses or other agreements directed specifically at the use of the trademark 3DS MAX. Autodesk, as a software manufacturer, is party to thousands of agreements with training centers, distributors and other channel partners permitting them to market and/or sell licenses to Autodesk products, including products bearing the 3DS MAX trademark.

**INTERROGATORY NO. 10:**

Identify each instance known to Autodesk of use of any marks incorporating the term "3DS" by any other person or entity and with respect to each such instance of use, specify:

- (a) the manner of use;
- (b) when Autodesk first became aware of such use, and the means by which Autodesk became aware of such use;

(c) identify any steps taken by Autodesk to enforce the rights it claims in the 3DS MAX Mark against such use; and

(d) identify the persons who have knowledge of such use, or reported such use to Autodesk.

**RESPONSE TO INTERROGATORY NO. 10:**

Autodesk objects to this request on the grounds that it is overbroad and unduly burdensome. Autodesk objects to this request on the ground that it seeks information related to uses of marks consisting of or containing 3DS that occurred outside the United States. Autodesk objects to the request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Autodesk objects to this request as compound.

**INTERROGATORY NO. 11:**

Identify any and all efforts Autodesk has made to enforce the rights it claims in the 3DS MAX Mark.

**RESPONSE TO INTERROGATORY NO. 11:**

Autodesk objects to the request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Autodesk objects to this request Autodesk objects to this request as vague and ambiguous on the grounds that the term “efforts” is undefined and unclear.

Subject to and without waiving the General Objections and specific objections above, Autodesk responds: Autodesk has initiated Uniform Domain Name Resolution Proceedings for the recovery of the domain names <3ds-max.com>, <autodesk3dmax.com> and <3dsmax3d.com>. Autodesk has also initiated adversary proceedings before the Trademark Trial and Appeal Board at the U.S. Patent and Trademark Office concerning federal trademark applications for marks similar to 3DS MAX, including against Position Imaging, Inc. (opposition no. 91189720; opposition sustained) and Dassault Systemes S. A. (opposition no. 91158625; application abandoned). Moreover, Autodesk has persuaded third parties to abandon federal

trademark applications for similar marks, including application serial no. 77339008 owned by Cognex Corporation.

**INTERROGATORY NO. 12:**

Identify the three persons who are most knowledgeable about Autodesk's enforcement of the rights it claims in the 3DS MAX Mark.

**RESPONSE TO INTERROGATORY NO. 12:**

Autodesk objects to this request, and particularly to the request for identification of three persons, on the grounds that it is unduly burdensome. Autodesk objects to the request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the General Objections or specific objections above, Autodesk responds: The individual most knowledgeable about Autodesk's enforcement of the rights it claims in the 3DS MAX Mark is Lisa Turbis, Corporate Counsel for Autodesk.

**INTERROGATORY NO. 13:**

Identify each instance of which Autodesk has actual or hearsay knowledge, directly or indirectly, or any actual or purported association or confusion of any type between Autodesk (or its Licensees) and/or its products and services sold in connection with the 3DS MAX Mark, on the one hand, and 3D Systems and/or its products and services sold in connection with the 3DS & Design Mark, on the other hand.

**RESPONSE TO INTERROGATORY NO. 13:**

Autodesk objects to this request to the extent that it calls for legal conclusions. Autodesk objects to this request on the ground that its investigation is ongoing, and accordingly it is premature to respond to this request.

**INTERROGATORY NO. 14:**

Identify the persons who are most knowledgeable about the adoption or use of the 3DS & Design Mark by 3D Systems, and describe with particularity the circumstances under which Autodesk first became aware of the 3DS & Design Mark.

**RESPONSE TO INTERROGATORY NO. 14:**

Autodesk objects to this request as compound. Autodesk objects to the request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine.

**INTERROGATORY NO. 15:**

Set forth each and every factual basis for Autodesk's contention that the 3DS MAX Mark is confusingly similar to the 3DS & Design Mark.

**RESPONSE TO INTERROGATORY NO. 15:**

Autodesk objects to the request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Autodesk further objects to this request to the extent that it calls for legal conclusions. Autodesk objects to this request on the ground that its investigation is ongoing, and accordingly it is premature to respond to this request.

**INTERROGATORY NO. 16:**

Identify the annual expenditures of Autodesk and its Licensees on the marketing and promotion of goods and services offered under the 3DS MAX Mark in the United States.

**RESPONSE TO INTERROGATORY NO. 16:**

Autodesk objects to this request on the grounds that it calls for disclosure of highly sensitive commercial information and/or trade secrets.

Subject to and without waiving the General Objections or specific objections above, Autodesk responds: Autodesk does not track annual marketing and promotion expenditures data by product or service, such as those under the 3DS MAX Mark.

**INTERROGATORY NO. 17:**

Identify the three persons most knowledgeable about the advertising and promotion of goods and services offered by you under the 3DS MAX Mark.

**RESPONSE TO INTERROGATORY NO. 17:**

Autodesk objects to this request, and in particular to the request for identification of three persons, on the grounds that it is unduly burdensome.

Subject to and without waiving the General Objections above, Autodesk responds: The individual that is most knowledgeable about the advertising and promotion of goods and services offered by Autodesk under the 3DS MAX Mark is Maurice Patel, Sr. Manager, Media & Entertainment, Industry Marketing for Autodesk.

**INTERROGATORY NO. 18:**

Identify the earliest date on which Autodesk contends that it commenced use of the 3DS MAX Mark in commerce in the United States.

**RESPONSE TO INTERROGATORY NO. 18:**

Autodesk objects to this request to the extent that it calls for legal conclusions.

Subject to and without waiving the General Objections and specific objection above, Autodesk responds: Autodesk commenced use of the 3DS MAX Mark in commerce in the United States on or before January 22, 2001.

**INTERROGATORY NO. 19:**

Identify the earliest date on which Autodesk contends that it commenced use of any mark containing the term "3DS" in commerce in the United States.

**RESPONSE TO INTERROGATORY NO. 19:**

Autodesk objects to this request to the extent that it calls for legal conclusions.

Subject to and without waiving the General Objections and specific objection above, Autodesk responds: Autodesk any mark containing the term "3DS" in commerce in the United States on or before January 22, 2001.

**INTERROGATORY NO. 20:**

Identify the three person(s) most knowledgeable about the creation, selection and decision by Autodesk (and/or its predecessors) to adopt the 3DS MAX Mark, and identify all documents related to the creation, selection and adoption of the 3DS MAX Mark, including but not limited to search reports and opinions, advertising agency, marketing or public relations firm documents, and internal memoranda and emails.

**RESPONSE TO INTERROGATORY NO. 20:**

Autodesk objects to this request, and in particular to the request for identification of three persons, on the grounds that it is unduly burdensome. Autodesk objects to this request as compound. Autodesk objects to the request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine.

**INTERROGATORY NO. 21:**

Explain the use of the term “MAX” in the 3DS MAX Mark, including, without limitation, what it signifies, how it was created, and/or how it came to be used, as a component thereof.

**RESPONSE TO INTERROGATORY NO. 21:**

Autodesk objects to this request as vague and ambiguous on the grounds that meaning of the phrases “how it was created” and “how it came to be used” in this context are unclear.

Subject to and without waiving the General Objections and specific objections above, Autodesk responds: “MAX” in the 3DS MAX Mark signifies “maximum.”

**INTERROGATORY NO. 22:**

Identify the three person(s) most knowledgeable about the adoption of “.3ds” as a filename extension by Autodesk, its Licensees, or any third party.

**RESPONSE TO INTERROGATORY NO. 22:**

Autodesk objects to this request, and in particular to the request for identification of three persons, on the grounds that it is unduly burdensome. Autodesk further objects to this request on the ground that it calls for information not relevant to the claims or defenses in this proceeding.

Subject to and without waiving the General Objections and specific objections above, Autodesk responds: The individual that is most knowledgeable about the adoption of “.3ds” as a filename extension by Autodesk is Chris Young, VP Engineering, Media & Entertainment, for Autodesk.

**INTERROGATORY NO. 23:**

Describe the nature of the “.3ds” filename extension, including, without limitation, what it signifies, what goods it may be used in connection with, who may use it, and what software programs recognize it.

**RESPONSE TO INTERROGATORY NO. 23:**

Autodesk objects to this request on the ground that it calls for information not relevant to the claims or defenses in this proceeding.

Subject to and without waiving the General Objections and specific objections above, Autodesk responds: the “.3ds” filename extension can be used for exporting files created or viewed in Autodesk’s 3DS MAX-related software products.

**INTERROGATORY NO. 24:**

Identify any studies, tests, polls or surveys related to consumer recognition of the 3DS MAX Mark.

**RESPONSE TO INTERROGATORY NO. 24:**

Autodesk objects to the request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the General Objections and specific objections above, Autodesk responds: Autodesk has not conducted any studies, tests, polls or surveys related to consumer recognition of the 3DS MAX Mark.

**INTERROGATORY NO. 25:**

As to each Request for Admission that you did not admit, explain the basis for your refusal to admit the matter.

**RESPONSE TO INTERROGATORY NO. 25:**

Autodesk objects to the request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Autodesk objects to this request as compound.

Dated: January 27, 2014

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By:   
John L. Slafsky

Attorneys for Petitioner  
AUTODESK, INC.

**CERTIFICATE OF SERVICE BY MAIL**

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California, 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I caused to be personally served **PETITIONER AUTODESK'S RESPONSES TO RESPONDENT 3D SYSTEMS' FIRST SET OF INTERROGATORIES** on the person(s) listed below by placing the document(s) described above in an envelope addressed as indicated below, which I sealed. I placed the envelope(s) for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Jason M. Sneed  
SNEED PLLC  
610 Jetton St., Suite 120-107  
Davidson, North Carolina 28036

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on January 27, 2014.

  
Elvira Minjarez

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

In the matter of Trademark Registration No. 4,125,612  
Registered: April 10, 2012  
Trademark: 3DS & Design

_____	)	
Autodesk, Inc.,	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92056509
	)	
3D Systems, Inc.,	)	
Respondent.	)	
_____	)	

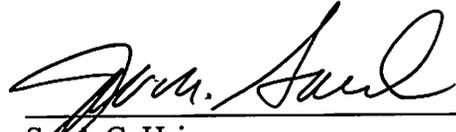
**NOTICE OF DEPOSITION**  
**PURSUANT TO FED. R. CIV. P. 30 and 37 C.F.R. § 2.120 (b)**

To: John L. Slafsky, Esq.  
Wilson Sonsini Goodrich & Rosati LLP  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
jslafsky@wsgr.com

PLEASE TAKE NOTICE THAT, pursuant to Fed. R. Civ. P. 30, and the provisions of 37 C.F.R. § 2.120 (b), Respondent, 3D Systems, Inc. will take the deposition of Chris Young, commencing at 9:30 a.m. on August 26, 2013 at the offices of Huseby Court Reporting, 4340 Redwood Highway, San Rafael, CA 94903.

The deposition will be taken upon oral examination before a notary public or other officer authorized by law to administer oaths, may be recorded by stenographic means, sound and visual means, or both, and will continue from day to day until completed. You are invited to attend and cross-examine.

Dated: Charlotte, NC  
August 6, 2014



---

Sarah C. Hsia

Jason M. Sneed

SNEED PLLC

610 Jetton St., Suite 120-107

Davidson, North Carolina 28036

Tel: 704-779-3611

[sarah@sneedlegal.com](mailto:sarah@sneedlegal.com)

[JSneed@SneedLegal.com](mailto:JSneed@SneedLegal.com)

*Attorneys for Respondent*

*3D Systems, Inc.*

**Certificate of Service**

The undersigned counsel of record hereby certifies that on this 6<sup>th</sup> day of August, 2014, a true and correct copy of the foregoing *Notice of Deposition Pursuant to Fed. R. Civ. P. 30 and 37 C.F.R. § 2.120 (b)* was served on counsel for the Petitioner, Autodesk, Inc. by placing a copy in U.S. Mail, postage prepaid, and addressed to the following:

John L. Slafsky, Esq.  
Wilson Sonsini Goodrich & Rosati LLP  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
jslafsky@wsgr.com  
*Attorneys for Petitioner*

  
\_\_\_\_\_  
An Attorney for Respondent

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

In the matter of Trademark Registration No. 4,125,612  
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Autodesk, Inc.,	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92056509
	)	
3D Systems, Inc.,	)	
Respondent.	)	
_____	)	

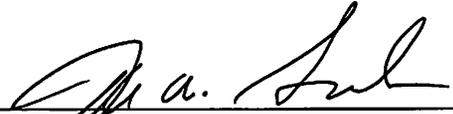
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To: John L. Slafsky, Esq.  
Wilson Sonsini Goodrich & Rosati LLP  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
jslafsky@wsgr.com

PLEASE TAKE NOTICE THAT, pursuant to Fed. R. Civ. P. 30, and the provisions of 37 C.F.R. § 2.120 (b), Respondent, 3D Systems, Inc. will take the deposition of Maurice Patel, commencing at 10:00 a.m. on August 25, 2014 at the offices of Huseby Court Reporting, 4340 Redwood Highway, San Rafael, CA 94903.

The deposition will be taken upon oral examination before a notary public or other officer authorized by law to administer oaths, may be recorded by stenographic means, sound and visual means, or both, and will continue from day to day until completed. You are invited to attend and cross-examine.

Dated: Charlotte, NC  
August 6, 2014



---

Sarah E. Hsia  
Jason M. Sneed  
SNEED PLLC  
610 Jetton St., Suite 120-107  
Davidson, North Carolina 28036  
Tel: 704-779-3611  
[sarah@sneedlegal.com](mailto:sarah@sneedlegal.com)  
[JSneed@SneedLegal.com](mailto:JSneed@SneedLegal.com)

*Attorneys for Respondent  
3D Systems, Inc.*

**Certificate of Service**

The undersigned counsel of record hereby certifies that on this 6<sup>th</sup> day of August, 2014, a true and correct copy of the foregoing *Notice of Deposition Pursuant to Fed. R. Civ. P. 30 and 37 C.F.R. § 2.120 (b)* was served on counsel for the Petitioner, Autodesk, Inc. by placing a copy in U.S. Mail, postage prepaid, and addressed to the following:

John L. Slafsky, Esq.  
Wilson Sonsini Goodrich & Rosati LLP  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
jslafsky@wsgr.com  
*Attorneys for Petitioner*

  
\_\_\_\_\_  
An Attorney for Respondent

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

In the matter of Trademark Registration No. 4,125,612  
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Autodesk, Inc.,	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92056509
	)	
3D Systems, Inc.,	)	
Respondent.	)	
_____	)	

**NOTICE OF DEPOSITION**  
**PURSUANT TO FED. R. CIV. P. 30 and 37 C.F.R. § 2.120 (b)**

To: John L. Slafsky, Esq.  
Wilson Sonsini Goodrich & Rosati LLP  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
jslafsky@wsgr.com

PLEASE TAKE NOTICE THAT, pursuant to Fed. R. Civ. P. 30, and the provisions of 37 C.F.R. § 2.120 (b), Respondent, 3D Systems, Inc. will take the deposition of Lisa Turbis, commencing at 2:00 p.m. on August 26, 2014 at the offices of Huseby Court Reporting, 4340 Redwood Highway, San Rafael, CA 94903.

The deposition will be taken upon oral examination before a notary public or other officer authorized by law to administer oaths, may be recorded by stenographic means, sound and visual means, or both, and will continue from day to day until completed. You are invited to attend and cross-examine.

Dated: Charlotte, NC  
August 6, 2014



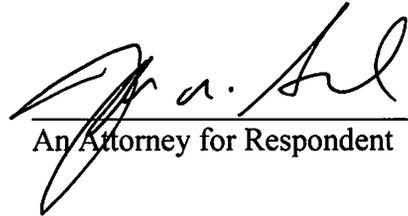
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[sarah@sneedlegal.com](mailto:sarah@sneedlegal.com)  
[JSneed@SneedLegal.com](mailto:JSneed@SneedLegal.com)

*Attorneys for Respondent  
3D Systems, Inc.*

**Certificate of Service**

The undersigned counsel of record hereby certifies that on this 6<sup>th</sup> day of August, 2014, a true and correct copy of the foregoing *Notice of Deposition Pursuant to Fed. R. Civ. P. 30 and 37 C.F.R. § 2.120 (b)* was served on counsel for the Petitioner, Autodesk, Inc. by placing a copy in U.S. Mail, postage prepaid, and addressed to the following:

John L. Slafsky, Esq.  
Wilson Sonsini Goodrich & Rosati LLP  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
jslafsky@wsgr.com  
*Attorneys for Petitioner*

  
\_\_\_\_\_  
An Attorney for Respondent

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

In the matter of Trademark Registration No. 4,125,612  
Registered: April 10, 2012  
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Autodesk, Inc.,	)	
Petitioner,	)	
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v.	)	Cancellation No. 92056509
	)	
3D Systems, Inc.,	)	
Respondent.	)	
_____	)	

**NOTICE OF DEPOSITION**  
**PURSUANT TO FED. R. CIV. P. 30(b)(6) and 37 C.F.R. § 2.120 (b)**

To: John L. Slafsky, Esq.  
Wilson Sonsini Goodrich & Rosati LLP  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
jslafsky@wsgr.com

PLEASE TAKE NOTICE THAT, pursuant to Fed. R. Civ. P. 30(b)(6), and the provisions of 37 C.F.R. § 2.120 (b), Respondent, 3D Systems, Inc. will take the deposition of Autodesk, Inc., by and through its designated representatives, on the topics listed on the attached Exhibit A. The deposition will commence at 10:00 a.m. on August 27, 2014 at the offices of Huseby Court Reporting, 4340 Redwood Highway, San Rafael, CA 94903.

The deposition will be taken upon oral examination before a notary public or other officer authorized by law to administer oaths, may be recorded by stenographic means, sound and visual means, or both, and will continue from day to day until completed. You are invited to attend and cross-examine.

You are advised that Autodesk, Inc. must designate one or more officers, directors managing agents or other persons who will testify on behalf of Autodesk, Inc. regarding the matters listed in Exhibit A. Please identify the witnesses who shall speak on behalf of Autodesk, Inc., including the topics on which they shall provide testimony, by no later than seven (7) calendar days prior to the deposition.

Dated: Charlotte, NC  
August 6, 2014



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Sarah C. Hsia  
Jason M. Sneed  
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610 Jetton St., Suite 120-107  
Davidson, North Carolina 28036  
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[JSneed@SneedLegal.com](mailto:JSneed@SneedLegal.com)

*Attorneys for Respondent  
3D Systems, Inc.*

**Certificate of Service**

The undersigned counsel of record hereby certifies that on this 6<sup>th</sup> day of August, 2014, a true and correct copy of the foregoing *Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6) and 37 C.F.R. § 2.120 (b)* was served on counsel for the Petitioner, Autodesk, Inc. by placing a copy in U.S. Mail, postage prepaid, and addressed to the following:

John L. Slafsky, Esq.  
Wilson Sonsini Goodrich & Rosati LLP  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
jslafsky@wsgr.com  
*Attorneys for Petitioner*

  
\_\_\_\_\_  
An Attorney for Respondent

## **Exhibit A**

### **Definitions**

- A. The term “you” or “Autodesk” refers to Autodesk, Inc., its employees, attorneys, agents and representatives.
- B. The term “3D Systems” refers to 3D Systems, Inc., its employees, attorneys, agents and representative.
- C. The term “Dassault” refers to Dassault Systèmes S.A., its subsidiaries, related companies, employees, attorneys, agents and representatives.
- D. The term “3DS MAX Mark” refers to the subject of U.S. Reg. No. 2,733,869.
- E. The term “Alleged 3DS Rights” refers to any and all proprietary rights claimed by Autodesk in the term “3DS,” including, without limitation, rights in the 3DS Max Mark, and any purported right to exclude third parties from use of the term “3DS,” including as a file extension in the form “.3ds” or otherwise.
- F. The term “Licensees” refers to any person licensed or otherwise authorized by Autodesk to use the 3DS MAX Mark.
- G. The term “3DS & Design Mark” refers to the subject of U.S. Reg. No. 4,125,612.
- H. The term “3D Printer” refers to a machine used to make three-dimensional embodiments of computer generated designs.
- I. The term “3D Printing Services” refers to the manufacture of three-dimensional objects to the order and specification of others.
- J. The term “3D Printing Materials” refers to materials used to make three-dimensional embodiments of computer generated designs.
- K. The term “3D Scanners” refers to devices used to scan three-dimensional objects.

- L. The term “person” refers to both natural persons and to corporate or other business entities, whether or not in the employ of Autodesk, and the acts and knowledge of a person are defined to include the acts and knowledge of that person’s directors, officers, members, employees, representatives, agents and attorneys.

### **Matters for Examination**

1. The corporate structure and ownership of Autodesk during 2000 – present.
2. The identity of the officers and directors of Autodesk from 2000 - present, and each of their respective responsibilities.
3. Autodesk’s U.S. Reg. No. 2,733,869, the underlying application and all submissions to the U.S. PTO and related documents and things.
4. The creation, first use, ownership, origin, development, license, assignment, use, enforcement, and/or abandonment of the Alleged 3DS Rights.
5. The types of consumers to whom products sold in connection with the Alleged 3DS Rights are sold and/or marketed, including, without limitation, their age, education, and profession.
6. The channels of trade through which products are sold in connection with the Alleged 3DS Rights.
7. Any plans by Autodesk to offer for sale: (i) 3D Printers; (ii) 3D Printing Services; (iii) 3D Printing Materials; and/or (iv) 3D Scanners.
8. License agreements with third parties pertaining to the Alleged 3DS Rights.
9. Royalty payments made by any licensee specifically attributable to use of the Alleged 3DS Rights.

10. Sales of software and other products sold in connection with the Alleged 3DS Rights, including annual revenue and number of units sold annually for the period 2000 to present.
11. Marketing of software and other products in connection with the Alleged 3DS Rights, including annual expenditures for the period 2000 to present.
12. Instances of actual or potential confusion, if any, in relation to the Alleged 3DS Rights and trademarks, designations or monikers used by third-parties.
13. Instances of actual or potential confusion, if any, in relation to the Alleged 3DS Rights, on the one hand, and any product or service sold or provided by 3D Systems, on the other hand.
14. Enforcement activities and communications pertaining to the Alleged 3DS Rights, including specifically and without limitation any communications with Dassault concerning the Alleged 3DS Rights and/or the domain name <3ds.com>.
15. 3D Systems, its use of the 3DS & Design Mark, 3D Systems' U.S. Reg. No. 4,125,612, and the claims of Autodesk in the Cancellation Proceeding.
16. Litigation related to enforcement of the Alleged 3DS Rights, including settlement agreements and cease-and-desist demands and responses, and any other agreements respecting the Alleged 3DS Rights.
17. Autodesk's responses to 3D Systems' interrogatories in this Cancellation Proceeding.
18. Autodesk's responses to 3D Systems' requests for admissions in this Cancellation Proceeding.
19. Document review, collection and production in response to 3D Systems' requests for production, including the identification of custodians, collection of documents,

reviewing for responsiveness, confidentiality, or privilege, and any formal or informal records retention procedures and activities.

August 2, 2014

*via email*

John L. Slafsky, Esq.  
Wilson Sonsini Goodrich & Rosati LLP  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
jslafsky@wsgr.com

Re: *Autodesk, Inc. v. 3D Systems, Inc.*, Trademark Trial and Appeal Board  
Cancellation No. 92056509

Dear John:

We were surprised – to say the least – to understand that you filed a Motion to Compel shortly after receiving our letter dated August 5, 2014 concerning the continuing deficiencies in Autodesk’s discovery responses and document production and requesting a meet and confer to discuss the remaining deficiencies and to satisfy our obligation under Fed. R. Civ. P. 37(a)(1) and 37 C.F.R. § 2.120(e)(1) to make a good faith effort to resolve these issues prior to filing a Motion to Compel.

Your Motion to Compel comes without warning, after months of silence from you, and with no communication from you whatsoever subsequent to receipt of 3D Systems’ document production outlining any continuing objections from you or your client as to the sufficiency of said production. We do not believe that you have complied with your obligation under Fed. R. Civ. P. 37(a)(1) and 37 C.F.R. § 2.120(e)(1) to make a good faith effort to resolve issues prior to filing a Motion to Compel, and we thus ask that you withdraw your motion to avoid unnecessary motion practice and the cost associated therewith.

We further note that your Motion to Compel was filed *after* service (including a courtesy copy by email) of 3D Systems’ second set of discovery requests on August 6, 2014, and your client’s obligation to timely respond thereto is thus not affected by the suspension order.

As for the depositions that we also noticed on August 6, 2014, in view of your Motion to Compel, and refusal to provide us with dates and times that you are available to meet and confer, we will be adjourning these depositions *sine die* until such time as Autodesk’s production and discovery responses are sufficiently complete.

We also reiterate our request – made in our letter of August 5, 2014 – that you provide dates and times that you are available for a meet and confer to discuss the issues set forth therein.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah C. Hsia". The signature is written in a cursive, flowing style with a prominent initial "S".

Sarah C. Hsia, Esq.

cc: Jason M. Sneed, Esq. (via email)  
Stephanie Brannen, Esq. (via email)

August 12, 2014

*Via Email*

Jason M. Sneed, Esq.  
Sarah C. Hsia, Esq.  
Sneed pllc  
610 Jetton St., Suite 120-107  
Davidson, NC 28036

Dear Jason and Sarah:

We are in receipt of both your August 6, 2014, letter and the accompanying deposition notices, as well as your letter dated August 11, 2014. John is away from the office this week and has asked me to respond in his absence.

As an initial matter, our Motion to Compel should come as no surprise. We first raised the issues addressed therein with you via letter in March, met-and-conferred with you about them in May, and then followed up with you again in June with a very detailed letter, stating our position that these important issues remained unresolved. At every point you have declined to reconsider your position, and have thus made clear that further meet-and-confer efforts regarding these issues would be futile. Additionally, you had ample opportunity to respond to our June letter, and chose not to do so, confirming that we were correct in our summation of the issues. With the discovery cut-off approaching, we were thus compelled to seek relief from the Board.

As to setting times to meet-and-confer regarding your August 5, 2014, letter, as you know, we have provided supplemental responses and a privilege log, and in our August 7 response, we reiterated our position regarding Requests for Admission Nos. 1 and 2 (about which we have already met and conferred). If, upon review of our supplemental responses, you would like to meet-and-confer to discuss any new issues that you may have with them, please let us know.

We also understand that you have adjourned the depositions that were the subject of the notices served on August 6, 2014. Regardless, it is incumbent upon us to address certain fundamental deficiencies in those notices:

Jason M. Sneed, Esq.  
Sarah C. Hsia, Esq.  
August 11, 2014  
Page 2

*First*, Chris Young and Maurice Patel are persons residing and working in Canada. The TBMP requires that depositions of such persons be taken on written questions. TBMP § 404.03(b); 37 CFR § 2.120(c). Accordingly, the deposition notices for Messrs. Young and Patel served on August 6, 2014 are facially invalid, and must be properly noticed in compliance with 37 CFR § 2.124 and TBMP §§ 404.07(d)-(e). As you know, the Board has suspended proceedings aside from outstanding discovery and “duly noticed” depositions prior to the filing of Petitioner’s motion to compel. Thus, any deposition of these individuals – via written questions (or otherwise as the parties may agree) – will necessarily need to be properly noticed following the Board’s resolution of the motion to compel.

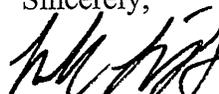
*Second*, your notice of deposition pursuant to Rule 30(b)(6) includes 19 different topics, nearly all of which pertain to the 3DS MAX mark, which is part of Autodesk's Media & Entertainment business division, based in Canada. Accordingly, the most appropriate and knowledgeable witnesses for much of the requested 30(b)(6) testimony are likely located outside the U.S. As explained above, such deposition(s) must be taken on written questions and noticed accordingly. TBMP § 404.03(b); 37 CFR § 2.120(c). Once any such deposition(s) are to be rescheduled, we will of course designate witnesses within the U.S., as appropriate, and in Canada, as appropriate, so that you and we may schedule oral examination (for the U.S. Autodesk witnesses) and depositions upon written questions (for the Autodesk employees outside the U.S.) at mutually convenient times and so that you may re-notice any depositions for foreign testimony as required by the rules.

We intend to serve formal objections to the deposition notices under separate cover.

You should also know that Lisa Turbis is an attorney at Autodesk. Accordingly, her knowledge and information concerning the issues underlying this action are largely shielded from disclosure under the attorney-client privilege and/or attorney work product doctrines. We identified Ms. Turbis in response to an interrogatory and thus will make her available for deposition, as necessary, but want you to be aware that there are significant limitations on the scope of such testimony.

Finally, in light of the commercially-sensitive nature of some of the deposition topics, and to protect both the parties, we will ask that the parties both execute a copy of the governing protective order before any depositions begin. We will send such a document to you shortly.

Sincerely,



Luke A. Liss

August 25, 2014

*via email*

John L. Slafsky, Esq.  
Wilson Sonsini Goodrich & Rosati LLP  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
jslafsky@wsgr.com

Re: *Autodesk, Inc. v. 3D Systems, Inc.*, Trademark Trial and Appeal Board  
Cancellation No. 92056509

Dear John:

I am responding to a letter dated August 12, 2014 from Luke Liss, as well as to Autodesk's privilege log and amended discovery responses.

Contrary to Mr. Liss' assertions in his August 12, 2014 letter, the TBMP does not *require* that the depositions of foreign party witnesses be taken on written questions; rather, the parties may stipulate to depositions on oral examination of foreign party witnesses, and the TTAB may also order that such depositions be taken on oral examination on a motion for good cause.

We note that regardless of whether Mr. Young and Mr. Patel reside and/or work in Canada, Autodesk's Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1) suggest that Mr. Young and Mr. Patel will be made available for deposition in California, as the employer of both of these individuals is given as Autodesk, Inc. (a Delaware corporation with a principal place of business in California), and the address for both of these witnesses is given as "Contact through Autodesk's counsel," who, as you know, is located in Palo Alto, CA. Moreover, Autodesk's responses to Interrogatories No. 1, 6, 17, and 22 – which require an address to be stated for each witness – are disingenuously deficient in this respect, and we did not raise the issue earlier as we were relying on the representations made in Autodesk's Initial Disclosures.

As such, we believe that our depositions are duly noticed, and are not deficient. Moreover, given that the registration on which this cancellation proceeding is based is a U.S. trademark registration owned by a U.S. company, we have little doubt that the TTAB will not look kindly on Autodesk's gamesmanship and attempts to obfuscate evidence and impede the fair resolution of this matter by conveniently claiming that all of the relevant witnesses reside and work in Canada, and are thus only available for deposition on written questions.

We believe that the depositions should take place, as noticed, on oral examination in California; however, we are willing to travel to Canada if you will stipulate to make these witnesses available for oral examination. Please let us know within five (5) business days if you will stipulate to make Mr. Patel and Mr. Young available for deposition on oral examination in

either the U.S. or Canada. If we do not hear from you in this time, we will assume that you disagree with our position and will take action accordingly.

With respect to Autodesk's amended discovery responses, we note that you have still not indicated whether documents concerning the creation, selection and adoption of the 3DS MAX mark exist (Interrogatory No. 20) and despite Autodesk's commitment to produce additional documents in its amended Responses to 3D Systems' Requests for the Production of Documents, we have still received no supplemental production of documents. We also find it curious that Autodesk is complaining about 3D Systems' inability to answer the question of how it first became aware of Autodesk and its use of the 3DS MAX mark, but Autodesk still refuses to answer the much more specific question of how it became aware of 3D System's 3DS & Design mark, or to identify a witness knowledgeable about 3D Systems' use thereof. And, of course, we continue to disagree about the relevance of the information sought by 3D Systems' Requests for Admission No. 1 & 2, as well as Autodesk's obligation to answer contention interrogatories, such as those seeking the factual basis for Autodesk's refusal to admit Requests for Admission No. 1-3. With respect to the foregoing deficiencies, we hereby put Autodesk on notice that, failing a response from Autodesk that sufficiently addresses such deficiencies within five business days of this letter, we believe the parties have reached an impasse and, as such, these matters are ripe for a Motion to Compel.

Finally, the privilege log produced by Autodesk fails to provide adequate descriptions of the subject matter of the documents over which your client is claiming privilege, and thus fails to comply with the minimum requirements of disclosure for such a log. Please send us an amended privilege log without further delay, or provide us with dates and times that you are available for a meet and confer to discuss the matter further.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah C. Hsia". The signature is fluid and cursive, with the first name "Sarah" being the most prominent part.

Sarah C. Hsia, Esq.

cc: Jason M. Sneed, Esq. (via email)  
Stephanie Brannen, Esq. (via email)

August 28, 2014

*Via Email*

Sarah C. Hsia, Esq.  
Jason M. Sneed, Esq.  
Sneed pllc  
610 Jetton St., Suite 120-107  
Davidson, NC 28036

Dear Sarah:

This responds to your letter dated August 25, 2014, regarding depositions.

We continue to hold the view that, because Messrs. Young and Patel reside in Canada: (1) their depositions have not been properly noticed; and (2) that any deposition of these individuals is properly taken upon written questions as provided for under the TBMP.

Rest assured that once the current suspension of proceedings is lifted we will work with you to facilitate depositions upon written questions in an efficient manner that is consistent with the governing rules.

Regards,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation



Luke Liss

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

Autodesk, Inc.,

Petitioner,

v.

3D Systems, Inc.,

Respondent.

Cancellation No. 92056509

**PETITIONER AUTODESK'S OBJECTIONS TO RESPONDENT 3D SYSTEMS'  
NOTICE OF DEPOSITION  
PURSUANT TO FED. R. CIV. P. 30(b)(6) AND 37 C.F.R. § 2.120(b)**

Pursuant to Federal Rule of Civil Procedure 30 and TBMP § 404, Autodesk, Inc. ("Autodesk") hereby objects to the Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6) and 37 C.F.R. § 2.120(b) ("Notice of Deposition"), dated August 6, 2014, by Respondent 3D Systems, Inc. ("3D Systems") as follows:

**GENERAL OBJECTIONS**

1. Autodesk objects to the Notice of Deposition, and to each and every deposition subject, to the extent that the witness identified by Autodesk as the most knowledgeable and appropriate to testify as to such subject resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 C.F.R. § 2.124 and TBMP § 404.07(d). The Notice of Deposition is not in compliance with these requirements and is therefore invalid and unenforceable as to any such witness.<sup>1</sup>

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<sup>1</sup> By serving these objections, Autodesk does not waive, and expressly reserves, the right to challenge (via motion to quash or otherwise) the Notice of Deposition as facially invalid and unenforceable following the Board's resolution of Petitioner's pending motion to compel should the parties fail to agree on timing and manner of depositions.

2. Autodesk objects to the Notice of Deposition and to the scheduling of the deposition(s) as set forth in the Notice of Deposition on the basis that Respondent has not complied with the requirements of TBMP § 404.05 and Fed. R. Civ. P. 30(b) that the deposing party provide reasonable notice and state the time and place of the deposition. Per Respondent's correspondence dated August 11, 2014, Respondent stated that it "will be adjourning these depositions *sine dia* until such time as Autodesk's production and discovery responses are sufficiently complete." Autodesk objects to such statement as vague and ambiguous, and as failing to provide reasonable notice as to the time of the deposition. However, Autodesk remains willing to meet and confer with Respondent regarding timing and manner of depositions following resolution of Autodesk's pending motion to compel.

3. Autodesk objects to the Notice of Deposition, and to each and every deposition subject, to the extent they are inconsistent with or seek to impose obligations greater than those imposed by the Federal Rules of Civil Procedure and the TBMP.

4. Autodesk objects to the Notice of Deposition, and to each and every deposition subject, as overly broad and unduly burdensome.

5. Autodesk objects to the Notice of Deposition, and to each and every deposition subject, to the extent they seek information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

6. Autodesk objects to the Notice of Deposition, and to each and every deposition subject, to the extent that they seek information protected by the attorney-client privilege, joint defense privilege, work product doctrine, or other applicable privilege or immunity.

7. To the extent any deposition subject seeks confidential or proprietary information pertaining to Autodesk's business, trade secrets and/or economic relationships, Autodesk will only respond subject to the terms of a Protective Order signed by the parties in this matter and approved by the Trademark Trial and Appeal Board.

8. Autodesk objects to the Notice of Deposition, and to each and every deposition subject, to the extent that they fail to describe with reasonable particularity the matters on which examination is requested.

9. Autodesk objects to the Notice of Deposition, and to each and every deposition subject, to the extent that they seek information not presently known or reasonably available to Autodesk.

10. Autodesk objects to the Notice of Deposition, and to each and every deposition subject, to the extent they seek to impose upon Autodesk any obligation to investigate or discover information from third parties.

11. Autodesk reserves all objections to the subject matter of any deposition conducted pursuant to the Notice of Deposition, which may be raised during any such deposition pursuant to TBMP § 404.08.

12. Autodesk reserves all objections to the use of any testimony provided in response to the Notice of Deposition at trial.

Subject to the foregoing General Objections, Autodesk responds to each of the individual matters on which examination is requested, as follows:

### **SPECIFIC OBJECTIONS AND RESPONSES**

#### **SUBJECT NO. 1:**

The corporate structure and ownership of Autodesk during 2000 – present.

#### **RESPONSE TO SUBJECT NO. 1:**

Autodesk objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk also objects to this subject on the grounds that the discovery sought by this subject is better sought by document requests or interrogatories and better conveyed through documents or written responses.

Subject to its objections, Autodesk will identify a witness to testify as to this subject.

**SUBJECT NO. 2:**

The identity of the officers and directors of Autodesk from 2000 – present, and each of their respective responsibilities.

**RESPONSE TO SUBJECT NO. 2:**

Autodesk objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk also objects to this subject on the grounds that the discovery sought by this subject is better sought by document requests or interrogatories and better conveyed through documents or written responses.

Subject to its objections, Autodesk will identify a witness to testify as to this subject.

**SUBJECT NO. 3:**

Autodesk's U.S. Reg. No. 2,733,869, the underlying application and all submissions to the U.S. PTO and related documents and things.

**RESPONSE TO SUBJECT NO. 3:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject on the grounds that the discovery sought by this subject is better sought by document requests or interrogatories and better conveyed through documents or written responses. Autodesk objects to this subject to the extent it calls for testimony regarding or relating to attorney-client communications or other privileged information. Autodesk objects to this subject to the extent it calls for testimony concerning

matters not presently known or reasonably available to the organization, in contravention of the Federal Rules of Civil Procedure. Autodesk objects to this subject to the extent that “all submissions to the U.S. PTO and related documents and things” is vague, ambiguous, and fails to describe with reasonable particularity the matters on which examination is requested.

Subject to its objections, Autodesk will identify a witness to testify as to this subject.

**SUBJECT NO. 4:**

The creation, first use, ownership, origin, development, license, assignment, use, enforcement, and/or abandonment of the Alleged 3DS Rights.

**RESPONSE TO SUBJECT NO. 4:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject to the extent it calls for testimony regarding or relating to attorney-client communications or other privileged information. Autodesk objects to this subject to the extent that “creation, first use, . . . use, . . . and/or abandonment of the Alleged 3DS Rights” is nonsensical, vague, ambiguous, and fails to describe with reasonable particularity the matters on which examination is requested.

Subject to its objections, Autodesk will identify a witness to testify as to this subject.

**SUBJECT NO. 5:**

The types of consumers to whom products sold in connection with the Alleged 3DS Rights are sold and/or marketed, including, without limitation, their age, education, and profession.

**RESPONSE TO SUBJECT NO. 5:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Subject to its objections, Autodesk will identify a witness to testify as to this subject.

**SUBJECT NO. 6:**

The channels of trade through which products are sold in connection with the Alleged 3DS Rights.

**RESPONSE TO SUBJECT NO. 6:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject to the extent that “channels of trade” is undefined, and therefore vague, ambiguous, and fails to describe with reasonable particularity the matters on which examination is requested.

Subject to its objections, Autodesk will produce a witness to testify as to this subject.

**SUBJECT NO. 7:**

Any plans by Autodesk to offer for sale: (i) 3D Printers; (ii) 3D Printing Services; (iii) 3D Printing Materials; and/or (iv) 3D Scanners.

**RESPONSE TO SUBJECT NO. 7:**

Autodesk objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Subject to its objections, Autodesk will produce a witness to testify as to this subject.

**SUBJECT NO. 8:**

License agreements with third parties pertaining to the Alleged 3DS Rights.

**RESPONSE TO SUBJECT NO. 8:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject on the grounds that the discovery sought by this subject is better sought by document requests or interrogatories and better conveyed through documents or written responses. Autodesk objects to this subject to the extent it calls for testimony regarding or relating to attorney-client communications or other privileged information. Autodesk objects to this subject to the extent it calls for testimony concerning matters not presently known or reasonably available to the organization, in contravention of the Federal Rules of Civil Procedure. Autodesk objects to this subject to the extent that “license agreements with third parties pertaining to the Alleged 3DS Rights” is not limited to license

agreements to which Autodesk is a party, and is therefore vague, ambiguous, and fails to describe with reasonable particularity the matters on which examination is requested.

Subject to its objections, Autodesk will produce a witness to testify as to this subject.

**SUBJECT NO. 9:**

Royalty payments made by any licensee specifically attributable to use of the Alleged 3DS Rights.

**RESPONSE TO SUBJECT NO. 9:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject to the extent it calls for testimony concerning matters not presently known or reasonably available to the organization, in contravention of the Federal Rules of Civil Procedure. Autodesk objects to this subject to the extent that it is not clear whether the reference to “licensee” is as a defined term, and is therefore vague, ambiguous, and fails to describe with reasonable particularity the matters on which examination is requested. Autodesk objects to this subject to the extent that “use of the Alleged 3DS Rights” is nonsensical, vague, ambiguous, and fails to describe with reasonable particularity the matters on which examination is requested.

Subject to its objections, Autodesk will produce a witness to testify as to this subject.

**SUBJECT NO. 10:**

Sales of software and other products sold in connection with the Alleged 3DS Rights, including annual revenue and number of units sold annually for the period 2000 to present.

**RESPONSE TO SUBJECT NO. 10:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject on the grounds that the discovery sought by this subject is better sought by document requests or interrogatories and better conveyed through documents or written responses. Autodesk objects to this subject to the extent it calls for testimony concerning matters not presently known or reasonably available to the organization, in contravention of the Federal Rules of Civil Procedure. Autodesk objects to this subject to the extent that “sales . . . in connection with the Alleged 3DS Rights” is nonsensical, vague, ambiguous, and fails to describe with reasonable particularity the matters on which examination is requested.

Subject to its objections, Autodesk will produce a witness to testify as to this subject.

**SUBJECT NO. 11:**

Marketing of software and other products in connection with the Alleged 3DS Rights, including annual expenditures for the period 2000 to present.

**RESPONSE TO SUBJECT NO. 11:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of

any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject on the grounds that the discovery sought by this subject is better sought by document requests or interrogatories and better conveyed through documents or written responses. Autodesk objects to this subject to the extent it calls for testimony concerning matters not presently known or reasonably available to the organization, in contravention of the Federal Rules of Civil Procedure. Autodesk objects to this subject to the extent that “marketing . . . in connection with the Alleged 3DS Rights” is nonsensical, vague, ambiguous, and fails to describe with reasonable particularity the matters on which examination is requested.

Subject to its objections, Autodesk will produce a witness to testify as to this subject.

**SUBJECT NO. 12:**

Instances of actual or potential confusion, if any, in relation to the Alleged 3DS Rights and trademarks, designations or monikers used by third parties.

**RESPONSE TO SUBJECT NO. 12:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject on the grounds that the discovery sought by this subject is better sought by document requests or interrogatories and better conveyed through documents or written responses. Autodesk objects to this subject to the extent it calls for testimony regarding or relating to attorney-client communications or other privileged information. Autodesk objects to this subject to the extent it calls for testimony concerning matters not presently known or reasonably available to the organization, in contravention of the

Federal Rules of Civil Procedure. Autodesk objects to this subject to the extent that “confusion . . . in relation to the Alleged 3DS Rights” is nonsensical, vague, ambiguous, and fails to describe with reasonable particularity the matters on which examination is requested.

Subject to its objections, Autodesk will produce a witness to testify as to this subject.

**SUBJECT NO. 13:**

Instances of actual or potential confusion, if any, in relation to the Alleged 3DS Rights, on the one hand, and any product or service sold or provided by 3D Systems, on the other hand.

**RESPONSE TO SUBJECT NO. 13:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject on the grounds that the discovery sought by this subject is better sought by document requests or interrogatories and better conveyed through documents or written responses. Autodesk objects to this subject to the extent it calls for testimony regarding or relating to attorney-client communications or other privileged information. Autodesk objects to this subject to the extent it calls for testimony concerning matters not presently known or reasonably available to the organization, in contravention of the Federal Rules of Civil Procedure. Autodesk objects to this subject to the extent that “confusion . . . in relation to the Alleged 3DS Rights” is nonsensical, vague, ambiguous, and fails to describe with reasonable particularity the matters on which examination is requested.

Subject to its objections, Autodesk will produce a witness to testify as to this subject.

**SUBJECT NO. 14:**

Enforcement activities and communications pertaining to the Alleged 3DS Rights, including specifically and without limitation any communications with Dassault concerning the alleged 3DS Rights and/or the domain name <3ds.com>.

**RESPONSE TO SUBJECT NO. 14:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject on the grounds that the discovery sought by this subject is better sought by document requests or interrogatories and better conveyed through documents or written responses. Autodesk objects to this subject to the extent it calls for testimony regarding or relating to attorney-client communications or other privileged information. Autodesk objects to this subject to the extent it calls for testimony concerning matters not presently known or reasonably available to the organization, in contravention of the Federal Rules of Civil Procedure.

Subject to its objections, Autodesk will produce a witness to testify as to this subject.

**SUBJECT NO. 15:**

3D Systems, its use of the 3DS & Design mark, 3D Systems' U.S. Reg. No. 4,125,612, and the claims of Autodesk in the Cancellation Proceeding.

**RESPONSE TO SUBJECT NO. 15:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the

manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject to the extent it calls for testimony regarding or relating to attorney-client communications or other privileged information. Autodesk objects to this subject to the extent it calls for testimony concerning matters not presently known or reasonably available to the organization, in contravention of the Federal Rules of Civil Procedure. Autodesk objects to this subject to the extent that it is vague, ambiguous, and fails to describe with reasonable particularity the matters on which examination is requested.

Subject to its objections, Autodesk will produce a witness to testify as to this subject.

**SUBJECT NO. 16:**

Litigation related to enforcement of the Alleged 3DS Rights, including settlement agreements and cease-and-desist demands and responses, and any other agreements respecting the Alleged 3DS Rights.

**RESPONSE TO SUBJECT NO. 16:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject on the grounds that the discovery sought by this subject is better sought by document requests or interrogatories and better conveyed through documents or written responses. Autodesk objects to this subject to the extent it calls for

testimony regarding or relating to attorney-client communications or other privileged information. Autodesk objects to this subject to the extent it calls for testimony concerning matters not presently known or reasonably available to the organization, in contravention of the Federal Rules of Civil Procedure.

Subject to its objections, Autodesk will produce a witness to testify as to this subject.

**SUBJECT NO. 17:**

Autodesk's responses to 3D Systems' interrogatories in this Cancellation Proceeding.

**RESPONSE TO SUBJECT NO. 17:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject to the extent it calls for testimony regarding or relating to attorney-client communications or other privileged information. Autodesk objects to this subject to the extent that 3D Systems' interrogatories have covered a wide range of subjects, and this subject does not identify specific interrogatories; it is therefore vague, ambiguous, and fails to describe with reasonable particularity the matters on which examination is requested.

Subject to its objections, Autodesk will produce a witness to testify as to this subject.

**SUBJECT NO. 18:**

Autodesk's responses to 3D Systems' requests for admissions in this Cancellation Proceeding.

**RESPONSE TO SUBJECT NO. 18:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the

manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject to the extent it calls for testimony regarding or relating to attorney-client communications or other privileged information. Autodesk objects to this subject to the extent that it does not identify a specific request for admission, and is therefore vague, ambiguous, and fails to describe with reasonable particularity the matters on which examination is requested.

Subject to its objections, Autodesk will produce a witness to testify as to this subject.

**SUBJECT NO. 19:**

Document, collection and production in response to 3D Systems' requests for production, including the identification of custodians, collection of documents, reviewing for responsiveness, confidentiality, or privilege, and any formal or informal records retention procedures and activities.

**RESPONSE TO SUBJECT NO. 19:**

Autodesk objects to this deposition subject to the extent the identified witness resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 CFR § 2.124 and TBMP § 404.07(d).

Autodesk further objects to this subject to the extent it calls for testimony that is overly broad, unduly burdensome, and seeks information that is not relevant to the claim or defense of any party, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Autodesk objects to this subject to the extent it calls for testimony regarding or relating to attorney-client communications or other privileged information. Autodesk objects to this subject to the extent that 3D Systems' requests for production have covered a wide range of

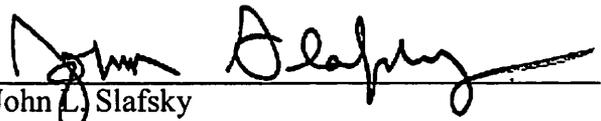
subjects, and this subject does not identify specific requests for production; it is therefore vague, ambiguous, and fails to describe with reasonable particularity the matters on which examination is requested.

Subject to its objections, Autodesk will produce a witness to testify as to this subject.

Dated: August 22, 2014

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By:   
John L. Slafsky

Attorneys for Petitioner  
AUTODESK, INC.

**CERTIFICATE OF SERVICE BY MAIL**

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California, 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date. On this date, I caused to be personally served **PETITIONER AUTODESK'S OBJECTIONS TO RESPONDENT 3D SYSTEMS' NOTICE OF DEPOSITION PURSUANT TO FED. R. CIV. P. 30(b)(6) AND 37 C.F.R. § 2.120(b)** on the person(s) listed below by placing the document(s) described above in an envelope addressed as indicated below, which I sealed. I placed the envelope(s) for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Jason M. Sneed  
SNEED PLLC  
610 Jetton St., Suite 120-107  
Davidson, North Carolina 28036

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on August 22, 2014.

  
Elvira Minjarez

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

Autodesk, Inc.,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92056509
	)	
3D Systems, Inc.,	)	
	)	
Respondent.	)	

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**PETITIONER AUTODESK’S OBJECTIONS TO RESPONDENT 3D SYSTEMS’  
NOTICE OF DEPOSITION OF CHRIS YOUNG  
PURSUANT TO FED. R. CIV. P. 30 AND 37 C.F.R. § 2.120(b)**

Pursuant to Federal Rule of Civil Procedure 30 and TBMP § 404.08(a), Autodesk, Inc. (“Autodesk”) hereby objects to the Notice of Deposition of Chris Young (“Notice of Deposition”), dated August 6, 2014, by Respondent 3D Systems, Inc. (“3D Systems”) as follows:

**OBJECTIONS**

1. Autodesk objects to the Notice of Deposition on the basis that the identified witness is a natural person who resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 C.F.R. § 2.124 and TBMP § 404.07(d). Accordingly, the Notice of Deposition is invalid.<sup>1</sup>

2. Autodesk objects to the Notice of Deposition to the extent it is inconsistent with or seeks to impose obligations greater than those imposed by the Federal Rules of Civil Procedure and the TBMP.

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<sup>1</sup> By serving these objections, Autodesk does not waive, and expressly reserves, the right to challenge the Notice of Deposition served on August 6, 2014 as facially invalid and unenforceable following the Board’s resolution of Petitioner’s pending motion to compel via motion to quash or otherwise should the parties fail to agree on timing and manner of depositions.

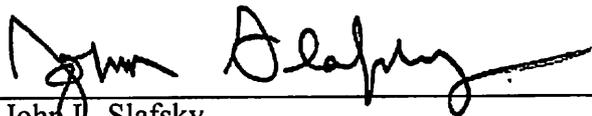
3. Autodesk objects to the Notice of Deposition to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege or any other applicable privileges or doctrines.

4. Autodesk objects to the scheduling of the deposition as set forth in the Notice of Deposition. As set forth above, any deposition of Mr. Young must take place on written questions, and the Notice of Deposition is therefore invalid and unenforceable. Moreover, Respondent has indicated in its correspondence of August 11, 2014, that “we will be adjourning these depositions *sine dia* until such time as Autodesk’s production and discovery responses are sufficiently complete.” Autodesk objects to such statement as vague and ambiguous. Autodesk remains willing to meet and confer with Respondent regarding timing and manner of depositions following resolution of Autodesk’s pending motion to compel.

Dated: August 22, 2014

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By:   
John L. Slafsky

Attorneys for Petitioner  
AUTODESK, INC.

**CERTIFICATE OF SERVICE BY MAIL**

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California, 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date. On this date, I caused to be personally served **PETITIONER AUTODESK'S OBJECTIONS TO RESPONDENT 3D SYSTEMS' NOTICE OF DEPOSITION OF CHRIS YOUNG PURSUANT TO FED. R. CIV. P. 30 AND 37 C.F.R. § 2.120(b)** on the person(s) listed below by placing the document(s) described above in an envelope addressed as indicated below, which I sealed. I placed the envelope(s) for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Jason M. Sneed  
SNEED PLLC  
610 Jetton St., Suite 120-107  
Davidson, North Carolina 28036

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on August 22, 2014.

  
Elvira Minjarez

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

Autodesk, Inc.,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92056509
	)	
3D Systems, Inc.,	)	
	)	
Respondent.	)	

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**PETITIONER AUTODESK’S OBJECTIONS TO RESPONDENT 3D SYSTEMS’  
NOTICE OF DEPOSITION OF LISA TURBIS  
PURSUANT TO FED. R. CIV. P. 30 AND 37 C.F.R. § 2.120(b)**

Pursuant to Federal Rule of Civil Procedure 30 and TBMP § 404.08(a), Autodesk, Inc. (“Autodesk”) hereby objects to the Notice of Deposition of Lisa Turbis (“Notice of Deposition”), dated August 6, 2014, by Respondent 3D Systems, Inc. (“3D Systems”) as follows:

**OBJECTIONS**

1. Autodesk objects to the Notice of Deposition to the extent it is inconsistent with or seeks to impose obligations greater than those imposed by the Federal Rules of Civil Procedure and the TBMP.

2. Autodesk objects to the Notice of Deposition to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege or any other applicable privileges or doctrines. As Autodesk has informed Respondent, Ms. Turbis is an attorney at Autodesk. Accordingly, her knowledge and information concerning the issues underlying this action are largely shielded from disclosure by the attorney-client privilege and/or work product doctrine.

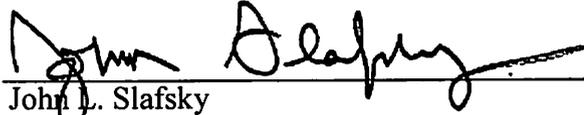
3. Autodesk objects to the scheduling of the deposition as set forth in the Notice of Deposition. Moreover, Respondent has indicated in its correspondence of August 11, 2014, that “we will be adjourning these depositions *sine dia* until such time as Autodesk’s production and

discovery responses are sufficiently complete.” Autodesk objects to such statement as vague and ambiguous. Autodesk remains willing to meet and confer with Respondent regarding timing and manner of depositions following resolution of Autodesk’s pending motion to compel.

Dated: August 22, 2014

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By:   
John L. Slafsky

Attorneys for Petitioner  
AUTODESK, INC.

**CERTIFICATE OF SERVICE BY MAIL**

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California, 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date. On this date, I caused to be personally served **PETITIONER AUTODESK'S OBJECTIONS TO RESPONDENT 3D SYSTEMS' NOTICE OF DEPOSITION OF LISA TURBIS PURSUANT TO FED. R. CIV. P. 30 AND 37 C.F.R. § 2.120(b)** on the person(s) listed below by placing the document(s) described above in an envelope addressed as indicated below, which I sealed. I placed the envelope(s) for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Jason M. Sneed  
SNEED PLLC  
610 Jetton St., Suite 120-107  
Davidson, North Carolina 28036

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on August 22, 2014.

  
Elvira Minjarez

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

Autodesk, Inc.,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92056509
	)	
3D Systems, Inc.,	)	
	)	
Respondent.	)	

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**PETITIONER AUTODESK’S OBJECTIONS TO RESPONDENT 3D SYSTEMS’  
NOTICE OF DEPOSITION OF MAURICE PATEL  
PURSUANT TO FED. R. CIV. P. 30 AND 37 C.F.R. § 2.120(b)**

Pursuant to Federal Rule of Civil Procedure 30 and TBMP § 404.08(a), Autodesk, Inc. (“Autodesk”) hereby objects to the Notice of Deposition of Maurice Patel (“Notice of Deposition”), dated August 6, 2014, by Respondent 3D Systems, Inc. (“3D Systems”) as follows:

**OBJECTIONS**

1. Autodesk objects to the Notice of Deposition on the basis that the identified witness is a natural person who resides in a foreign country and whose deposition must therefore be taken on written questions, in the manner described in 37 C.F.R. §§ 2.120 and 2.124 and TBMP §§ 404.03(b) and 404.07, and noticed in the manner described in 37 C.F.R. § 2.124 and TBMP § 404.07(d). Accordingly, the Notice of Deposition is invalid.<sup>1</sup>

2. Autodesk objects to the Notice of Deposition to the extent it is inconsistent with or seeks to impose obligations greater than those imposed by the Federal Rules of Civil Procedure and the TBMP.

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<sup>1</sup> By serving these objections, Autodesk does not waive, and expressly reserves, the right to challenge the Notice of Deposition served on August 6, 2014 as facially invalid and unenforceable following the Board’s resolution of Petitioner’s pending motion to compel via motion to quash or otherwise should the parties fail to agree on timing and manner of depositions.

3. Autodesk objects to the Notice of Deposition to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege or any other applicable privileges or doctrines.

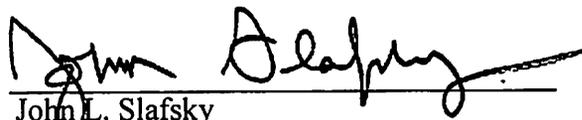
4. Autodesk objects to the scheduling of the deposition as set forth in the Notice of Deposition. As set forth above, any deposition of Mr. Patel must take place on written questions, and the Notice of Deposition is therefore invalid and unenforceable. Moreover, Respondent has indicated in its correspondence of August 11, 2014, that “we will be adjourning these depositions *sine dia* until such time as Autodesk’s production and discovery responses are sufficiently complete.” Autodesk objects to such statement as vague and ambiguous. Autodesk remains willing to meet and confer with Respondent regarding timing and manner of depositions following resolution of Autodesk’s pending motion to compel.

Dated: August 22, 2014

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By:

  
John L. Slafsky

Attorneys for Petitioner  
AUTODESK, INC.

**CERTIFICATE OF SERVICE BY MAIL**

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California, 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date. On this date, I caused to be personally served **PETITIONER AUTODESK'S OBJECTIONS TO RESPONDENT 3D SYSTEMS' NOTICE OF DEPOSITION OF MAURICE PATEL PURSUANT TO FED. R. CIV. P. 30 AND 37 C.F.R. § 2.120(b)** on the person(s) listed below by placing the document(s) described above in an envelope addressed as indicated below, which I sealed. I placed the envelope(s) for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Jason M. Sneed  
SNEED PLLC  
610 Jetton St., Suite 120-107  
Davidson, North Carolina 28036

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on August 22, 2014.

  
Elvira Minjarez

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

AUTODESK, INC., )  
 )  
 Petitioner, ) Cancellation No. 92056509  
 )  
 v. )  
 )  
 3D SYSTEMS, INC., )  
 )  
 Respondent. )  
\_\_\_\_\_ )

**NOTICE OF DEPOSITION**

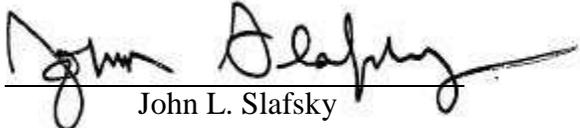
PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure and TBMP § 404.05, Petitioner Autodesk, Inc. (“Autodesk”), will take the deposition upon oral examination of Respondent 3D Systems, Inc. (“3D Systems”). Pursuant to Federal Rule of Civil Procedure 30(b)(6), 3D Systems shall designate “one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf” to testify as to information known or reasonably available to 3D Systems regarding the subject matters set forth in Exhibit A hereto.

The deposition will begin on December 17, 2014 at 10 a.m. at the Hilton Garden Inn Rock Hill, located at 650 Tinsley Way, Rock Hill, South Carolina 29730. The deposition will be transcribed stenographically, and will continue from day-to-day until completed. You are invited to attend and cross-examine.

Dated: November 10, 2014

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By:   
John L. Slafsky

Attorneys for Petitioner  
AUTODESK, INC.

## **EXHIBIT A**

### **DEFINITIONS**

As used herein, the following terms have the following definitions:

- a. “3D Systems” means not only 3D Systems, but also its partners, agents, officers, employees, representatives, and attorneys, and any predecessors, subsidiaries, controlled and affiliated companies, and their agents, officers, employees, representatives and attorneys.
- b. “3DS & Design Mark” refers to the subject of U.S. Reg. No. 4,125,612.
- c. “3DS MAX Mark” refers to the subject of U.S. Reg. No. 2,733,869.

### **TOPICS**

1. The application to register the 3DS & Design Mark.
2. The identity of any competitors of 3D Systems.
3. The classes of purchasers to who 3D Systems markets, advertises or promotes its products and services.
4. Autodesk’s 3DS MAX mark and its 3DS MAX product.
5. 3D Systems’ past and present plans for use of the designation “3DS” or variations thereof in connection with its branding, advertising, marketing or promotion.
6. The adoption and use of the 3DS & Design Mark by 3D Systems.
7. 3D Systems’ awareness of Autodesk’s 3DS MAX Mark and 3DS MAX product.
8. The products and services offered by 3D Systems and by Autodesk, respectively.
9. Future products and services to be offered by 3D Systems and by Autodesk, respectively.
10. Consumer confusion, if any, between products developed or distributed by 3D Systems and products developed or distributed by Autodesk.
11. Consumer awareness of the 3DS & Design Mark.
12. 3D Systems’ efforts or plans, if any, to interest users of Autodesk products or services in 3D Systems products or services.
13. 3D Systems’ efforts to preserve, collect and produce documents and information responsive to Autodesk’s discovery requests.

**CERTIFICATE OF SERVICE BY MAIL**

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served **NOTICE OF DEPOSITION** on each person listed below, by placing the document described above in an envelope addressed as indicated below, which I sealed. I placed the envelope for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Jason M. Sneed  
Sneed PLLC  
610 Jetton St, Suite 120-107  
Davidson, NC 28036

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on November 10, 2014.

  
Elvira Minjarez

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

AUTODESK, INC., )  
 )  
 Petitioner, ) Cancellation No. 92056509  
 )  
 v. )  
 )  
 3D SYSTEMS, INC., )  
 )  
 Respondent. )  
\_\_\_\_\_ )

**NOTICE OF DEPOSITION OF CATHY LEWIS**

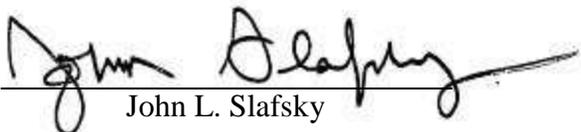
PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure and TBMP § 404.05, Petitioner Autodesk, Inc. (“Autodesk”), will take the deposition upon oral examination of Cathy Lewis, Chief Marketing Officer, 3D Systems, Inc. Ms. Lewis was identified in the Initial Disclosures of Respondent 3D Systems, Inc., in the above-captioned action.

The deposition will begin on December 16, 2014 at 10 a.m. at the Hilton Garden Inn Rock Hill, located at 650 Tinsley Way, Rock Hill, South Carolina 29730. The deposition will be transcribed stenographically, and will continue from day-to-day until completed. You are invited to attend and cross-examine.

Dated: November 10, 2014

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By:   
John L. Slafsky

Attorneys for Petitioner  
AUTODESK, INC.

**CERTIFICATE OF SERVICE BY MAIL**

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served **NOTICE OF DEPOSITION OF CATHY LEWIS** on each person listed below, by placing the document described above in an envelope addressed as indicated below, which I sealed. I placed the envelope for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Jason M. Sneed  
Sneed PLLC  
610 Jetton St, Suite 120-107  
Davidson, NC 28036

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on November 10, 2014.

  
\_\_\_\_\_  
Elvira Minjarez

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

AUTODESK, INC., )  
 )  
 Petitioner, ) Cancellation No. 92056509  
 )  
 v. )  
 )  
 3D SYSTEMS, INC., )  
 )  
 Respondent. )  
\_\_\_\_\_ )

**NOTICE OF DEPOSITION OF JAMES HOPECK**

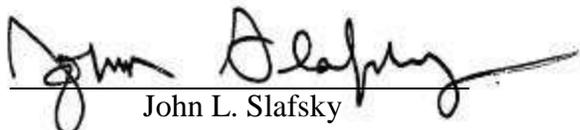
PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure and TBMP § 404.05, Petitioner Autodesk, Inc. (“Autodesk”), will take the deposition upon oral examination of James Hopeck, Vice-President and Corporate Controller, 3D Systems, Inc. Mr. Hopeck was identified in the Initial Disclosures of Respondent 3D Systems, Inc., in the above-captioned action.

The deposition will begin on December 15, 2014 at 10 a.m. at the Hilton Garden Inn Rock Hill, located at 650 Tinsley Way, Rock Hill, South Carolina 29730. The deposition will be transcribed stenographically, and will continue from day-to-day until completed. You are invited to attend and cross-examine.

Dated: November 10, 2014

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By:   
John L. Slafsky

Attorneys for Petitioner  
AUTODESK, INC.

**CERTIFICATE OF SERVICE BY MAIL**

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served **NOTICE OF DEPOSITION OF JAMES HOPECK** on each person listed below, by placing the document described above in an envelope addressed as indicated below, which I sealed. I placed the envelope for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Jason M. Sneed  
Sneed PLLC  
610 Jetton St, Suite 120-107  
Davidson, NC 28036

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on November 10, 2014.

  
\_\_\_\_\_  
Elvira Minjarez

November 24, 2014

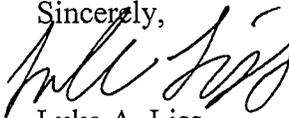
*Via Email*

Jason M. Sneed, Esq.  
Sarah C. Hsia, Esq.  
Sneed pllc  
610 Jetton St., Suite 120-107  
Davidson, NC 28036

Dear Jason and Sarah:

As you know, we served three deposition notices on you via mail on November 10, 2014 (copies are attached for your convenience). We have not received objections or otherwise heard from you regarding the depositions and, accordingly, we are proceeding with travel and other arrangements. We note that under the TBMP and Federal Rules of Civil Procedure, objections to deposition notices are waived when not promptly served in writing. *See* TBMP 404.08(a); Fed. R. Civ. P. 32(d)(1).

Sincerely,



Luke A. Liss

Enclosures