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

Proceeding	92060599
Party	Defendant Thomas Clark
Correspondence Address	KUSCHA HATAMI HP LAW GROUP 1300 MONTECITO AVENUE, UNIT NO 20 MOUNTAIN VIEW, CA 94043 UNITED STATES hatami@legaledgelaw.com
Submission	Reply in Support of Motion
Filer's Name	Kuscha Hatami
Filer's e-mail	hatami@legaledgelaw.com
Signature	/Kuscha Hatami/
Date	10/24/2016
Attachments	Kuscha Hatami Reply Brief Declaration Exhibit.pdf(983487 bytes )

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

<p><b>Turn-Key Vacation Rental, Inc.,</b></p> <p style="text-align:center">Petitioner,</p> <p>v.</p> <p><b>Thomas Clark,</b></p> <p style="text-align:center">Registrant.</p>	<p>Cancellation No.: 92060599 Registration No.: 4340236</p> <p>Date of Registration: May 21, 2013</p> <p>Mark: TURNKEY</p>
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**REGISTRANT’S REPLY TO PETITIONER’S RESPONSE TO REGISTRANT’S  
MOTION TO COMPEL PETITIONER’S RESPONSES TO DISCOVERY  
AND/OR MOTION FOR SANCTIONS**

Petitioner’s Response to Respondent’s Motion to Compel Discovery and/or Motion for Sanctions (the “Petitioner’s Response”) fails to provide any substantive support for Petitioner’s improper actions during the Discovery period. In addition, Petitioner made several false statements regarding Registrant’s conduct during the discovery period and this proceeding. Petitioner’s false statements support Registrant’s position that Petitioner’s conduct throughout the proceeding, including discovery, has been, and continues to be, highly improper. In sum, Petitioner made so many inconsistent, flawed, and false statements in this proceeding to both Registrant and the Board and failed to cooperate during discovery, that any statements made by Petitioner in this proceeding lack credibility.

**1. Registrant’s Initial Disclosures**

In Petitioner’s Response, Petitioner admits that Registrant served its initial disclosures, requests to admit, requests for production, and interrogatories (collectively “Registrant’s

Requests”). Petitioner further admits that it has yet to serve its objections, responses, and/or relevant documents to Registrant’s discovery requests.

**2. Petitioner’s Admission For Failure to Properly Object to Discovery**

Petitioner admits that it refused to respond to discovery, participate in the meet and confer process, and comply with the rules set forth by the TTAB and the FRCP when it informed Registrant that, “On September 16, 2016, Petitioner advised Respondent that Petitioner was not going to respond to the discovery requests because Respondent never served its Initial Disclosures.” *See Petitioner’s Response ¶ 2.* Petitioner’s admission confirms that Petitioner made the above statement seven days after the close of discovery, notwithstanding Registrant’s attempt to meet and confer to no avail prior to the close of discovery. *See Exhibit D of Registrant’s Motion to Compel Petitioner’s Responses To Discovery And/Or Motion For Sanctions.*

Petitioner is disingenuous when claiming that it was not required to at least timely object to Registrant’s discovery requests based on Registrant’s failure to timely serve its initial disclosures. Certainly, Petitioner could have, and should have, objected to Registrant’s Requests based on not having received Registrant’s Initial Disclosure document. Petitioner could have plainly stated it in a single sentence: “We object to Registrant’s discovery requests based on its failure to serve its initial disclosures.” In the least, Petitioner could have, and should have, made this statement when Registrant inquired about Petitioner’s failure to timely respond to Registrant’s discovery requests prior to the close of discovery. *Id.*

**3. Petitioner’s Initial Discovery Conference Letter**

Registrant did not propose any edits, revisions, modifications or objections to Petitioner’s discovery conference letter, because Registrant accepted the letter as drafted and there was no

need for edits, revisions, modifications, or objections. In addition, counselors for the parties were actively engaging each other with email communications, settlement communications, and discovery inquiries. Between April 22 and September 16, 2016, the parties' respective attorneys exchanged at least sixteen email correspondences. *See Declaration of Kuscha Hatami at ¶ 2.* Petitioner never mentioned the discovery conference letter after April 7, 2016, and Registrant had reasonably assumed that the matter was moot. *See Declaration of Kuscha Hatami at ¶ 3.*

#### **4. Petitioner's First Set of Interrogatories**

Petitioner served its first set of Interrogatories (the "ROGS") on April 22, 2016, not May 20, 2016. *See Exhibit A – Petitioner's ROGS.*

On May 24, 2016, three days prior to the due date for Registrant's responses to Petitioner's ROGS, Registrant requested an extension for serving its responses until Tuesday, May 31, 2016. Petitioner ignored Registrant's correspondence and conveniently waited until the May 27, 2016 deadline, to grant the extension. *See Declaration of Kuscha Hatami ¶ 4.* Registrant's served its responses to Petitioner's ROGS on May 27, 2016, notwithstanding the extension, since Petitioner's extension was granted on the day of deadline. This is just one example of Petitioner hiding the ball and harassing Registrant.

#### **5. Petitioner's Alleged First Set of Requests to Admit**

On June 14, 2016, Registrants receives a correspondence from Petitioner where it claims that, "In regard to Petitioner's First Set of Requests to Admit, these were served on you via US Mail with courtesy copies sent via email, on April 29, 2016. The deadline to respond was May 29, 2016. The envelope was returned to sender as undeliverable at your registered address on May 26, 2016. As a courtesy I have attached additional printed copies of the Requests to Admit." *See Exhibit B – Letter from David Adler.*

First, the parties had agreed to mail service with email courtesy copies to take advantage of the additional five days as set forth by the rules. This is supported by Petitioner's statement "...with courtesy copies sent via email..." See **above and Exhibit B – Letter from David Adler**. The responses to the alleged admissions were not due on May 29, 2016 rather they would have been due on June 3, 2016.

Second, Petitioner never served its Requests to Admit on Registrant. If it did, and they were returned to Petitioner as undeliverable on May 26, 2016, why would Petitioner wait two weeks to notify Registrant?

Third, Petitioner's counsel uses two email addresses to correspond with Registrant's counsel, (a) [david@adler-law.com](mailto:david@adler-law.com) and [adlerlaw1@mac.com](mailto:adlerlaw1@mac.com). See **Kuscha Hatami Declaration ¶ 5**. Registrant did not receive the claimed courtesy copies from Petitioner's counsel. No Admissions were sent to Registrant from either of David Adler's email addresses, not on April 29, 2016 nor June 24, 2016, not ever. This claim is plain and simply false. See **Kuscha Hatami Declaration ¶ 6**.

Fourth, on June 15, 2016, Registrant responded to Petitioner's June 14, 2016 correspondence regarding the alleged Petitioner's First Set of Requests to Admit by making the following statement, "We never received your first set to admit, neither via email nor snail mail. In addition, they were not attached to your correspondence please resend them via email and we will accept email service for the admissions." See **Exhibit C – Email to David Adler**.

Petitioner never mentioned the alleged Requests to Admit after Registrant's June 15, 2016 email, nor did Petitioner serve another set. See **Kuscha Hatami Declaration ¶ 7**.

**6. Petitioner's Letter in Exhibit B Is Riddled With Inconsistencies Further Supporting Registrant Position That Petitioner Consistently Tried to Confuse Registrant**

Registrant directs the Board to **Exhibit B – Letter from David Adler**. Here Mr. Adler made the following false statements, (a) “The deadline for response was May 22, 2016. On May 27, 2016, you asked for and received my consent to serve Responses on May 31, 2016.”

First, Registrant asked for an extension on May 24, 2016. *See Exhibit D – Email to David Adler Request for Extension*. Second, since the parties had agreed to service by US Mail with courtesy copies via email, Registrant’s responses were due on May 27, 2016, not May 22, 2016. *See Kuscha Hatami Declaration ¶ 8*.

This is another sampling of Petitioner’s improper conduct for making inconsistent statements in an effort to confuse and harass Registrant.

#### **7. Registrant’s Responses to Petitioner’s First Request To Produce Documents**

Petitioner’s First Requests to Produce Documents (the “Document Requests”) were served on May 20, 2016, via US Mail with courtesy copies via email. Registrant’s deadline to respond was June 24, 2016. Petitioner admits in Petitioner’s Response that Registrant responded to the Document Requests on June 24, 2016. *See Petitioner’s Response ¶ 6*. Although Petitioner claims that they were not timely, the facts prove otherwise. In addition, Registrant provided Petitioner with an email courtesy copy of Registrant’s responses and objections to Petitioner with a note that said, “David, Please see attached. Responsive documents, if any exist will be served after the fourth of July. I will be on vacation starting tomorrow.” *See Exhibit E – Email to David Adler Regarding Document Requests*.

Although Petitioner admits to Registrant’s timely response on the June 24, 2016 deadline, Mr. Adler tries to mislead the Board by stating that, “On June 14, 2016, counsel for Petitioner wrote to opposing counsel advising him that Respondent’s answers to Petitioner’s discovery requests were late... . . . Respondent did not respond to Petitioner’s Discovery requests until June

24, 2016, which response consisted entirely of objections and without providing a single responsive document” *See* **Petitioner’s Response ¶ 6; Adler Affidavit , Para 10-11; and Exhibit B.**

First, Registrant’s responses to the discovery requests were not late. They were served via US Mail, due 35 days after service, and Petitioner confirms receipt on June 24, 2016, which is 35 days after May 20, 2016. *See* TBMP 113.05 and 37 CFR § 2.119(c). Second, Registrant’s responses were not “consisted entirely of objections.” They included responses regarding the documents sought, objections, informed Petitioner where certain documents are available for him to view, informed Petitioner whether responsive documents existed, and informed Petitioner that Registrant will serve responsive documents to the extent such documents are in Registrant’s possession, custody, and/or control. *See* **Kuscha Hatami Declaration ¶ 9.** Third, Registrant served Petitioner with its document production responses approximately four months ago. Between the time Registrant served Petitioner with its document production responses, and the filing of Petitioner’s Response on October 19, 2016, Petitioner never expressed concerns regarding Registrant’s discovery responses. If Petitioner’s concerns about Registrant’s discovery responses are legitimate, Petitioner would surely have voiced its concerns before October 19, 2016, or at least before the close of discovery. *See* **Kuscha Hatami Declaration ¶ 10.** It is not reasonable to deduct from the facts that it took Petitioner four months to realize it has concerns about Registrant’s discovery responses.

Based on the above, it is clear that Petitioner has consistently attempted to mislead Registrant, and is now blatantly attempting to mislead the Board in the statements made in Petitioner’s Response and in David Adler’s declaration, submitted to the Board under oath.

**8. Petitioner’s Analysis Of The Law Is Incorrect And Is An Effort To Continue to Evade Its Discovery Obligations**

A party is not relived from responding properly and timely to Discovery requests although the other party has failed to respond to Discovery or otherwise violated the Discovery rules. *Miss America Pageant v. Petite Productions Inc.*, 17 USPQ2d 1067, 1070 (TTAB 1990); *Giant Food, Inc. v. Standard Terry Mills, Inc.*, 229 USPQ 955, 966 n.21 (TTAB 1986), adhered to on reconsideration, 231 USPQ 626 (TTAB 1986); Fed.R.Civ.P.26(d).

Rule 26(a)(1)(E) of the Federal Rules of Civil Procedure states:

“Basis for Initial Disclosures; Unacceptable Excuses  
[a] party is not excused from making its disclosures because it has not fully investigated the case or because it challenges the sufficiency of another parties disclosures or because another party has not made its disclosures.”

Petitioner cites 37 CFR § 2.120(a)(3), which states that, “[a] party must make its initial disclosures prior to seeking discovery...” However, Registrant submits that immediately following Petitioner’s referenced section, 37 CFR § 2.120(d)(1) provides for a remedy (which does not include excusing a party from responding to Discovery propounded): “If a party fails to make required initial disclosures... .. the party entitled to disclosure or seeking discovery may file a motion to compel disclosures...”

Therefore, non-receipt of Initial Disclosures does not excuse Petitioner from Responding to discovery propounded by Registrant. Rather, a party that is in non-receipt of Discovery fist has an obligation to meet and confer with a remedy to file an appropriate Motion to Compel.

Petitioner never requested a meet and confer regarding Registrant’s Initial Disclosures. Instead it hid the information in order to surprise and gain an improper advantage over Registrant.

**9. Registrant Must be Afforded The Same Discovery Opportunities As Petitioner Has Been Afforded**

Registrant has in good faith responded to all of Petitioner's Discovery Requests. While Registrant responded to Petitioner's requests, Petitioner has obstructed Discovery, and has not allowed Registrant the same opportunities that Petitioner was afforded. Excusing Petitioner from substantively responding to all of Registrant's Discovery requests would be an extreme prejudice to Registrant's defense.

In addition, as outlined above, Petitioner has made numerous inconsistent statements, hid the ball, attempted to trick Registrant, evaded inquiries regarding discovery, made several false or inconsistent statements in Petitioner's Response and/or David Adler's Declaration, and even tried to mislead the Board. Registrant believes that Petitioner conducts itself in this manner for the single purpose to harass Registrant, gain unfair advantage, and waste the Board's valuable time.

#### **10. Reopen Discovery**

Registrant did not move for an order to reopen discovery, because Registrant assumed that, when the Board grants Registrant's motion compelling Petitioner to respond to its discovery obligations, the Board would automatically reopen and extend discovery solely for the benefit of Registrant.

When the Board grants Registrant's motion to compel discovery, Registrant asks the Board to extend discovery solely for the benefit of Registrant, and for the purpose of follow-up discovery. It is the practice of the Board when a party's delay in responding has deprived its opponent of follow-up discovery, to reset the discovery period, at the request of the moving party, so as to restore (for the moving party) that amount of time which would have remained in the discovery period had the discovery responses been made in a proper fashion. *See*

Miscellaneous Changes to Trademark Trial and Appeal Board Rules, 1214 TMOG 145, 149-50 (September 29, 1998).

Affording Petitioner with the same courtesy would not be fair, since Petitioner had ample time to follow up on its discovery requests and decided not to.

Finally, Registrant's motion to compel could have been avoided had Petitioner responded to Registrant's numerous meet and confer attempts.

### **Conclusion**

Based on Petitioner's Response, Petitioner's has clarified certain key points to its detriment, (a) Petitioner failed to comply with the TBMP and FRCP when it refused to make at least a one sentence objection to Registrant's discovery requests, (b) Petitioner refused to meet and confer with Registrant regarding discovery, (c) Petitioner attempted to sabotage this proceeding by hiding the ball and railroading Registrant during the discovery process, and (d) Petitioner made untrue and misleading statements to Registrant and the Board in Petitioner's Response, David Adler's declaration under oath, and throughout this proceeding.

In sum, Petitioner's conduct is so improper that it amounts to a deceit of monumental proportions warranting an Order by the board for relief as requested in Registrant's Motion filed on October 4, 2016, including sanctions.

Dated October 24, 2016

Respectfully Submitted

HP Law Group



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Kuscha Hatami  
Mitesh Patel  
1300 Montecito Ave.  
No. 20  
Mountain View, CA. 94043  
hatami@legaledgelaw.com

**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that the foregoing REGISTRANT'S REPLY TO PETITIONER'S RESPONSE TO REGISTRANT'S MOTION TO COMPEL PETITIONER'S RESPONSES TO DISCOVERY AND/OR MOTION FOR SANCTIONS was served upon Petitioner by delivering true and correct copies of same to Petitioner's counsel via USPS mail on October 24, 2016 as follows:

David M. Adler  
Adler Law Group  
300 Saunders Road  
Suite 100  
Riverwoods, IL. 60015

/s/ Kuscha Hatami  
Kuscha Hatami

# **KUSCHA HATAMI DECLARATION**

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

<p><b>Turn-Key Vacation Rental, Inc.,</b></p> <p style="text-align:center">Petitioner,</p> <p>v.</p> <p><b>Thomas Clark,</b></p> <p style="text-align:center">Registrant.</p>	<p>Cancellation No.: 92060599 Registration No.: 4340236</p> <p>Date of Registration: May 21, 2013</p> <p>Mark: TURNKEY</p>
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**DECLARATION OF KUSCHA HATAMI**

I, Kuscha Hatami declare that:

1. I am a member of the Bar of the State of California and a member of the firm HP Law Group, attorneys for Registrant Thomas Clark (“Registrant”) in this Cancellation proceeding before the Trademark Trial and Appeal Board (“TTAB”). Except where indicated, I make this declaration on the basis of my own personal knowledge, and in support of Registrant’s Reply To Petitioner’s Response To Registrant’s Motion To Compel Petitioner’s Responses to Discovery And/Or Motion For Sanctions. If called upon to do so, I could and would testify to the statements in my Declaration under oath.

2. I was actively corresponding with counsel for Petitioner, David Adler, during this proceeding. David Adler and I exchanged at least sixteen email correspondences between April 22 and September 16, 2016 involving the proceeding in general, settlement proposals, and discovery.

3. Counsel for Petitioner, David Adler, never mentioned his discovery conference letter after April 7, 2016. After April 7, 2016, and since (a) the proceeding was moving along, (b) Mr.

Adler no longer mentioned the discovery conference letter, and (c) the parties were engaging each other in discovery, I reasonably assumed that Mr. Adler understood that Registrant had no additional comments to make with regard to his discovery conference letter, and that the matter was moot.

4. Registrant's responses to Petitioner's Interrogatories were due May 27, 2016. I requested an extension to serve Registrant's responses to Petitioner's Interrogatories on May 24, 2016. Counsel for Petitioner, David Adler, ignored my request until the May 27 deadline.

5. David Adler, Petitioner's counsel, uses the following address to correspond with me: [david@adler-law.com](mailto:david@adler-law.com), and [adlerlaw1@mac.com](mailto:adlerlaw1@mac.com).

6. Although Petitioner claims that it served Registrant with Requests to Admit on April 29 via U.S. Mail, with courtesy copies via email, Registrant never received Petitioner's Requests to Admit, neither via email nor via U.S. Mail.

7. On June 15, 2016, I informed Petitioner that we never received the Requests to Admit, and Petitioner may serve them via email if the like. Petitioner never mentioned the alleged Admissions after June 15, 2016, nor did Petitioner serve another set.

8. Petitioner and Registrant had agreed to service by US Mail with courtesy copies via email.

9. Registrant's responses to Petitioner's Document Requests included responses regarding the documents sought, objections, informed Petitioner where certain documents are available for him to view, informed Petitioner whether responsive documents existed, and informed Petitioner that Registrant will serve responsive documents to the extent such documents are in Registrant's possession, custody, and/or control.

10. We served Petitioner with our responses to its Requests for Production approximately four months ago. Between the time that we served Petitioner with Registrant's Responses to Petitioner's Requests for Production and the filing of Registrant's reply brief and this declaration, Petitioner did not express any concerns regarding Registrant's responses.

I declare under penalty of perjury under the laws of the United States that the above statement is true and correct and was executed in Larkspur, CA, on the 4<sup>th</sup> day of October, 2016.

Dated: October 24, 2016

Respectfully Submitted

HP Law Group



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Mitesh Patel  
1300 Montecito Ave.  
No. 20  
Mountain View, CA. 94043  
hatami@legaledgelaw.com

# EXHIBIT A

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

**TURN-KEY VACATION RENTALS, INC.,  
a California corporation,**

**Petitioner,**

**Cancellation No. 92060599**

**v.**

**Reg. No. 4340236**

**Thomas Clark,  
an individual and resident of California,**

**Mark: turnkey**

**Respondent.**

**PETITIONER’S FIRST SET OF INTERROGATORIES TO  
RESPONDENT THOMAS CLARK**

Pursuant to Federal Rule of Civil Procedure 33 and Trademark Rule 2.120(d), Petitioner, Turn-Key Vacation Rentals, Inc. (“Petitioner”), by its attorney, David M. Adler, requests that Respondent, Thomas Clark (“Respondent”), answer each of the following Interrogatories separately and fully, in writing, under oath, within thirty (30) days of service, in accordance with the Definitions and Instructions provided below.

**DEFINITIONS AND INSTRUCTIONS**

A. “Respondent’s computer(s)” means any and all personal computers, tablet computers, cellular telephones, servers and network systems in possession of, or under the control of, Respondent for the previous five (5) years.

B. “Person(s)” means any natural person and any business, legal, or governmental entity or association.

C. “Respondent’s Mark” and/or “Turn Key” means U.S. federal trademark registration number 4340236 for the mark “Turn Key.”

D. “Identify,” when used in respect to a person, means to state the person’s full name, present business address, or if unavailable, last known business address; present home address, if a natural person, or if unavailable, last known home address; business affiliation, if a natural person, or if unavailable, last known business affiliation; and job title and description of the duties and responsibilities of each person, including all changes thereto.

E. “Identify,” when used in respect to a document or thing, means to name the document, its source, and its relevancy to the present action, along with the legal facts or conclusions allegedly drawn from that document.

F. If you cannot, after due diligence, fully and completely answer any Interrogatory, please answer each such Interrogatory to the fullest extent possible. State the facts or circumstances upon which you contend you are unable to fully answer the Interrogatory, and state any knowledge, information, or belief that you have concerning the unanswered portion. If there is any item of information that you refuse to disclose on grounds of privilege or work-product immunity, answer so much of the interrogatory as does not request information for which you claim privilege, state the nature of the privilege you claim, and provide sufficient details, including the nature of the information, its source, its subject matter, and the names of all persons to whom that information was disclosed, such as would enable the claim of privilege or immunity to be adjudicated.

G. If the response to any interrogatory consists, in whole or in part, of an objection relating to burdensomeness, then with respect to such response:

1. Provide such information as can be ascertained without undue burden;
2. State with particularity the basis for such objection including:

- a. a description of the process or method required to obtain any fact responsive to the interrogatory; and
- b. the estimated cost and time required to obtain any fact responsive to the interrogatory.

H. These interrogatories are continuing and require further answer and supplementation, as provided by Federal Rule of Civil Procedure 26(e).

### **INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify the facts and circumstances surrounding Respondent's first contact with Petitioner, including the date, location, and purpose.

**RESPONSE:**

**INTERROGATORY NO. 2:** Identify the facts and circumstances surrounding Respondent's decision to use the mark "Turn Key," including the date, location, and purpose.

**RESPONSE:**

**INTERROGATORY NO. 3:** Identify the facts and circumstances surrounding Petitioner's offer to Respondent to purchase the domain name "turnkeyvacationrentals.com."

**RESPONSE:**

**INTERROGATORY NO. 4:** Identify the facts and circumstances surrounding Respondent's decision to file the U.S. trademark Application Serial Number 85763978.

**RESPONSE:**

**INTERROGATORY NO. 5:** Identify all correspondence between Respondent and Petitioner.

**RESPONSE:**

**INTERROGATORY NO. 6:** Identify all correspondence between Respondent and any third party related to the adoption and use of the trademark “Turn Key” in connection with the Respondent’s business.

**RESPONSE:**

**INTERROGATORY NO. 7:** For all correspondence identified in Respondent’s Response to Interrogatory No 6, identify the date and topic of the correspondence, as well as the persons sending and receiving the correspondence.

**RESPONSE:**

**INTERROGATORY NO. 8:** Identify all persons that to the best of Respondent’s knowledge, information or belief would be adversely affected by the cancellation of the Respondent’s Mark.

**RESPONSE:**

**INTERROGATORY NO. 9:** Identify Respondent’s relationship to the owners or operators of the vacation rental leasing business located at accessible at [www.turnkeyvr.com](http://www.turnkeyvr.com).

**RESPONSE:**

**INTERROGATORY NO. 10:** Identify all correspondence, agreements, contracts, proposals or understandings between Respondent and any third party to commercially exploit the Respondent's Mark.

**RESPONSE:**

**INTERROGATORY NO. 11:** For each agreement, contract, proposal or understanding identified in Interrogatory No. 10, state the parties, date of the contract and the services provided or contemplated under the contract.

**RESPONSE:**

**INTERROGATORY NO. 12:** Identify all domain names purchased by Respondent.

**RESPONSE:**

**INTERROGATORY NO. 13:** Describe Respondent's experience buying, selling, licensing, bartering, marketing or investing in Internet domain names within the last ten years.

**RESPONSE:**

**INTERROGATORY NO. 14:** Identify all Internet web sites, interactive web services, and social media services ("Web Services"), created, owned, operated or controlled by Respondent within the last five years, including, but not limited to, LinkedIn, Facebook and Twitter.

**RESPONSE:**

**INTERROGATORY NO. 15:** For each Web Service identified in the response to Interrogatory No. 14, state Respondent's user name, the purpose Respondent created the Web Service, the date the Web Service was created and last updated, state the extent to which any content for the Project is contained therein, and state whether the Mark appears anywhere therein.

**RESPONSE:**

**INTERROGATORY NO. 16:** Identify any advertisement, disclosure, announcement, news item, or other form of public information created, authored, distributed or sponsored by Respondent designed to inform the public in general of the business associated with the Respondent's Mark.

**RESPONSE:**

**INTERROGATORY NO. 17:** Identify all meetings Respondent attended related to the exploitation of Respondent's Mark.

**RESPONSE:**

**INTERROGATORY NO. 18:** For all meetings identified in Interrogatory No. 17, identify all of the facts and circumstances surrounding the purpose of the meeting, persons in attendance at the meeting, and location of the meeting.

**RESPONSE:**

**INTERROGATORY NO. 19:** State whether Respondent has attempted to sell, assign, convey, hypothecate or otherwise transfer any rights in Respondent's Mark.

**RESPONSE:**

**INTERROGATORY NO. 20:** For each attempt to sell, assign, convey, hypothecate, or otherwise transfer any rights in the Respondent's Mark, identify the name of the parties, the date of the contract and the amount of money received for such rights, if any.

**RESPONSE:**

**INTERROGATORY NO. 21:** Identify the basis upon which Respondent claims a date of first use of the Respondent's Mark of October 1, 2012.

**RESPONSE:**

**INTERROGATORY NO. 22:** Identify the owner(s) of the web site identified in Respondent's specimens of use submitted to the United States Patent & Trademark Office in support of Respondent's trademark Registration No. 4340236.

**RESPONSE:**

**INTERROGATORY NO. 23:** Identify Respondent's use in commerce of the Respondent's Mark.

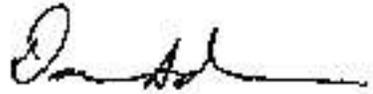
**RESPONSE:**

**INTERROGATORY NO. 24:** Identify all communications, including electronic mail, instant messenger communications and SMS text messages sent or received by Respondent that refer or relate to Petitioner.

**RESPONSE:**

DATED this April 22, 2016.

Respectfully submitted by  
Petitioner, Turn-Key Vacation Rentals, Inc.



By: \_\_\_\_\_  
David M. Adler, One of her attorneys

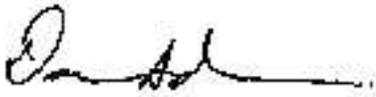
David M. Adler, Esq.  
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300 Saunders Rd., Suite 100  
Riverwoods, IL 60015  
Phone: (866) 734-2568  
david@adler-law.com

**CERTIFICATE OF SERVICE**

David M. Adler, an attorney, certifies that he caused a copy of *Petitioner's First Set of Interrogatories to Respondent Thomas Clark* to be served upon:

Counsel for Registrant  
KUSCHA HATAMI  
ATTORNEY AT LAW  
PO BOX 644  
CUPERTINO, CA 95015

By Federal Express, this April 22, 2016.



By: \_\_\_\_\_  
David M. Adler, Esq.

David M. Adler, Esq.  
Adler Law Group  
300 Saunders Rd., Suite 100  
Riverwoods, IL 60015  
Phone: (866) 734-2568  
david@adler-law.com

# EXHIBIT B

June 14, 2016

**VIA US MAIL AND EMAIL TO: hatami@legaledgelaw.com**

Mr. Kuscha Hatami, Esq.  
HP Law Group  
Montecito Ave., No. 20  
Mountain View CA 94043

Re: Cancellation No. 92060599 Turn-Key Vacation Rentals, Inc. v. Thomas Clark

Dear Kuscha,

I am writing to acknowledge receipt of the notice of change of address of your office and to follow up on some discovery matters.

In regard to the Petitioner's First Set of Interrogatories, these were served on you via US Mail with courtesy copies sent via email, on April 22, 2016. The deadline for response was May 22, 2016. On May 27, 2016, you asked for and received my consent to serve Responses on May 31, 2016.

In regard to the Petitioner's First Set of Requests to Admit, these were served on you via US Mail with courtesy copies sent via email, on April 29, 2016. The deadline for response was May 29, 2016. The envelope was returned to sender as undeliverable at your registered address on May 26, 2016. As a courtesy, I have attached additional printed copies of the Requests to Admit.

In regard to the Petitioner's First Set of Requests to Produce Documents, these were served on you via US Mail with courtesy copies sent via email, on May 20, 2016.

In order to increase efficiency of scheduling Mr. Clark's deposition., can you please provide 3 days and times when Mr. Clark is available during the next 3-4 weeks?

Please call me with any questions, comment or concerns. I welcome your suggestions on a path to a prompt resolution of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Adler", with a horizontal line extending to the right.

David M. Adler, Esq.

DMA/jb  
Encl. (1)

# EXHIBIT C



Kuscha Hatami &lt;hatami@legaledgelaw.com&gt;

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**Re: Cancellation No. 92060599 Turn-Key Vacation Rentals, Inc. v. Thomas Clark**

1 message

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**Kuscha Hatami** <hatami@legaledgelaw.com>

Wed, Jun 15, 2016 at 1:03 PM

To: David Adler &lt;david@adler-law.com&gt;

Dear David,

Thank you for your correspondence.

We served our responses to the interrogatories on may 27, 2016, and emailed you courtesy copies the same day. I trust you have received both.

We never received your first set to admit, neither via email nor snail mail. In addition, they were not attached to your correspondence, please resend them via email and we will accept email service for the admissions.

We have forwarded your requests for production to our client and are hopeful to send the responsive documents to you by the deadline. We will keep you informed.

With regard to depositions, we will inquire with our client. Will you be flying to Texas for the deposition or are you going to hold a telephonic deposition? If you decide to physically go to Texas, please let us know where you are planning on holding the deposition.

Best regards,

Kuscha

Best regards,

**Kuscha Hatami****HP Law Group**  
**Partner**  
**Intellectual Property****Call me: 858.342.9621****Follow me: [Kuscha's Twitter](#)****Ask me: [Kuscha's Quora](#)**

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On Tue, Jun 14, 2016 at 6:40 AM, David Adler &lt;david@adler-law.com&gt; wrote:

Kuscha,

Pleas see attached correspondence.



# EXHIBIT D



Kuscha Hatami &lt;hatami@legaledgelaw.com&gt;

**Re: Cancellation No. 92060599 Turn-Key Vacation Rentals, Inc. v. Thomas Clark**

1 message

**Kuscha Hatami - LegalEdge** <hatami@legaledgelaw.com>

Tue, May 24, 2016 at 8:41 AM

To: David Adler &lt;david@adler-law.com&gt;

David,

Thank you. Is it possible to serve interrogatory responses after Memorial Day, on Tuesday? We will give you the same courtesy once we serve our requests. Thank you.

Sent from my iPhone, please pardon the autocorrect errors.

Kuscha Hatami  
IP and Commercial Attorney  
Branding - Enforcement - Transactions

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On May 20, 2016, at 12:48, David Adler <david@adler-law.com> wrote:

Kuscha,

Attached please find electronic copies of Petitioner's First Set of Document requests.

Thanks.

Sincerely,

David M. Adler | [Adler Law Group](#)  
Safeguarding Ideas, Relationships & Talent®  
CITY: 20 N. Wacker Drive #1200 Chicago IL 60606  
SUBURBS: 300 Saunders Rd, #100 Riverwoods, IL 60015  
[Direct: \(866\) 734-2568](#)  
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&lt;Discovery cover letter 5-20-16.pdf&gt;

&lt;P First Set of Document Requests.docx&gt;

# EXHIBIT E



Kuscha Hatami &lt;hatami@legaledge.com&gt;

**Re: Cancellation No. 92060599 Turn-Key Vacation Rentals, Inc. v. Thomas Clark**

1 message

**Kuscha Hatami** <hatami@legaledge.com>

Fri, Jun 24, 2016 at 10:40 AM

To: David Adler &lt;david@adler-law.com&gt;

David,

Please see attached. Responsive documents, if any exist, will be served after the fourth of July. I will be on vacation starting tomorrow.

Kuscha

Best regards,

**Kuscha Hatami**

**HP Law Group**  
**Partner**  
**Intellectual Property**

**Call me: 858.342.9621****Follow me: [Kuscha's Twitter](#)****Ask me: [Kuscha's Quora](#)**

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On Wed, Jun 15, 2016 at 1:03 PM, Kuscha Hatami &lt;hatami@legaledge.com&gt; wrote:

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Kuscha