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Filing date: **07/15/2014**

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

Proceeding	92057326
Party	Plaintiff Sushil Sadh
Correspondence Address	ROBERTO LEDESMA LEWIS & LIN LLC 45 MAIN ST, SUITE 608 BROOKLYN, NY 11201 UNITED STATES roberto@ilawco.com
Submission	Motion to Compel Discovery
Filer's Name	Roberto Ledesma
Filer's e-mail	roberto@ilawco.com
Signature	/Roberto Ledesma/
Date	07/15/2014
Attachments	doc03438820140715164551.pdf(1377885 bytes )

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

Sushil Sadh,  
Petitioner,

v.

My Taxes, LLC,  
Respondent.

Cancellation No. 92057326

Registration No. 3415748

Mark: MYTAXES

**PETITIONER'S MOTION TO COMPEL DISCOVERY**

Pursuant to TBMP §523 and 37 C.F.R. §2.120(e), Petitioner, Sushil Sadh (“Petitioner”), by its attorneys, Lewis & Lin, LLC, respectfully moves the Board to compel Respondent, My Taxes, LLC (“Respondent”), to respond to written discovery requests and produce responsive, non-privileged documents and a privilege log, if necessary. In support of this motion, Petitioner states as follows:

**BACKGROUND**

On June 12, 2013, Petitioner filed this Cancellation action against Respondent’s MYTAXES registration covering “tax preparation” services in International Class 35, as set forth in the Petition for Cancellation. On August 20, 2013, two (2) days before the opening of the discovery period, Petitioner’s counsel and Respondent’s counsel held the required discovery conference and agreed to suspend proceedings for 90 days pending settlement discussions. Proceedings were suspended until November 19, 2013, during which time Petitioner’s counsel and Respondent’s counsel exchanged communications regarding resolving the issue and potential terms for settlement. **See Exhibit A** – correspondence between Petitioner’s counsel and Respondent’s counsel dated August 5, 2013 through November 18, 2013. The parties were not able to resolve the dispute and proceedings came out of suspension on November 19, 2013. Petitioner served on Respondent a First Set of Interrogatories and a First Set of Document Requests on January 30, 2014 (together, “Petitioner’s Discovery Requests”). **See Exhibit B** –

Petitioner's Discovery Requests. Further to Respondent's request, Petitioner agreed to extend the deadline for responses to Petitioner's Discovery Requests to March 21, 2014. **See Exhibit C** – all correspondence between Petitioner's counsel and Respondent's counsel dated January 30, 2014 through July 2, 2014. On March 24, 2014 Respondent's counsel proposed settlement and a formal written proposal was emailed to Petitioner's counsel on April 23, 2014. **See Exhibit C**. This would also be the last date of communication from Respondent. On April 23, 2014, Petitioner's counsel sent a response to Respondent's counsel regarding terms to a proposed settlement agreement for which a response was never received. **See Exhibit C**. Follow up emails and voicemails to Respondent's counsel in May, June and July 2014 all also went unanswered. **See Exhibit C** – all correspondence between Petitioner's counsel and Respondent's counsel dated January 30, 2014 through July 2, 2014.

As of the present date, Respondent has failed to respond to Petitioner's Discovery Requests. In emails dated April 29, 2014, May 6, 2014 and June 5, 2014, Petitioner's counsel requested clarification on terms to a settlement agreement. **See Exhibit C**. In an email dated June 24, 2014, Petitioner reminded Respondent that Respondent had failed to serve any response to Petitioner's Discovery Requests, and asked Respondent when such response could be expected. **See Exhibit C**. Respondent did not respond to the email nor did it respond to voicemail messages left with Respondent's counsel. In a voicemail message and a follow up email dated July 2, 2014 Petitioner's counsel informed Respondent's counsel that it was engaging in a final good faith attempt to resolve this dispute before being forced to file a motion to compel with the Board. **See Exhibit C**. Petitioner has still not received a reply to any emails and voicemail messages since Respondent's April 23, 2014 email, nearly 3 months ago. Respondent has not requested any extensions from Petitioner, nor has Respondent raised any objections to Petitioner's Discovery Requests, which are long overdue. Respondent has also failed to serve any of its own discovery requests on Petitioner.

## ARGUMENT

“In inter partes proceedings before the Board, a motion to compel discovery procedure is available in the event of a failure to provide discovery requested by means of discovery depositions, interrogatories, and requests for production of documents and things.” See TBMP §523.01 and *Jain v. Ramparts Inc.*, 49 USPQ2d 1429 (TTAB 1998). Further, “[i]f any party fails to answer any interrogatory, the party seeking discovery may file a motion with the Board for an order to compel an answer. Similarly, if any party fails to produce and permit the inspection and copying of any document or thing, the party seeking discovery may file a motion for an order to compel production and an opportunity to inspect and copy.” See TBMP §411.01 and 37 CFR §2.120(e).

In the instant proceeding, Respondent has failed to provide any response to Petitioner’s Discovery Requests, which are more than a month overdue. Respondent’s failure to provide responses to Petitioner’s Discovery Requests is in direct violation of its obligations under TBMP §523 and 37 CFR §2.120(e). Petitioner has been prejudiced by Respondent’s failure to respond to Petitioner’s Discovery Requests, because Petitioner is unable to obtain proof to refute or verify Respondent’s rights and claims in the Cancellation action. Respondent has also failed to establish that the subject MYTAXES mark and registration is in use in U.S. commerce and has not been abandoned. Respondent’s failure to provide proof of its rights and failure to respond to Petitioner’s Discovery Requests has obviated Petitioner’s ability to prepare for its trial period, which opens on July 18, 2014. As the discovery period closed without responses to Petitioner’s Discovery Requests, Petitioner has been further precluded from conducting follow up discovery which may be necessitated by Respondent’s responses to the outstanding discovery. Accordingly, Respondent is without any justification for ignoring Petitioner’s Discovery Requests and all communications since April 23, 2014 and Petitioner hereby requests that the Board compel Respondent to respond to its discovery obligations.

### CONCLUSION

As Petitioner is entitled to responses to Petitioner’s Discovery Requests, which are vital to the case at hand, Petitioner respectfully requests that the Board issue an Order

compelling Respondent to respond to Petitioner's Discovery Requests and serve such responses in accordance with the requirements in 37 CFR § 2.119.

The undersigned submits that he has made a good faith effort, as required by Trademark Rule 2.120(e)(1), to resolve the issue but Respondent has failed to comply with its obligation to provide responses to discovery requests.

Petitioner also respectfully requests that the Board suspend this case pending the Board's decision concerning the Motion, pursuant to TBMP §523.01 and 37 CFR 2.120(e)(2), and that the trial dates be reset thereafter as appropriate.

Sushil Sadh

/Roberto Ledesma/

Roberto Ledesma  
Brett E. Lewis  
Lewis & Lin, LLC  
45 Main St. Suite 608  
Brooklyn, NY 11201  
718-243-9323  
*Attorneys for Petitioner*

Date: July 15, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served upon Respondent this 15<sup>th</sup> day of July, 2014, by mailing a copy thereof via first-class mail, postage pre-paid, to the current owner of record, My Taxes, LLC, P.O. Box 544, Wagener, South Carolina 29164.

/Roberto Ledesma/

Roberto Ledesma

# EXHIBIT A

**LEWIS & LIN LLC**  
»»» INTERNET LAW COUNSEL

Roberto Ledesma <roberto@ilawco.com>

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## MYTAXES Cancellation

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Roberto Ledesma <roberto@ilawco.com>  
To: Rob Thuss <rob@thusslawoffice.com>

Mon, Nov 18, 2013 at 3:08 PM

Rob,

Thank you for the email below.

My client has reviewed your letter and proposal and they are not interested in your client's business model. They are willing to enter into a co-existence agreement with your client -- whereby both marks are able to co-existence with both parties mutual consents in writing.

Alternatively, my client is willing to make a one time offer to purchase the MYTAXES trademark for \$2,500 payable in two installments. This price is not negotiable and only open until **12pm EST Nov. 19, 2013.**

Otherwise, I have been instructed to proceed with discovery.

Please let me know your client's response.

Best,  
Roberto Ledesma  
www.iLawCo.com

On Fri, Nov 15, 2013 at 4:36 PM, Rob Thuss <rob@thusslawoffice.com> wrote:

Dear Roberto,

Please see my letter regarding an offer on behalf of my clients. Sorry, I just couldn't get them focused as they have had other irons in the fire.

Regards,

Rob

---

Date: Tue, 5 Nov 2013 16:09:46 -0500

Subject: Re: MYTAXES Cancellation  
From: roberto@ilawco.com  
To: rob@thusslawoffice.com

Hey -- following up on this ...

It comes out of suspension on Nov. 19.

And we dropping settlement and moving forward with the opposition?

On Tue, Oct 29, 2013 at 2:27 PM, Roberto Ledesma <roberto@ilawco.com> wrote:

Hi Rob -- following up on this ...

On Tue, Oct 8, 2013 at 2:45 PM, Rob Thuss <rob@thusslawoffice.com> wrote:

Hi Roberto,

my clients promise me something next week after the 15th. I told them I wasn't going to throw any numbers in your client's direction until they documented their investment in the mark.

Sorry for the delay,

Regards,

Rob

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Date: Tue, 8 Oct 2013 14:15:06 -0400

Subject: Re: MYTAXES Cancellation  
From: roberto@ilawco.com  
To: rob@thusslawoffice.com

Hi Rob -- just checking in .... where are we on this?

Best,  
Roberto

On Tue, Sep 3, 2013 at 6:15 PM, Rob Thuss <rob@thusslawoffice.com> wrote:

Hi Roberto,

Hope all's well with you and yours.

Apologies for the delay. Alberta and Doris spent last week in D.C. at a tax seminar and Labor Day's interrupted things. I'll try to get them on track while on the road tomorrow. I'm running across the state tomorrow for two hearings some distant apart and will have several hours of wheel time. I'll have to meet with them toward the end of the week and get them to reduce to writing just what all their mark and business embraces, so that whatever number they have in mind might make some sense.

Cheers,

Rob

---

Date: Tue, 3 Sep 2013 15:47:21 -0400  
Subject: Re: MYTAXES Cancellation  
From: roberto@ilawco.com  
To: rob@thusslawoffice.com

Hi Rob -- just wanted to follow up on our correspondence below.

Please let me know your client's offer price.

Best,  
Roberto

On Tue, Aug 20, 2013 at 3:25 PM, Roberto Ledesma  
<roberto@ilawco.com> wrote:

Rob,

Further to our phone call just now, let me know a price your client is willing to offer to sell/assign the MYTAXES trademark so I can discuss with my client.

Best,  
Roberto

On Mon, Aug 12, 2013 at 5:59 PM, Rob Thuss  
<rob@thusslawoffice.com> wrote:

Dear Roberto,

I've put 4 pm on the 20th on my calendar.

Thanks,

Rob

---

Date: Mon, 5 Aug 2013 22:39:49  
+0200  
Subject: MYTAXES Cancellation  
From: roberto@ilawco.com  
To: Rob@ThussLawOffice.com

Hi Rob,

I am out of the office until Aug. 19.  
We have an Aug. 22 deadline to have a Discovery Conference.

Let me know if you are available at 4pm on Aug. 20 for the conference.

Thanks,  
Roberto

Roberto Ledesma, Esq.  
Lewis & Lin, LLC  
45 Main Street, Suite 608  
Brooklyn, NY 11201  
(718) 243-9323 Ext. 5  
www.iLawCo.com



## **EXHIBIT B**

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

Sushil Sadh,  
Petitioner,

v.

My Taxes, LLC,  
Respondent.

Cancellation No. 92057326

Registration No. 3415748

Mark: MYTAXES

**PETITIONER'S FIRST SET OF INTERROGATORIES TO RESPONDENT**

Pursuant to Rule 33, Federal Rules of Civil Procedure, and Section 2.120 of the Trademark Rules of Practice of the United States Patent and Trademark Office, Petitioner Sushil Sadh ("Petitioner"), by its undersigned counsel, hereby propounds the following interrogatory requests to be answered by Respondent, My Taxes, LLC ("Respondent"), separately and under oath, by serving written responses to the office of Lewis & Lin, LLC, within thirty (30) days of the date of service, pursuant to the included instructions and definitions. These requests are continuing in nature, and impose upon Respondent the obligations as stated in Rule 26(e) of the Federal Rules of Civil Procedure.

**DEFINITIONS AND INSTRUCTIONS**

The interrogatories and document requests being served concurrently are subject to the definitions and instructions set forth below:

1. The term "Petitioner" refers to the Petitioner herein, Sushil Sadh, and any affiliated/related entities and individuals.

2. The term “Respondent,” “You” or “Your” refers to the Respondent in this action, My Taxes, LLC, its subsidiaries, predecessors or controlled, controlling or affiliated companies; and the Respondent’s past and present officers, employees, agents and representatives.
3. The term “MYTAXES” or the “MYTAXES Mark” refers to the mark as embodied in Registration No. 3415748, which is the subject of Cancellation No. 92057326 filed by Petitioner, unless otherwise stated or unless obvious from the context of the request.
4. The term “MYTAXES” or the “MYTAXES Mark” also refers to the alleged mark for which Respondent claims to own prior rights and continuous uninterrupted use, unless otherwise stated or unless obvious from the context of the request.
5. The term “Petition to Cancel” refers to the Petition to Cancel filed by Petitioner in connection with Cancellation No. 92057326.
6. The term “Respondent’s Services” or “Service” means each and every service ever offered for sale, rendered, or distributed with the authorization of Respondent in connection with a MYTAXES mark.
7. The term “sold,” as used in these definitions and interrogatories, means products or services paid for, transferred, rendered, or provided free of charge.
8. The terms “communication,” “writing,” and “document” are used in their customary broad sense and include, but are not limited to, copies of orders, acknowledgements thereof, contracts, invoices, bills, receipts, checks, books, records, reports, financial statements, letters, telegrams, notes, memoranda, calculations, diaries, worksheets, drafts, advertisements, and other tangible things, including without limitation originals and copies, whether typed, handwritten, or on tape, computer disc, some other recording or in electronic format, from whatever source, and

any material underlying, supporting, or used in the preparation of any of such document or documents.

9. The term “identify,” when used in reference to a natural person, means to:

- (a) state his or her full name;
- (b) state his or her present or last-known address;
- (c) state his or her present or last-known employer or business affiliation; and
- (d) state his or her occupation and business position held and the length of time in such position.

10. The term “identify,” when used in reference to a corporation, partnership, or other business entity, means to:

- (a) state its full name;
- (b) state its present or last-known principal place of business;
- (c) state the nature of its business;
- (d) in the case of a corporation, set forth its State of incorporation;
- (e) state the identities of persons having knowledge of the matter with respect to which the company is named; and
- (f) state the identity(ies) of the executive officer or officers of the company.

11. The term “identify,” when used in reference to a document, means to:

- (a) state the date, author, recipient, and type of document (e.g., invoice, delivery receipt, etc.) or some other means of distinguishing the document;

- (b) state the identity of each person who prepared the document;
- (c) state the identity of each person who received the document;
- (d) state the present location of the document;
- (e) state the manner and dates of distribution and publication of the document, if any; and
- (f) state the identity of each person having possession, custody, or control of the document.

12. The phrase “describe” means that Respondent is requested to state with specificity each and every fact, particular circumstance, incident, act, omission, detail, event, and date, and to identify each and every document, as herein defined, relating thereto or in any way whatsoever concerning the matters inquired of.

13. The singular form of a word shall be understood to include the plural, and vice versa.

14. The conjunctive shall be understood to include the disjunctive, and vice versa.

### **INTERROGATORIES**

#### **Interrogatory No. 1**

Identify each owner and/or officer of Respondent.

#### **Interrogatory No. 2**

Identify each predecessor, parent, subsidiary and affiliated company of Respondent.

Interrogatory No. 3

Identify all Services in connection with which Respondent has used a MYTAXES Mark in the United States, and for each such usage, provide the date of first use in commerce, and if applicable, the last date of use in commerce.

Interrogatory No. 4

Identify all persons responsible for creation, adoption and/or licensing of the MYTAXES Mark, and the date(s) in which the mark was first developed, used and/or licensed.

Interrogatory No. 5

Identify all persons responsible for management of Services offered under the MYTAXES Mark.

Interrogatory No. 6

Identify all persons currently involved in the development, marketing, sale, and rendering of Services offered under the MYTAXES Mark.

Interrogatory No. 7

Identify the person most knowledgeable about use of the MYTAXES Mark in U.S. commerce.

Interrogatory No. 8

Identify the person most knowledgeable about any and all licensing agreements for the MYTAXES Mark.

Interrogatory No. 9

Identify the retail channels, or types of retail channels, in which Respondent has offered Services under the MYTAXES Mark.

Interrogatory No. 10

Identify any and all licensees of Respondent's MYTAXES Mark.

Interrogatory No. 11

Describe the nature of the Services offered by Respondent under the MYTAXES mark, including but not limited to, whether the Services include both State and Federal tax preparation services.

Interrogatory No. 12

State whether Respondent owns a currently valid license to offer tax preparation services.

Interrogatory No. 13

State Respondent's annual expenditures since the year 2005 for offering and rendering Respondent's Service under the MYTAXES Mark in the United States.

Interrogatory No. 14

State Respondent's annual revenue since the year 2005 for Services offered under the MYTAXES Mark in the United States.

Interrogatory No. 15

State the prices at which Respondent offers, has offered, or plans to offer, each of Respondent's Services under the MYTAXES Mark in the United States.

Interrogatory No. 16

Identify any use of the MYTAXES Mark or any marks similar thereto, by any third party.

Interrogatory No. 17

Identify any disputes, including, but not limited to, lawsuits, oppositions, written objections, or threatened litigations, concerning the use, application, or registration of the MYTAXES Mark.

Interrogatory No. 18

State whether Respondent, or anyone acting on Respondent's behalf, has ever entered into a license, assignment or other agreement regarding the MYTAXES Mark and, if so, provide the particulars of same.

Interrogatory No. 19

State the location and address, physical and online, of all retail services offered under the MYTAXES Mark and the corresponding dates of use for each location.

Interrogatory No. 20

State whether Respondent has ever ceased use and ceased offering Services under the MYTAXES mark and the circumstances for any periods of non-use.

Interrogatory No. 21

Describe the circumstances under which Respondent denies it is not now using and has ceased using the mark MYTAXES in U.S. interstate commerce as denied in Paragraph 4 of Respondent's Answer to the Petition to Cancel.

Interrogatory No. 22

Describe the circumstances under which Respondent denies it has abandoned the mark MYTAXES based on non-use and no apparent intention to resume use of the MYTAXES mark in connection with tax preparation services as denied in Paragraph 5 of Respondent's Answer to the Petition to Cancel.

Interrogatory No. 23

State whether Respondent only offers tax preparation services under the MYTAXES mark in the state of South Carolina and to residents and businesses in the state of South Carolina.

Interrogatory No. 24

State whether Respondent has continuously offered Services under the MYTAXES mark in U.S. commerce.

Interrogatory No. 25

State whether Respondent has ever had a period of non-use of the MYTAXES mark in U.S. commerce.

Interrogatory No. 26

State whether Respondent currently offers Services under the MYTAXES mark in U.S. commerce.

Interrogatory No. 27

Identify any periods of Respondent's non-use of the MYTAXES mark from 2005 to present.

Date: January 30, 2014

By: /Roberto Ledesma/  
Lewis & Lin, LLC  
PO Box 230692  
New York, NY 10023

*Attorney for Petitioner*

Under penalties of perjury, I declare that I have read the foregoing Answers to the Interrogatories and that the facts stated in it are true.

By: \_\_\_\_\_

STATE OF \_\_\_\_\_)

COUNTY OF \_\_\_\_\_)

Sworn to and subscribed before me this \_\_\_ day of \_\_\_\_\_, 2014, by  
\_\_\_\_\_, \_\_\_ who is known to me or \_\_\_ who produced identification of  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public (Signature)

\_\_\_\_\_  
Name of Notary (Printed)

(Seal)

My Commission Expires: \_\_\_\_\_

**Certificate of Service**

I hereby certify that the foregoing document was served upon Respondent this 30<sup>th</sup> day of January, 2014, by mailing a copy thereof via first-class mail, postage pre-paid, to Robert R. Thuss, Thuss Law Office LLC, PO Box 589, Swansea, SC 29160 and via email: Rob@ThussLawOffice.com.

\_\_\_\_\_/Roberto Ledesma/\_\_\_\_\_  
Roberto Ledesma

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

Sushil Sadh,  
Petitioner,

v.

My Taxes, LLC,  
Respondent.

Cancellation No. 92057326

Registration No. 3415748

Mark: MYTAXES

**PETITIONER'S FIRST SET OF DOCUMENT REQUESTS TO RESPONDENT**

Pursuant to Rule 34, Federal Rules of Civil Procedure, and Section 2.120 of the Trademark Rules of Practice of the United States Patent and Trademark Office, Petitioner Sushil Sadh, (“Petitioner”), by its undersigned counsel, hereby propounds the following document requests to be answered by Respondent, My Taxes, LLC (“Respondent”), by serving written responses and responsive documents and things to the office of Lewis & Lin, LLC, within thirty (30) days of the date of service, pursuant to the included instructions and definitions. These requests are continuing in nature, and impose upon Opposer the obligations as stated in Rule 26(e) of the Federal Rules of Civil Procedure.

**DEFINITIONS AND INSTRUCTIONS**

The definitions and instructions contained in Applicant’s First Set of Interrogatories to Opposer (the “Interrogatories”) are incorporated herein by reference.

With respect to any document requested below for which a claim of privilege or work product is made, indicate the nature of the document; identify by name, address, title and business affiliation, the writer, the addressee and all recipients thereof; and set forth the general subject matter to which the document relates, and its date.

## GENERAL INSTRUCTIONS

The following instructions are to be used with respect to each request contained herein:

1. Each person responding to the document requests is required to furnish responsive documents within that person's possession, custody, or control, or within the possession, custody, or control of his attorneys, agents, representatives, or employees.
2. Each response shall be made based upon your entire knowledge, acquired with due diligence and available from all sources, including all information in your possession or that of your agents, representatives, or attorneys.
3. If you cannot respond to the request in full after exercising the due diligence to secure the documents and things necessary to do so, please set forth your efforts to ascertain the requested documents and things, and respond to the extent possible.
4. If you qualify a response in any manner, please set forth the exact nature and extent of the qualification.
5. Wherever it is reasonably practical, please produce documents in such a manner as will facilitate their identification with the particular request or category of requests to which they are responsive, pursuant to the provisions of Fed. R. Civ. P. 34(b).
6. With respect to any document requested below for which a claim of privilege or work product is made, indicate the nature of the document; identify by name, address, title and business affiliation, the writer, the addressee and all recipients thereof; and set forth the general subject matter to which the document relates, and its date.

## REQUESTS

Document Request No. 1

All documents from which Respondent obtained information to answer Petitioner's First Set of Interrogatories.

Document Request No. 2

All documents and things on which Respondent intends to rely upon in connection with denying the allegations set forth in Petitioner's Petition to Cancel.

Document Request No. 3

All documents and things relating to Respondent's continuous use of the MYTAXES Mark in U.S. commerce.

Document Request No. 4

All documents and things demonstrating that Respondent is a currently active entity in the State of South Carolina.

Document Request No. 5

All documents and things demonstrating that Respondent is licensed to offer tax preparation services.

Document Request No. 6

All documents and things relating to Respondent's first use of the MYTAXES Mark.

Document Request No. 7

All documents and things relating to the current use of the MYTAXES Mark, including but not limited to specimens of use, advertisements, corporate filings, tax filings, etc.

Document Request No. 8

All documents and things concerning any disputes, including, but not limited to, lawsuits, oppositions, written objections, or threatened litigations, concerning the use, application, or registration of the MYTAXES Mark.

Document Request No. 9

All documents and things concerning any agreements, licensors, licensees or licenses regarding the use of the MYTAXES Mark.

Document Request No. 10

Representative samples of marketing and promotional materials since the year 2005, including, without limitation, brochures, advertisements, pamphlets, manuals and any other promotional materials, upon which the MYTAXES Mark appears.

Document Request No. 11

Documents sufficient to identify the total cost of advertising, marketing, or promotion of Services offered by Respondent under the MYTAXES Mark.

Document Request No. 12

All documents and things demonstrating that Respondent offers tax preparation services in U.S. commerce.

Document Request No. 13

Documents sufficient to identify the retail channels, physical and online, used by Respondent in connection with the offering of Services under the MYTAXES Mark.

Document Request No. 14

Documents sufficient to identify the location and address, from 2005 to present, in which Respondent offers Services under the MYTAXES Mark.

Document Request No. 15

Documents sufficient to identify the geographic scope of the consumer base to which Respondent markets and offers Services under the MYTAXES Mark.

Document Request No. 16

All documents and things concerning Respondent's plans, if any, to expand use of the MYTAXES Mark.

Document Request No. 17

All documents and things evidencing that there have been no periods of non-use of the MYTAXES from 2005 to present.

Document Request No. 18

All documents and things Respondent intends to reference, present, or otherwise rely upon at trial.

Document Request No. 19

All documents and things demonstrating that Respondent has not abandoned rights to the MYTAXES Mark in the U.S.

Document Request No. 20

All documents and things demonstrating that Respondent has continuously used a MYTAXES mark in U.S. commerce from 2006 to present.

Date: January 30, 2014

By: /Roberto Ledesma/  
Lewis & Lin, LLC  
PO Box 230692  
New York, NY 10023

*Attorney for Petitioner*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served upon Respondent this 30<sup>th</sup> day of January, 2014, by mailing a copy thereof via first-class mail, postage pre-paid, to Robert R. Thuss, Thuss Law Office LLC, PO Box 589, Swansea, SC 29160 and via email: Rob@ThussLawOffice.com.

        /Roberto Ledesma/          
Roberto Ledesma

## **EXHIBIT C**

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**MYTAXES -- Discovery Requests**

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Roberto Ledesma <roberto@ilawco.com>  
To: Rob Thuss <rob@thuslawoffice.com>

Wed, Jul 2, 2014 at 2:32 PM

Rob,

I have now left you a voicemail.

We need a response from you. Please consider this a final attempt before we are forced to file a motion to compel and seek sanctions.

Please update me on this. I hope to hear from you soon.

Best,  
Roberto Ledesma  
www.iLawCo.com  
718 243 9323 ext.5

On Tue, Jun 24, 2014 at 5:13 PM, Roberto Ledesma <roberto@ilawco.com> wrote:

Rob -- please call me to discuss this matter as soon as possible or provide a response to my many emails below.

We have not received a response to our discovery request or clarifications on the settlement offer.

Best,  
Roberto Ledesma  
(718) 243 9323 ext.5

On Thu, Jun 5, 2014 at 3:33 PM, Roberto Ledesma <roberto@ilawco.com> wrote:

Rob -- what's the status here?

Will your client agree to limit its use of its mark and services to the state of South Carolina?

Please update me on this matter we had a settlement proposal on the table.

Thanks,  
Roberto Ledesma

On Tue, May 6, 2014 at 5:05 PM, Roberto Ledesma <roberto@ilawco.com> wrote:

Rob -- please confirm whether your client agrees to the limitation proposed below.

Thanks,  
Roberto

On Tue, Apr 29, 2014 at 1:01 PM, Roberto Ledesma <roberto@ilawco.com> wrote:

Rob -- following up on my email below ...

On Wed, Apr 23, 2014 at 3:37 PM, Roberto Ledesma <roberto@ilawco.com> wrote:

Thanks Rob.

We will also require that your client agree to limit its use of its mark and services to the state of South Carolina.

Please confirm they agree.

Best,  
Roberto

On Wed, Apr 23, 2014 at 12:47 PM, Rob Thuss <rob@thuslawoffice.com> wrote:  
Hi Roberto,

I'm attaching a short short settlement proposal. Sorry for the delays.

Rob

---

Date: Tue, 8 Apr 2014 14:46:52 -0400

Subject: Re: MYTAXES -- Discovery Requests  
From: roberto@ilawco.com  
To: rob@thuslawoffice.com

Rob -- when can we expect to receive your proposal?

Best,  
Roberto

On Mon, Mar 24, 2014 at 12:21 PM, Rob Thuss <rob@thuslawoffice.com> wrote:

You bet. Thanks.

---

Date: Mon, 24 Mar 2014 11:51:11 -0400

Subject: Re: MYTAXES -- Discovery Requests  
From: roberto@ilawco.com  
To: rob@thuslawoffice.com

My client is interested in exploring this option.

Can you put your proposal in writing for our consideration?

Roberto

On Mon, Mar 24, 2014 at 11:43 AM, Rob Thuss <rob@thuslawoffice.com> wrote:

Good morning Roberto,

Their offer is to a co-existence and/or consent agreement so that your client's mark may be approved.

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Date: Mon, 24 Mar 2014 11:22:03 -0400

Subject: Re: MYTAXES -- Discovery Requests  
From: roberto@ilawco.com  
To: rob@thuslawoffice.com

Rob,

Please clarify your offer.

Is the \$2,500 for an outright sale of all right, title and interest in the MYTAXES mark -- which your client will immediately relinquish and agree to

never use again in the future?

Best,  
Roberto

On Mon, Mar 24, 2014 at 10:29 AM, Rob Thuss <rob@thusslawoffice.com> wrote:

Good Morning Roberto,

I had a talk with Doris and Alberta, and impressed upon them that a co-existence agreement isn't a threat.

They have agreed to a prompt settlement if your client is still agreeable to a \$2500 payment.

If not, let me know and I'll provide their over-due discovery responses.

Regards,

Rob Thuss

(803) 640-1000

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Date: Thu, 13 Mar 2014 12:44:21 -0400

Subject: Re: MYTAXES -- Discovery Requests  
From: roberto@ilawco.com  
To: rob@thusslawoffice.com

Understood. We agree to extend the deadline to the end of next week, March 21.

Best,  
Roberto

On Thu, Mar 13, 2014 at 8:39 AM, Rob Thuss <rob@thusslawoffice.com> wrote:

Roberto,

I should have the responses from Doris and Alberta on the way on Monday. They have finished the Interrogatories and are working on the RFPs. They've had them since the day after you emailed them to me. We did lose about a week with power down from an ice storm, but that doesn't excuse them not working on this since they want to think their Mark is gold.

I told them to settle because it's no skin off their back for your guy to have a similar Mark. I don't see the problem but for some reason I can't get them to see it.

I apologize. I was in a jury trial that geared up the last week of February and part of the first week of March and that

took all my focus. And again, between counsel, I think my clients should settle and wish your guy well.

That's where things stand, and I'd appreciate a couple more days. Also, I'm going to sit them down.

Regards,

Rob

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Date: Wed, 12 Mar 2014 14:06:30 -0400  
Subject: Re: MYTAXES -- Discovery Requests  
From: roberto@ilawco.com  
To: Rob@thusslawoffice.com

Rob -- as you know the deadline to respond to our discovery requests passed.

Please let me know when you have time for a meet and confer phone call regarding this matter.

If we do not have a response we will be forced to move to compel.

Best,  
Roberto

On Wed, Mar 5, 2014 at 1:56 PM, Roberto Ledesma <roberto@ilawco.com> wrote:

Rob -- just following up on this.

Are your responses coming?  
The deadline has passed.

Let me know.

Best,  
Roberto Ledesma

On Thu, Jan 30, 2014 at 5:24 PM, Roberto Ledesma <roberto@ilawco.com> wrote:

Rob,

Please find attached interrogatories and request for production in connection with the above referenced cancellation

action.

Best,  
Roberto Ledesma  
www.iLawCo.com