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Filing date: **01/09/2015**

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

Proceeding	92059305
Party	Plaintiff MWR Holdings, LLC
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Submission	Motion to Compel Discovery
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Signature	/William W. Stroever/
Date	01/09/2015
Attachments	MWR Motion to Compel.pdf(871536 bytes )

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

MWR HOLDINGS, LLC,

Petitioner,

v.

THEODORE A. STONER,

Registrant.

Cancellation No. 92059305

Mark: BONGO BI-LINGO BUDDY

Reg. No.: 3,700,403

Registered: October 20, 2009

**PETITIONER'S MOTION TO COMPEL DISCOVERY RESPONSES**

Pursuant to Rule 2.120 of the Trademark Rules of Practice, Petitioner MWR Holdings, LLC (“MWR”), by its undersigned counsel, hereby move the Trademark Trial and Appeal Board (the “Board”) for an Order compelling Registrant Theodore A. Stoner (“Stoner”) to provide responses to discovery requests served by MWR, including: MWR’s First Interrogatories to Stoner; MWR’s First Request for the Production of Documents to Stoner; and MWR’s First Request for Admissions from Stoner. To date, Stoner has completely failed to respond to these requests.

**BACKGROUND**

On October 2, 2014, MWR served three sets of discovery requests on Stoner by First Class Mail, including MWR’s First Interrogatories to Stoner; MWR’s First Request for the Production of Documents to Stoner; and MWR’s First Request for Admissions from Stoner. (See requests and letter attached Exhibit 1). Pursuant to Trademark Rule 2.120(a)(3), and TBMP § 403.03, the deadline for Stoner’s responses was thirty-five days

after that service – i.e., November 6, 2014. MWR received no discovery responses from Stoner, nor any explanation for the missed deadline.

On December 16, 2014, MWR sent a letter to Stoner, noting that Stoner had failed to respond to MWR's discovery requests, and requesting some indication as to when MWR could expect a response. (See letter attached as Exhibit 2). Stoner did not respond to MWR's attempt to resolve this issue.

Expert disclosures in this case are due on January 11, 2015, and discovery closes altogether on February 10, 2015.

### **ARGUMENT**

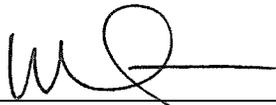
If a party fails to answer any interrogatory, or fails to produce and permit the inspection and copying of any document or thing, the party seeking discovery may file a motion to compel disclosure and production. 37 CFR § 2.120(e). In this case, MWR properly served discovery requests on Stoner, and Stoner completely failed to respond. An Order compelling discovery could not be more appropriate. MWR has made a good faith effort through correspondence to resolve this dispute, but has been unable to obtain any response from Stoner, much less the requested discovery. Accordingly, the Board should grant MWR's Motion in its entirety.

### **CONCLUSION**

For the foregoing reasons, MWR respectfully requests that the Board issue an order compelling full and complete discovery responses from Stoner, and ordering that MWR's Requests for Admission are deemed admitted.

Dated: January 9, 2015

GREENBERG TRAURIG, LLP

By:   
\_\_\_\_\_  
William W. Stroeve  
200 Park Avenue  
P.O. Box 677  
Florham Park, NJ 07932-0677  
Tel. 973-443-3524  
Fax 973-295-1291  
stroevevw@gtlaw.com

Attorneys for Petitioner  
MWR Holdings, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITIONER'S MOTION TO COMPEL DISCOVERY RESPONSES has been served on Theodore A. Stoner by mailing said copy on January 9, 2015, via First Class Mail, postage prepaid to:

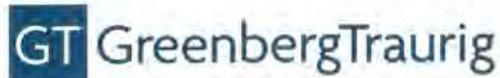
Matthew H. Swyers  
The Trademark Company PLLC  
344 Maple Ave. W, Suite 151  
Vienna, VA 22180



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William W. Stroever

# EXHIBIT 1



William W. Stroever  
Associate  
973-443-3524 – Tel.  
973-295-1291 – Fax  
stroeverw@gtlaw.com

**SUBJECT TO FED. R. EVID. 408**

October 2, 2014

VIA FIRST CLASS MAIL

Mr. Matthew H. Swyers, Esq.  
The Trademark Company PLLC  
344 Maple Ave., W., Suite 151  
Vienna, VA 22180

**Re: MWR Holdings, LLC v. Theodore A. Stoner  
Cancellation No. 92059305  
Our ref: 135518.021200**

Dear Mr. Swyers:

Enclosed for service please find Petitioner's First Set of Discovery Requests to your client. If you have any questions, please do not hesitate to contact us.

Additionally, I have not received any response to a voicemail I left you several weeks ago regarding a possible resolution to this matter. If your client is interested, please let us know.

Sincerely,

GREENBERG TRAUIG, LLP

A handwritten signature in blue ink, appearing to be "W. Stroever".

By: William W. Stroever

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MWR HOLDINGS, LLC,

Petitioner,

v.

THEODORE A. STONER,

Registrant.

Cancellation No. 92059305

Mark: BONGO BI-LINGO BUDDY

Reg. No.: 3,700,403

Registered: October 20, 2009

**PETITIONER'S FIRST REQUEST FOR ADMISSIONS TO REGISTRANT**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Petitioner MWR Holdings, LLC ("MWR"), by its undersigned counsel, hereby requests that Registrant Theodore A. Stoner ("Stoner"), make the following admissions within thirty (30) days after service hereof.

**I. DEFINITIONS AND INSTRUCTIONS**

1. "And" and "or" shall be construed conjunctively or disjunctively, whichever makes the requests more inclusive. The term "all" shall mean "any and all," and the term "any" shall mean "any and all." The singular of any word or phrase shall include the plural of such word or phrase, and the plural of any word or phrase shall include the singular of such word or phrase.

2. The term "Communications" means any oral or written transmittal, correspondence, and/or receipt of words or information, whether such was by chance, pre-arranged, formal or informal, and specifically includes but is not limited to conversations in person, telephone conversations, telegrams, telexes, facsimiles, letters,

emails, reports or memoranda, formal statements, newspaper stories, notes of telephone conversations, notes of meetings, data compilations, and electronically stored data. References to Communications with business entities shall be deemed to include Communication with all officers, directors, employees, agents, attorneys or other representatives of such entities.

3. The term “Document” shall mean and include any type of written, recorded, electronic, graphic or photographic matter of any kind or character, however produced or reproduced. The term thus includes, without limiting the generality of the foregoing, all photographs, sketches, drawings, videotapes, audiotapes, letters, telegrams, telexes, facsimiles, electronic mail, correspondence, brochures, manuals, press releases, transcripts of interviews, transcripts of speeches, product guides, contracts, consulting agreements, other agreements, business plans, deeds, drafts, work papers, plans, blueprints, specifications, comparisons, surveys, data sheets, analyses, calculations, files (and their contents), notes to the files, reports, publications, mechanical and electronic sound recordings or transcripts thereof, calendar or diary entries, memoranda of telephone or personal conversations or of meetings or conferences, maps, studies, reports, charts, interoffice communications, minutes of meetings, articles, announcements, ledgers, vouchers, checks, receipts and invoices, tax records and forms, court pleadings and papers, discovery requests and responses including originals and copies of any of the foregoing, and any material underlying, supporting or used in preparing any Document.

4. The term “Entity” includes organizations, corporations, partnerships, associations, joint ventures and any other individual or group of individuals which has the purpose of conducting business.

5. The word “Identify”, or any variation of the word Identify, shall mean to specify the full name; present position and business affiliation; last known physical address (including apartment number, if applicable); email address; telephone number and facsimile number with respect to a Person. In the case of a company, the word Identify shall mean to specify the name; officers or other persons having knowledge of the matter with respect to which the company is named; place of incorporation; address and principal place of business. In the case of a “document”, the word Identify shall mean to specify the persons originating and preparing it; the sender; its general type (e.g., letter, memo, report, invoice, etc.); title; identifying number; general nature of its subject matter; addressees and recipients; date(s) of preparation; dates and manner of transmission, distribution and publication; location of each copy (including title, index number and location of the file in which it is kept or from which it was removed); present custodian or person responsible for its filing or other disposition; and persons who can authenticate or Identify it and, if privilege against production is claimed, the specific basis therefore and a complete specification and description of every fact upon which the claim of privilege is based.

6. The term “Person” includes any natural person, firm, association, organization, partnership, business, trust, governmental entity, joint venture, corporation or public entity. Additionally, the singular and plural forms are used interchangeably, as are the masculine and feminine forms.

7. The terms “Petitioner” or “MWR” means MWR Holdings, LLC, and shall include any officers, directors, corporate parents, subsidiaries, affiliates, predecessors or successors of MWR Holdings, LLC, as well as any employees, partners, agents, sales

representatives, attorneys and all other persons acting or purporting to act on behalf of said entities, inclusively.

8. The terms “Registrant” or “Stoner” mean Theodore A. Stoner, and shall include any employees, representatives, agents, heirs, successors and assigns of Theodore A. Stoner, as well as any other persons acting or purporting to act on behalf of said entities, inclusively.

9. A Document “Refers” to a subject if, for example, it constitutes, comprises, describes, sets forth, reflects, analyzes, refers to, evidences, comments upon, mentions, is connected to, discusses, contains data relating to, or pertains to the subject.

10. As used herein, “Registrant’s Mark” refers to the mark identified in Registrant’s Trademark Registration, Reg. No. 3,700,403, namely, BONGO BI-LINGO BUDDY.

11. The term “Registrant’s Services” shall refer to each of the services identified in Registrant’s Trademark Registration, Reg. No. 3,700,403, namely: “Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning.”

12. The term “Petitioner’s Mark” shall refer to the mark identified in Petitioner’s Trademark Application, Serial No. 86/146,757, namely BONGO BEAR.

## **II. REQUESTS**

1. Admit that Registrant’s date of first use in commerce of Registrant’s Mark in the United States is June 18, 2008.

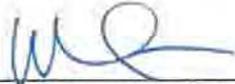
2. Admit that Registrant's date of first use anywhere of Registrant's Mark in the United States is June 8, 2004.

3. Admit that Registrant has no basis to rely on a date prior to June 8, 2004 for use of Registrant's Mark on Registrant's Services for purposes of priority.

Dated: October 2, 2014

GREENBERG TRAURIG, LLP

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



William W. Stroever  
200 Park Avenue  
P.O. Box 677  
Florham Park, NJ 07932-0677  
Tel. 973-443-3524  
Fax 973-295-1291  
stroeverw@gtlaw.com

Attorneys for Petitioner  
MWR Holdings, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing First Request for Admissions to Registrant has been served on Theodore A. Stoner by mailing said copy on October 2, 2014, via First Class Mail, postage prepaid to:

Matthew H. Swyers  
The Trademark Company PLLC  
344 Maple Ave. W, Suite 151  
Vienna, VA 22180



Susan Schuchard

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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MWR HOLDINGS, LLC,

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Cancellation No. 92059305

Mark: BONGO BI-LINGO BUDDY

Reg. No.: 3,700,403

Registered: October 20, 2009

**PETITIONER'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS  
TO REGISTRANT**

Pursuant to Rule 2.120 of the Trademark Rules of Practice and Rules 26 and 33 of the Federal Rules of Civil Procedure, Petitioner MWR Holdings, LLC ("MWR"), by its undersigned counsel, hereby requests that Registrant Theodore A. Stoner ("Stoner") serve a written response to this request within thirty (30) days of the date of service of this request as provided in said Rules, and that Registrant produce the documents and things specified below for inspection and copying by Petitioner at the offices of Greenberg Traurig, LLP, 200 Park Avenue, P.O. Box 677, Florham Park, NJ 07932.

**I. INSTRUCTIONS**

1. There shall be a continuing duty on Registrant to furnish additional documents in response to these document requests in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

2. All documents must be produced in a form that renders them susceptible to copying.

3. Each document should be segregated and identified by the request to which it is primarily responsive or produced as it is kept in the usual course of business.

4. If you are unable to comply fully with any request herein, comply to the extent possible and provide a detailed explanation as to why full compliance is not possible.

5. All requests herein are directed to those documents within your possession, custody or control, or within the possession, custody or control of your agents, servants and employees and your attorneys. They are also directed to those firms, corporations, partnerships, or trusts that you control and to documents in the possession, custody or control of employees, agents and representatives of such entities.

6. If any document called for is not available or accessible, is no longer in existence, or is withheld under a claim of privilege of protection against discovery, give the following information for that document:

- a. The name and title of the author(s);
- b. The name and title of each person to whom the document was addressed;
- c. The name and title of each person to whom a copy of the document was sent, directed, circulated, or distributed;
- d. The date of the document;
- e. The number of pages;
- f. A brief description of the nature and subject matter of the document in sufficient detail to permit other parties to this action to assess the applicability of the asserted privilege or immunity;

g. The paragraph(s) of the request to which the document is responsive;

h. The name of each person now in possession of the document or any identical or non-identical copy;

i. The basis of the claim, privilege or protection against discovery (if applicable);

j. The reasons why the document is not available or accessible (if applicable); and

k. The reason why a document is no longer in existence (if applicable).

7. All electronic documents and records produced must be produced with an explanation sufficient to render the records and information intelligible.

## **II. DEFINITIONS**

1. “And” and “or” shall be construed conjunctively or disjunctively, whichever makes the requests more inclusive. The term “all” shall mean “any and all,” and the term “any” shall mean “any and all.” The singular of any word or phrase shall include the plural of such word or phrase, and the plural of any word or phrase shall include the singular of such word or phrase.

2. The term “Communications” means any oral or written transmittal, correspondence, and/or receipt of words or information, whether such was by chance, pre-arranged, formal or informal, and specifically includes but is not limited to conversations in person, telephone conversations, telegrams, telexes, facsimiles, letters, emails, reports or memoranda, formal statements, newspaper stories, notes of telephone

conversations, notes of meetings, data compilations, and electronically stored data. References to Communications with business entities shall be deemed to include Communication with all officers, directors, employees, agents, attorneys or other representatives of such entities.

3. The term “Document” shall mean and include any type of written, recorded, electronic, graphic or photographic matter of any kind or character, however produced or reproduced. The term thus includes, without limiting the generality of the foregoing, all photographs, sketches, drawings, videotapes, audiotapes, letters, telegrams, telexes, facsimiles, electronic mail, correspondence, brochures, manuals, press releases, transcripts of interviews, transcripts of speeches, product guides, contracts, consulting agreements, other agreements, business plans, deeds, drafts, work papers, plans, blueprints, specifications, comparisons, surveys, data sheets, analyses, calculations, files (and their contents), notes to the files, reports, publications, mechanical and electronic sound recordings or transcripts thereof, calendar or diary entries, memoranda of telephone or personal conversations or of meetings or conferences, maps, studies, reports, charts, interoffice communications, minutes of meetings, articles, announcements, ledgers, vouchers, checks, receipts and invoices, tax records and forms, court pleadings and papers, discovery requests and responses including originals and copies of any of the foregoing, and any material underlying, supporting or used in preparing any Document.

4. The term “Entity” includes organizations, corporations, partnerships, associations, joint ventures and any other individual or group of individuals which has the purpose of conducting business.

5. The word “Identify”, or any variation of the word Identify, shall mean to specify the full name; present position and business affiliation; last known physical address (including apartment number, if applicable); email address; telephone number and facsimile number with respect to a Person. In the case of a company, the word Identify shall mean to specify the name; officers or other persons having knowledge of the matter with respect to which the company is named; place of incorporation; address and principal place of business. In the case of a “document”, the word Identify shall mean to specify the persons originating and preparing it; the sender; its general type (e.g., letter, memo, report, invoice, etc.); title; identifying number; general nature of its subject matter; addressees and recipients; date(s) of preparation; dates and manner of transmission, distribution and publication; location of each copy (including title, index number and location of the file in which it is kept or from which it was removed); present custodian or person responsible for its filing or other disposition; and persons who can authenticate or Identify it and, if privilege against production is claimed, the specific basis therefore and a complete specification and description of every fact upon which the claim of privilege is based.

6. The term “Person” includes any natural person, firm, association, organization, partnership, business, trust, governmental entity, joint venture, corporation or public entity. Additionally, the singular and plural forms are used interchangeably, as are the masculine and feminine forms.

7. The terms “Petitioner” or “MWR” means MWR Holdings, LLC, and shall include any officers, directors, corporate parents, subsidiaries, affiliates, predecessors or successors of MWR Holdings, LLC, as well as any employees, partners, agents, sales

representatives, attorneys and all other persons acting or purporting to act on behalf of said entities, inclusively.

8. The terms “Registrant” or “Stoner” mean Theodore A. Stoner, and shall include any employees, representatives, agents, heirs, successors and assigns of Theodore A. Stoner, as well as any other persons acting or purporting to act on behalf of said entities, inclusively.

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12. The term “Petitioner’s Mark” shall refer to the mark identified in Petitioner’s Trademark Application, Serial No. 86/146,757, namely BONGO BEAR.

### **III. REQUESTS**

1. All documents identified in response to Petitioner’s First Set of Interrogatories.

2. All documents and things concerning the prosecution of U.S. Trademark Application Serial No. 78/812,529.

3. All documents and things sufficient to identify each occasion on which Registrant has provided Registrant's Services under Registrant's Mark.

4. All documents and things concerning Registrant's alleged first use of Registrant's Mark anywhere, which purportedly occurred on June 8, 2004.

5. All documents and things concerning Registrant's alleged first use of Registrant's Mark in commerce, which purportedly occurred on June 18, 2008.

6. All documents and things concerning the creation and adoption of Registrant's Mark.

7. All documents and things concerning the occasion Registrant first became aware of Petitioner's use of Petitioner's Mark in the United States.

8. All documents and things concerning any advertising conducted by Registrant relating to Registrant's Mark.

9. All documents and things concerning the channels of trade through which Registrant provides Registrant's Services.

10. All documents and things that support Registrant's claim that it has used Registrant's Mark in connection with each of Registrant's Services in the United States.

11. All invoices, contracts, agreements, purchase orders and/or purchase receipts which reflect or evidence Registrant's use of Registrant's Mark.

12. All documents and things concerning any trademark searches done by or on behalf of Registrant with respect to Registrant's Mark.

13. All documents and things concerning any trademark searches done by or on behalf of Registrant with respect to Petitioner's Mark.

14. All agreements, licenses, contracts, consents to use, correspondence or other documents concerning or authorizing use of Registrant's Mark by a third party.

15. All documents and things concerning any administrative proceeding, or civil action in the United States involving Registrant's Mark.

16. All documents and things containing the phrase "Bongo Bi-Lingo Buddy".

17. All documents and things supporting or justifying any denial by Registrant of any of Petitioner's First Requests for Admission.

Dated: October 2, 2014

GREENBERG TRAUIG, LLP

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

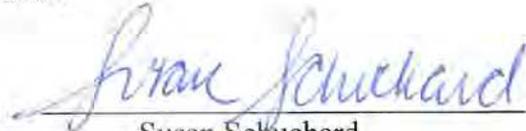
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Attorneys for Petitioner  
MWR Holdings, LLC

CERTIFICATE OF SERVICE

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Susan Schuchard

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Reg. No.: 3,700,403

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**PETITIONER'S FIRST INTERROGATORIES TO REGISTRANT**

Pursuant to Rule 2.120 of the Trademark Rules of Practice and Rules 26 and 33 of the Federal Rules of Civil Procedure, Petitioner MWR Holdings, LLC ("MWR"), by its undersigned counsel, hereby requests that Registrant Theodore A. Stoner ("Stoner") answer the following interrogatories in writing and under oath, within thirty (30) days of the date of service hereof.

These interrogatories seek information as of the date of response and, as to those interrogatories addressed to matters falling within Rule 26(e)(1) & (2) of the Federal Rules of Civil Procedure, shall impose a continuing obligation on Registrant to serve upon Petitioner such further answers promptly after Registrant has acquired such knowledge.

**I. INSTRUCTIONS**

1. There shall be a continuing duty on Registrant to furnish additional documents in response to these document requests in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

2. All documents must be produced in a form that renders them susceptible to copying.

3. Each document should be segregated and identified by the request to which it is primarily responsive or produced as it is kept in the usual course of business.

4. If you are unable to comply fully with any request herein, comply to the extent possible and provide a detailed explanation as to why full compliance is not possible.

5. All requests herein are directed to those documents within your possession, custody or control, or within the possession, custody or control of your agents, servants and employees and your attorneys. They are also directed to those firms, corporations, partnerships, or trusts that you control and to documents in the possession, custody or control of employees, agents and representatives of such entities.

6. If any document called for is not available or accessible, is no longer in existence, or is withheld under a claim of privilege of protection against discovery, give the following information for that document:

- a. The name and title of the author(s);
- b. The name and title of each person to whom the document was addressed;
- c. The name and title of each person to whom a copy of the document was sent, directed, circulated, or distributed;
- d. The date of the document;
- e. The number of pages;

f. A brief description of the nature and subject matter of the document in sufficient detail to permit other parties to this action to assess the applicability of the asserted privilege or immunity;

g. The paragraph(s) of the request to which the document is responsive;

h. The name of each person now in possession of the document or any identical or non-identical copy;

i. The basis of the claim, privilege or protection against discovery (if applicable);

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pre-arranged, formal or informal, and specifically includes but is not limited to conversations in person, telephone conversations, telegrams, telexes, facsimiles, letters, emails, reports or memoranda, formal statements, newspaper stories, notes of telephone conversations, notes of meetings, data compilations, and electronically stored data. References to Communications with business entities shall be deemed to include Communication with all officers, directors, employees, agents, attorneys or other representatives of such entities.

3. The term "Document" shall mean and include any type of written, recorded, electronic, graphic or photographic matter of any kind or character, however produced or reproduced. The term thus includes, without limiting the generality of the foregoing, all photographs, sketches, drawings, videotapes, audiotapes, letters, telegrams, telexes, facsimiles, electronic mail, correspondence, brochures, manuals, press releases, transcripts of interviews, transcripts of speeches, product guides, contracts, consulting agreements, other agreements, business plans, deeds, drafts, work papers, plans, blueprints, specifications, comparisons, surveys, data sheets, analyses, calculations, files (and their contents), notes to the files, reports, publications, mechanical and electronic sound recordings or transcripts thereof, calendar or diary entries, memoranda of telephone or personal conversations or of meetings or conferences, maps, studies, reports, charts, interoffice communications, minutes of meetings, articles, announcements, ledgers, vouchers, checks, receipts and invoices, tax records and forms, court pleadings and papers, discovery requests and responses including originals and copies of any of the foregoing, and any material underlying, supporting or used in preparing any Document.

4. The term “Entity” includes organizations, corporations, partnerships, associations, joint ventures and any other individual or group of individuals which has the purpose of conducting business.

5. The word “Identify”, or any variation of the word Identify, shall mean to specify the full name; present position and business affiliation; last known physical address (including apartment number, if applicable); email address; telephone number and facsimile number with respect to a Person. In the case of a company, the word Identify shall mean to specify the name; officers or other persons having knowledge of the matter with respect to which the company is named; place of incorporation; address and principal place of business. In the case of a “document”, the word Identify shall mean to specify the persons originating and preparing it; the sender; its general type (e.g., letter, memo, report, invoice, etc.); title; identifying number; general nature of its subject matter; addressees and recipients; date(s) of preparation; dates and manner of transmission, distribution and publication; location of each copy (including title, index number and location of the file in which it is kept or from which it was removed); present custodian or person responsible for its filing or other disposition; and persons who can authenticate or Identify it and, if privilege against production is claimed, the specific basis therefore and a complete specification and description of every fact upon which the claim of privilege is based.

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7. The terms “Petitioner” or “MWR” means MWR Holdings, LLC, and shall include any officers, directors, corporate parents, subsidiaries, affiliates, predecessors or successors of MWR Holdings, LLC, as well as any employees, partners, agents, sales representatives, attorneys and all other persons acting or purporting to act on behalf of said entities, inclusively.

8. The terms “Registrant” or “Stoner” mean Theodore A. Stoner, and shall include any employees, representatives, agents, heirs, successors and assigns of Theodore A. Stoner, as well as any other persons acting or purporting to act on behalf of said entities, inclusively.

9. A Document “Refers” to a subject if, for example, it constitutes, comprises, describes, sets forth, reflects, analyzes, refers to, evidences, comments upon, mentions, is connected to, discusses, contains data relating to, or pertains to the subject.

10. As used herein, “Registrant’s Mark” refers to the mark identified in Registrant’s Trademark Registration, Reg. No. 3,700,403, namely, BONGO BI-LINGO BUDDY.

11. The term “Registrant’s Services” shall refer to each of the services identified in Registrant’s Trademark Registration, Reg. No. 3,700,403, namely: “Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning.”

12. The term “Petitioner’s Mark” shall refer to the mark identified in Petitioner’s Trademark Application, Serial No. 86/146,757, namely BONGO BEAR.

12. All documents and things concerning any trademark searches done by or on behalf of Registrant with respect to Registrant's Mark.

13. All documents and things concerning any trademark searches done by or on behalf of Registrant with respect to Petitioner's Mark.

14. All agreements, licenses, contracts, consents to use, correspondence or other documents concerning or authorizing use of Registrant's Mark by a third party.

15. All documents and things concerning any administrative proceeding, or civil action in the United States involving Registrant's Mark.

16. All documents and things containing the phrase "Bongo Bi-Lingo Buddy".

17. All documents and things supporting or justifying any denial by Registrant of any of Petitioner's First Requests for Admission.

Dated: October 2, 2014

GREENBERG TRAURIG, LLP

By: 

William W. Stroever  
200 Park Avenue  
P.O. Box 677  
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stroeverw@gtlaw.com

Attorneys for Petitioner  
MWR Holdings, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing First Interrogatories to Registrant has been served on Theodore A. Stoner by mailing said copy on October 2, 2014, via First Class Mail, postage prepaid to:

Matthew H. Swyers  
The Trademark Company PLLC  
344 Maple Ave. W, Suite 151  
Vienna, VA 22180

  
Susan Schuchard

# EXHIBIT 2



William W. Stroever  
Associate  
973-443-3524 – Tel.  
973-295-1291 – Fax  
stroeverw@gtlaw.com

December 16, 2014

VIA UPS

Mr. Matthew H. Swyers, Esq.  
The Trademark Company PLLC  
344 Maple Ave., W., Suite 151  
Vienna, VA 22180

**Re: MWR Holdings, LLC v. Theodore A. Stoner**  
**Cancellation No. 92059305**  
**Our ref: 135518.021200**

Dear Mr. Swyers:

On October 2, 2014, Petitioner served a set of discovery requests on Registrant. The deadline for responses to those requests has now come and gone, and your client has failed to respond in any way. Please let us know whether we can expect a response to these discovery requests. If we do not receive any reply to this letter by Tuesday, December 23, 2014, we will not hesitate to take all necessary action to protect our client's interests. If you have any questions, please do not hesitate to contact us.

Sincerely,

GREENBERG TRAUIG, LLP

A handwritten signature in black ink, appearing to be "W. Stroever", written over a horizontal line.

By: William W. Stroever