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

Proceeding	92060328
Party	Plaintiff L.A. Gem and Jewelry Design, Inc.
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Date	09/23/2016
Attachments	LAR08-061T Reply in Support of MTC.pdf(16771 bytes)

answers to any of Petitioner's 61 interrogatories and failed to produce *any* documents.

Just like the Opposition, Respondent's responses to Petitioner's First Set of Interrogatories and First Set of Requests for Production are incomprehensible and unintelligible. Rather than identifying any information sought by Petitioner, Respondent treats the matter as a game, improperly, conclusively and repeatedly stating that it has not abandoned the LOVE IS FOREVER mark – when he in fact has never used the mark in commerce, let alone abandon it.

Respondent has further failed to properly object to any of Petitioner's requests. Thus, Respondent has waived all objections. Fed. R. Civ. P. 33(b)(4) (“The grounds for objecting to an interrogatory must be stated with specificity.”); *see also Burns v. Imagine Films Entertainment, Inc.*, 164 F.R.D. 589, 593 (W.D.N.Y. 1996) (“[O]bjections to interrogatories must be specific and supported by detailed explanation of why the interrogatories are objectionable.”). Respondent has not asserted any objections or provided any explanation for why Petitioner's Interrogatories are objectionable.

Thus, Petitioner seeks an order compelling Respondent to provide supplemental and complete responses to Petitioner's special interrogatories and requests for production, along with responsive documents.

B. RESPONDENT SHOULD BE COMPELLED TO SUPPLEMENT ITS RESPONSES TO PETITIONER'S REQUESTS FOR ADMISSION

Respondent does not deny in its Opposition that its answers to Petitioner's Requests for Admission violate Rule 36(a)(4). In fact, in similar fashion to the above discussed discovery, Respondent merely copied and pasted the same nonsensical response to each request. Thus, the responses do not “fairly respond to the substance of the matter” and must be amended.

Respondent's Opposition admits that it is – for the very first time – attempting to sell products in Japan as of June of 2016. Thus, its refusal to properly respond to Petitioner's

Requests for Admissions is a blatant attempt to evade straight forward requests to admit that it lacked the *bona fide* intent to use the mark in commerce, as mandated by 15 U.S.C. § 1126.

C. CONCLUSION

Based on the foregoing, the Board should grant Petitioner's motion to compel and order the Respondent to (1) provide substantive responses to Petitioner's First Set of Interrogatories, Nos. 1 through 61; (2) provide supplemental responses to Petitioner's First Set of Requests for Production, Nos. 1 through 45; (3) provide all relevant documents and things in response to Petitioner's First Set of Requests for Production; and (4) provide amended responses to the Petitioner's First Set of Requests for Admission.

Dated: September 23, 2016

Respectfully submitted,

MILORD & ASSOCIATES, PC

/Milord A. Keshishian/

Milord A. Keshishian, Esq.

Attorneys for Petitioner

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 23, 2016, I caused a true and correct copy of the foregoing **PETITIONER'S REPLY MEMORANDUM IN SUPPORT OF MOTION TO COMPEL DISCOVERY RESPONSES AND TEST THE SUFFICIENCY OF RESPONSES TO REQUESTS FOR ADMISSION** to be sent via email, to Registrant's Correspondence of Record as follows:

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