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

Proceeding	92062012
Party	Plaintiff JFP Gulf General Trading LLC
Correspondence Address	MIKE RODENBAUGH RODENBAUGH LAW 548 MARKET STREET BOX NO 55819 SAN FRANCISCO, CA 94104 UNITED STATES mike@rodenbaugh.com
Submission	Opposition/Response to Motion
Filer's Name	Marie Richmond
Filer's e-mail	marie@rodenbaugh.com
Signature	/Marie Richmond/
Date	06/20/2016
Attachments	JFP Gulf General_20160620_Opp to Mot to Compel FINAL.pdf(158148 bytes) JFP Gulf General_20160620_Decl. of Richmond in Supp of Opp to Mot to Compel FINAL.pdf(76811 bytes) JFP Gulf General_20160620_Exhibits to Opp to Mot to Compel v1.pdf(939128 bytes)

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

Registration No.: 3511321
For the mark: ALISHAN
Date Registered: October 7, 2008

Registration No.: 3273480
For the mark: ALISHAN
Date Registered: August 7, 2007

JFP GULF GENERAL TRADING LLC, Petitioner, vs. EVORY TECHNOLOGIES, INC., Registrant.	:	Proceeding No. 92062012 **PETITIONER'S OPPOSITION TO REGISTRANT'S MOTION TO COMPEL AND SUSPEND**

Petitioner JFP Gulf General Trading LLC ("Petitioner" or "JFP") hereby opposes Registrant Evory Technologies, Inc.'s Motion to Compel and Suspend (the "Motion"). Petitioner submits its opposition on the grounds that the persons Registrant requests to depose reside in a foreign country and pursuant to TMBP 404.03(b) such persons will not be required to appear for oral depositions in the United States. Moreover, Registrant has failed to demonstrate how oral depositions of Petitioner could potentially be relevant in this proceeding, nor how any good cause might exist to require such depositions. Instead they are sought only to delay these proceedings, harass Petitioner, and cause undo costs

and attorneys' fees to Petitioner. This motion is based on the below Points and Authorities, and the supporting Declaration of Marie Richmond, including without limitation Exhibits A-D thereto.

RESPECTFULLY SUBMITTED,

DATED: June 20, 2016

By: /s/ *Mike Rodenbaugh*

Mike Rodenbaugh
RODENBAUGH LAW
584 Market Street
Box 55819
San Francisco, CA 94014
Tel/fax: (415) 738-8087

Attorneys for Petitioner

PETITIONER'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ITS OPPOSITION TO REGISTRANT'S MOTION TO COMPEL AND SUSPEND

I. INTRODUCTION

This case arises from Petitioner JFP's petition to cancel Registrant's trademark registrations for the ALISHAN mark, registration nos. 3273480 and 3511321 because Registrant has failed to use the marks in commerce. The ***only*** question to be resolved by this proceeding is whether Registrant has and/or is currently using the Marks in commerce in connection with the goods covered by each registration. Registrant, however, filed the instant motion – which is completely devoid of any relevant fact, rule or law – in an effort to require individuals that represent Petitioner to appear for oral depositions. The depositions of such individuals (written or oral) could not lead to the discovery of any information relevant to this proceeding, as Registrant is the only party possessing information as to Registrant's use of its marks. Accordingly, this motion, and underlying notices of depositions, can only be construed as attempt by Registrant to derail these proceedings and waste further time and resources.

II. STATEMENT OF FACTS

Petitioner filed its Petition to Cancel Registrant's ALISHAN marks, registration nos. 3273480 and 3511321 (collectively the "Registrations") on August 12, 2015. Document No. 1. Therein, Petitioner asserted that while the Registrations cover various goods in Class 30, including rice, bubble gum, pies, coffee, and other goods, the Section 8 & 15 specimens for each registration only show the ALISHAN mark being used in conjunction with tea. *Id.* Petitioner also stated that it conducted an internet search and

was unable to find evidence that Registrant's ALISHAN mark was being used in conjunction with any other goods covered by the Registration,s and therefore requested that the Registrations be cancelled. *Id.* Registrant filed its answer on September 19, 2016, and an untimely motion to dismiss on October 20, 2015. Document Nos. 5, 6. On November 20, 2015, Petitioner served its initial disclosure statement on counsel for Registrant via U.S. fist class mail postage prepaid thereon. Declaration of Richmond, ¶ 2, Exhibit A. On December 11, 2015, the Board ruled that Registrant's motion to dismiss was untimely and reset the deadlines for the proceeding. Document No. 8. Petitioner, again, timely served its initial disclosure statement on counsel for Registrant via fist class mail postage prepaid thereon. *Id.* at ¶ 3, Exhibit A. Petitioner also served Petitioner's First Set of Requests For Document's and Things and Petitioner's First Set of Interrogatories ("Petitioner's Discovery Requests") upon Registrant on April 29, 2016. *Id.* at ¶ 4, Exhibit B. Petitioner was required to serve its responses by May 31, 2016, but instead filed the instant, knowingly frivolous Motion on May 30, 2016. Document No. 9.

Also, on or about May 4, 2016, Registrant sent Petitioner three notices requesting that three persons working for and/or associated with Registrant's company submit to oral depositions (collectively the "Deposition Notices"): (1) Ankur Aggarwal; (2) one major shareholder of Petitioner; and (3) Petitioner's Chief Financial Officer (collectively "Petitioner's Representatives"). A true and correct copy of the Deposition Notices are attached hereto as Exhibit C. Therein, Registrant requested that such depositions take place in San Francisco, California, United States. *Id.*

In response to the Deposition Notices, Petitioner's counsel informed Registrant's counsel that the Deposition Notices were improper because none of the persons identified by Registrant are located in the United States, and requested that the parties conduct a conference to discuss and avoid further discovery issues. A true and correct copy of the emails exchanged by counsel are attached hereto as Exhibit D. Despite Petitioner's counsel's efforts, the parties did not conduct a settlement conference. Both parties reached each other briefly by phone, but then Registrant either refused to participate or was unable to participate due to a poor connection.

III. ARGUMENT

A. Registrant has Failed to Demonstrate Good Cause to Support a Finding that Would Require Petitioner's Representatives to Submit To Oral Depositions

Oral depositions of persons residing in a foreign county may only be taken upon a showing of good cause or by stipulation of the parties. TMBP 404.03(b) states:

> The discovery deposition of a natural person who resides in a foreign country, and who is a party, or who, at the time set for the taking of the deposition, is an officer, director, or managing agent of a party, or a person designated under Fed. R. Civ. P. 30(b)(6) or 31(a)(3) to testify on behalf of a party may be taken on notice alone. . . . . However, if the discovery deposition of such a person is taken in a foreign country, it must be taken on written questions, in the manner described in 37 CFR § 2.124, unless the Board, on motion for good cause, orders, or the parties stipulate, that the deposition be taken by oral examination.

"What constitutes good cause for a motion to take a discovery deposition orally must be determined on a case-by-case basis, upon consideration of the particular facts and circumstances in each situation." *Orion Grp. Inc.*, 12 U.S.P.Q.2d 1923 (P.T.O. July 13, 1989). Factors may include the "advantages of an oral deposition and any financial hardship that the nonmoving party might suffer if the deposition were taken orally in the foreign country." *Conan Doyle Estate, Ltd.*, 91192738, 2011 WL 13054908, at *7 (Sept.

8, 2011). Here, Petitioner does not, and has not, stipulated to any oral depositions. Additionally, Registrant does not put forth any potential relevance, much less any potential advantages, to taking oral depositions in this matter. Rather, oral depositions would be time-consuming, costly and ineffective, as Registrant – not Petitioner – possesses all of the evidence and information relevant to this proceeding. *C.f. Orion Grp. Inc.*, 12 U.S.P.Q.2d 1923 (P.T.O. July 13, 1989) (finding oral depositions appropriate where the non-moving opposer "has argued successfully that it needs information on facts within applicant's control (regarding, inter alia, applicant's use of its mark) in order to respond to that summary judgment motion").

Instead, in support of its motion, Registrant only has recited a number of irrelevant allegations that do nothing to support a finding of good cause to require oral depositions. ***First***, Registrant contends that it has "notified Petitioner of Registrant's website" and sent goods bearing the ALISHAN mark to Petitioner. Registrant clearly confuses the issues. While the issue of Registrant's use of the ALISHAN mark is generally central to this proceeding, it is not relevant to this Motion. To be successful on this Motion, Registrant must show good cause as to why oral depositions for Petitioner's Representatives are necessary. Registrant's reliance on the fact that it has allegedly sent goods to counsel for Petitioner actually supports Petitioner's allegation, discussed *infra*, that the requested depositions are wholly irrelevant, as Registrant – not Petitioner – possesses any and all of the information and evidence relevant to a final determination in this proceeding. ***Second***, Registrant questioned whether Petitioner is located and registered in India (as indicated by Petitioner's counsel) or the UAE. This issue is only

relevant to the extent that it demonstrates that Petitioner and/or Petitioners Representatives are not located in the United States. It does not in any way speak to the issue of good cause. ***Third***, Registrant argues that Petitioner is required to disclose the instant proceeding in its financial reports. Petitioner fails to see how this issue is even remotely related to this proceeding. ***Fourth and finally***, Registrant attempts to argue that Petitioner's counsel has been uncooperative in scheduling depositions of Petitioner's Representatives. Pursuant to the TMBP 404.03(b), Petitioner has no obligation to schedule improper depositions, and cannot therefore be uncooperative. Rather, Petitioner has met every deadline (discovery or otherwise) that has been mandated by the Board, including timely service of initial disclosures and discovery requests.

Moreover, even in the unlikely event that the Board finds Registrant has demonstrated good case for oral depositions, the United States is not the proper location to conduct such depositions. The Board "will not order a natural person residing in a foreign country to come to the United States for the taking of his or her discovery deposition." TMBP 404.03(b). Petitioner is primarily located in India and its agents, officers and directors are located in India and/or the UAE. Accordingly, Petitioner's Representatives cannot be ordered to appear for oral depositions in the United States. Counsel for Petitioner instructed counsel for Registrant of this fact shortly after Registrant served the Deposition Notices. Richmond Decl., Exh. D.

Registrant has failed to put forward any relevant facts or argument that could support a finding of good cause to require Petitioner's Representatives who reside in a

foreign country to submit to oral depositions at all in this matter, much less oral depositions in the United States.

B. Registrant Is Attempting to Delay Proceedings By Requesting Depositions of Petitioner's Representatives and Filing This Motion

The ***only*** question at issue in this proceeding is whether Registrant has used the ALISHAN mark in connection with the goods and services covered by the Registrations. Depositions of Petitioner's Representatives simply will not reveal or lead to the discovery of any relevant information. As discussed *supra*, Registrant – not Petitioner – is the only party to this proceeding that possesses relevant, discoverable information, if any.

Moreover, Registrant has demonstrated a pattern of behavior indicating a clear disregard for the rules governing this proceeding, and numerous clear attempts to waste time and resources. To be sure, Registrant filed an untimely motion to dismiss over one month after any such filing was due. This delayed proceedings for months and required the Board to reset the entire schedule. Registrant has also resisted participating in a discovery or settlement conference despite numerous attempts by Petitioner's counsel to engage in such talks. Registrant noticed the underlying, improper Deposition Notices in an attempt to depose persons that do not posess any information that is relevant to the central issue in this proceeding – ***Registrant's use of the ALISHAN mark.*** Nor has Registrant articulated even one reason as to why such depositions would be relevant, despite several requests from Petitioner's counsel. Then Registrant filed the instant Motion, which is completely unsupported by any relevant fact, law, or argument. It is a blatant, poor attempt to avoid producing responses to Petitioner's Discovery Requests,

and any responsive documents, which were due on May 31, 2016, one day after Registrant filed this knowingly frivolous Motion.

C. Registrant's Motion Must Fail Because No Attempt Was Made to Meet & Confer

A motion to compel must always include a showing that the parties have made a good faith attempt to resolve their discovery dispute prior to filing a motion to compel, see 37 CFR 2.120(e). Registrant makes no such showing, and instead has ignored several communications which have clearly shown the impropriety of Registrant's deposition notices. Therefore, on that basis alone, Registrant's motion must be denied.

IV. CONCLUSION

Pursuant to the foregoing, Petitioner respectfully requests that the Board will deny Registrant's motion to compel depositions of Petitioner's representatives by oral examination in the United States or elsewhere, as Registrant has failed to show good cause. Petitioner further requests that Registrant will be barred from taking written depositions of Petitioner's representatives as such depositions are clearly irrelevant to this proceeding.

Respectfully submitted,

Dated: June 20, 2016

JFP GULF GENERAL TRADING, LLC.

By: *Mike Rodenbaugh*

Michael L. Rodenbaugh
Rodenbaugh Law
548 Market Street, Box No. 55819
San Francisco, CA 94104
Tel: (415) 738-8087
Email: mike@rodenbaugh.com
California Bar No. 179059

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **PETITIONER JFP GULF GENERAL TRADING, LLC'S INITIAL DISCLOSURE STATEMENT** was served by U.S. first class mail on this 20th day of June 2016, upon Chi Liu, representative for Evory Technologies, Inc.:

Chi Liu
Evory Technologies, Inc.
1270 N. Marine Corp. Dr. Ste. 101-397
Tamuning, GU 96913-4331
United States
chi_liu@evorytech.com
liuchi23@hotmail.com

Dated: June 20, 2016

Respectfully submitted,

By: *Marie Richmond*

Marie Richmond
Rodenbaugh Law
548 Market Street
San Francisco, CA 94104
Tel: (415) 738-8087
California Bar No. 292962

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

Registration No.: 3511321
For the mark: ALISHAN
Date Registered: October 7, 2008

Registration No.: 3273480
For the mark: ALISHAN
Date Registered: August 7, 2007

JFP GULF GENERAL TRADING LLC, Petitioner, vs. EVORY TECHNOLOGIES, INC., Registrant.	:	Proceeding No. 92062012 **DECLARATION OF RICHMOND IN SUPPORT OF PETITIONER'S OPPOSITION TO REGISTRANT'S MOTION TO COMPEL AND SUSPEND**

I, Marie Richmond, under penalty of perjury under the laws of the United States, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am counsel to JFP Gulf General Trading LLC in this action and hereby make this declaration in support of Petitioner's Opposition to Registrant's Motion to Compel and Suspend.

2. On November 20, 2015, I served JFP Gulf General Trading LLC's Initial Disclosure Statement on Chi Liu, representative for Registrant Evory Technologies, Inc. at his address of record by U.S. first class mail. A true and correct copy of Petitioner's Initial Disclosure Statements are attached hereto as Exhibit A.

3. On February 2, 2016, I again served Petitioner JFP Gulf General Trading LLC's Initial Disclosure Statement on Chi Liu, representative for Registrant Evory Technologies, Inc. at his address of record by U.S. first class mail. *See* Exhibit A.

4. On April 29, 2016, Mike Rodenbaugh served Petitioner's First Set of Requests For Document's and Things and Petitioner's First Set of Interrogatories on Chi Liu, representative for Registrant Evory Technologies, Inc. at his address of record by U.S. first class mail. True and correct copies of Petitioner's Discovery Requests are attached hereto as Exhibit B.

RESPECTFULLY SUBMITTED,

DATED: June 20, 2016

By: /s/ Marie Richmond

Marie Richmond
RODENBAUGH LAW
584 Market Street
Box 55819
San Francisco, CA 94104
Tel/fax: (415) 738-8087

Exhibit A

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

Registration No.: 3511321
For the mark: ALISHAN
Date Registered: October 7, 2008

Registration No.: 3273480
For the mark: ALISHAN
Date Registered: August 7, 2007

JFP GULF GENERAL TRADING LLC, Petitioner, vs. EVORY TECHNOLOGIES, INC., Registrant.	:	Proceeding No. 92062012 **PETITIONER JFP GULF GENERAL TRADING LLC'S INITIAL DISCLOSURE STATEMENT**

JFP Gulf General Trading, LLC, the Petitioner ("Petitioner") in this proceeding, hereby provides its Initial Disclosure of persons, documents, information and things that Petitioner may use to support it claims or defenses, unless the use would be primarily for impeachment, in accord with Trademark Rule 2.120 and Federal Rule of Civil procedure 26(a)(1)(A), as follows:

I. Names, addresses and phone numbers of individuals likely to have discoverable information, and subjects of that information:

1. Chi Liu – Manager, Evory Technologies, Inc.,

   1270 N. Marine Corp. Dr. Ste. 101-397, Tamuning, GU 96913-4331, United States;

   Subject Matter: Registrant Evory Technologies Inc.'s ("Registrant's") use of the ALISHAN word and logo trademarks, registration nos. 3511321 and 3273480 (collectively "Registrant's Marks"); Registrant's application for Registrant's Marks; Registrant's maintenance of the Registrant's Marks, including USPTO maintenance filings;

2. Witnesses of Registrant Evory Technologies, Inc., most knowledgeable with respect to Registrant's use of Registrant's Marks and breadth of associated business activities in U.S. commerce.

II. Description, by category, of all documents, electronically stored information and tangible things that Opposer has in its possession, custody or control, and which are

stored electronically and are available online to Applicant's counsel, via a link to be provided separately.

1. Copies of Registrant's USPTO filings in connection with Registrant's Marks;
2. Copies of Registrant's website found at <superteastore.com>.

Respectfully submitted,

Dated: November 20, 2015

JFP GULF GENERAL TRADING, LLC.

By: *Mike Rodenbaugh*

Michael L. Rodenbaugh
Rodenbaugh Law
548 Market Street, Box No. 55819
San Francisco, CA 94104
Tel: (415) 738-8087
Email: mike@rodenbaugh.com
California Bar No. 179059

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **PETITIONER JFP GULF GENERAL TRADING, LLC'S INITIAL DISCLOSURE STATEMENT** was served by U.S. first class mail on this 20th day of November 2015, upon Chi Liu, representative for Evory Technologies, Inc.:

Chi Liu
Evory Technologies, Inc.
1270 N. Marine Corp. Dr. Ste. 101-397
Tamuning, GU 96913-4331
United States
chi_liu@evorytech.com
liuchi23@hotmail.com

Dated: November 20, 2015

Respectfully submitted,

By: *Marie Richmond*

Marie Richmond
Rodenbaugh Law
548 Market Street
San Francisco, CA 94104
Tel: (415) 738-8087
California Bar No. 292962

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

Registration No.: 3511321
For the mark: ALISHAN
Date Registered: October 7, 2008

Registration No.: 3273480
For the mark: ALISHAN
Date Registered: August 7, 2007

JFP GULF GENERAL TRADING LLC, Petitioner, vs. EVORY TECHNOLOGIES, INC., Registrant.	:	Proceeding No. 92062012 **PETITIONER JFP GULF GENERAL TRADING LLC'S INITIAL DISCLOSURE STATEMENT**

JFP Gulf General Trading, LLC, the Petitioner ("Petitioner") in this proceeding, hereby provides its Initial Disclosure of persons, documents, information and things that Petitioner may use to support it claims or defenses, unless the use would be primarily for impeachment, in accord with Trademark Rule 2.120 and Federal Rule of Civil procedure 26(a)(1)(A), as follows:

I. Names, addresses and phone numbers of individuals likely to have discoverable information, and subjects of that information:

1. Chi Liu – Manager, Evory Technologies, Inc.,

   1270 N. Marine Corp. Dr. Ste. 101-397, Tamuning, GU 96913-4331, United States;

   Subject Matter: Registrant Evory Technologies Inc.'s ("Registrant's") use of the ALISHAN word and logo trademarks, registration nos. 3511321 and 3273480 (collectively "Registrant's Marks"); Registrant's application for Registrant's Marks; Registrant's maintenance of the Registrant's Marks, including USPTO maintenance filings;

2. Witnesses of Registrant Evory Technologies, Inc., most knowledgeable with respect to Registrant's use of Registrant's Marks and breadth of associated business activities in U.S. commerce.

II. Description, by category, of all documents, electronically stored information and tangible things that Opposer has in its possession, custody or control, and which are

stored electronically and are available online to Applicant's counsel, via a link to be provided separately.

1. Copies of Registrant's USPTO filings in connection with Registrant's Marks;
2. Copies of Registrant's website found at <superteastore.com>.

Respectfully submitted,

Dated: February 2, 2016

JFP GULF GENERAL TRADING, LLC.

By: *Mike Rodenbaugh*

Michael L. Rodenbaugh
Rodenbaugh Law
548 Market Street, Box No. 55819
San Francisco, CA 94104
Tel: (415) 738-8087
Email: mike@rodenbaugh.com
California Bar No. 179059

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **PETITIONER JFP GULF GENERAL TRADING, LLC'S INITIAL DISCLOSURE STATEMENT** was served by U.S. first class mail on this 2nd day of February 2016, upon Chi Liu, representative for Evory Technologies, Inc.:

Chi Liu
Evory Technologies, Inc.
1270 N. Marine Corp. Dr. Ste. 101-397
Tamuning, GU 96913-4331
United States
chi_liu@evorytech.com
liuchi23@hotmail.com

Dated: February 2, 2016

Respectfully submitted,

By: *Marie Richmond*

Marie Richmond
Rodenbaugh Law
548 Market Street
San Francisco, CA 94104
Tel: (415) 738-8087
California Bar No. 292962

Exhibit B

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

JFP GULF GENERAL TRADING, LLC, Petitioner, vs. EVORY TECHNOLOGIES, INC, Respondent.	:	Cancellation no. 92062012 **PETITIONER'S FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Petitioner JFP Gulf General Trading, LLC, hereby requests that Respondent Evory Technologies, Inc. serve sworn answers to the following Interrogatories, within thirty (30) days from service hereof, at the offices of Rodenbaugh Law, 548 Market St., Box No. 55819 San Francisco, CA 94104.

These interrogatories are intended to be continuing in nature, and if any responsive information is discovered subsequent to the service of Respondent's answers to these Interrogatories, then such information promptly should be brought to Petitioner's attention through supplemental answers.

DEFINITIONS AND INSTRUCTIONS

A. The following definitions apply to all of Petitioner's discovery requests:

(1) "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

(2) "Document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Fed. R. Civ. P. 34(a), and shall mean any and all information in tangible or other form, whether printed, typed, recorded, computerized, filmed, reproduced by any process, or written or produced by hand, and whether an original, draft, master, duplicate, copy, or notated version thereof, that is in Respondent's possession, custody, or control. A draft or non-identical copy is a separate document within the meaning of this term.

(3) "Person" is defined as any natural person or any business, legal, or governmental entity or association.

(4) In reference to a person, "to identify" means to state, to the extent known, the person's full name, present or last-known home and business addresses, and when referring to a natural person, additionally, the present or last-known business address, and present or last-known title, position, and business affiliation. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

(5) In reference to documents, "to identify" means to state, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), address(es), and recipient(s).

(6) The term "Petitioner" refers to JFP Gulf General Trading, LLC, and, where applicable, its predecessors, officers, directors, employees, partners, corporate parent, subsidiaries, affiliates, related companies, and promoters.

(7) The term "Respondent" refers to Evory Technologies, Inc. and, where applicable, their predecessors, officers, directors, employees, partners, corporate parent, subsidiaries, affiliates, related companies, promoters and licensees.

(8) "Referring" or "relating to" means constituting, comprising, concerning, regarding, containing, setting forth, showing, disclosing, describing, explaining, summarizing, evidencing, discussing, either directly or indirectly, in whole or in part, and should be given the broadest possible scope consistent with the Federal Rules of Civil Procedure.

(10) "Respondent's Products and Services" shall mean all products and services ever advertised, promoted, marketed, sold, offered, rendered, or provided by Respondent under or in connection with the ALISHAN trademark, including those products listed in United States trademark registration no. 3511321 (the "Word Mark") and registration no. 3273480 (the "Stylized Mark") (collectively the "Contested Marks").

B. The following rules of construction shall apply to all of Petitioner's discovery requests:

(1) The terms "all" and "each" shall be constructed as all and each.

(2) The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

(3) The use of the singular form of any word shall include within its meaning the plural form of the word and vice versa.

(4) The use of the masculine form of a pronoun shall include also within its meaning the feminine form of the pronoun so used and vice versa.

(5) The use of any tense of any verb shall include also within its meaning all other tenses of the verb so used.

C. Whenever these interrogatories call for the identification of a document, Respondent may, in lieu of such identification, produce such document, marked with the number of the interrogatory to which it is responsive, at the time Respondent serves their answers to these interrogatories. Respondent shall also provide the following information for such documents:

(1) Specifications for the document in sufficient detail to permit Petitioner to locate and identify the document and to ascertain the answer as readily as could Respondent;

(2) Any computerized information or summaries thereof that Respondent either have or can adduce by a relatively simple procedure; and

(3) Any relevant compilations, abstracts, or summaries in Respondent's custody or readily obtainable by Respondent.

D. No part of an interrogatory shall be left unanswered merely because an objection is interposed to another part of the interrogatory.

E. Where an objection is made to any interrogatory or any document request, or sub-part thereof, under Federal Rules of Civil Procedure, Respondent must state with specificity all grounds for the objection. Any ground not stated in an objection within the

time provided by the Federal Rules of Civil Procedure, or any extensions thereof, shall be waived.

F. Where a claim of privilege or work product is asserted in objecting to an interrogatory or document request, or sub-part thereof, and an answer is not provided on the basis of such assertion, the attorney asserting the privilege shall in the objection to the interrogatory or document request, or sub-part thereof, identify the nature of the privilege being claimed, and provide the following information:

(1) For documents:

(a) the type of document;

(b) the general subject matter of the document;

(c) the date of the document; and

(d) such other information as is sufficient to identify the document for a subpoena duces tecum, including the author of the document, the addressee of the document, and the relationship of the author to the addressee.

(2) For oral communications:

(a) the name of the person making the communication, the names of persons present while the communication was made, and the relationship of these persons;

(b) the date and place of communication; and

(c) the general subject matter of the communication.

G. If any requested document is asserted to contain confidential business information, Respondent may so designate and produce such document and, that done, Petitioner agrees it will limit the disclosure of such document pursuant to the terms of the protective order in this case, or until the Board rules that the document is not entitled to confidential treatment.

H. For the convenience of the Board and the parties, Petitioner requests that each interrogatory be quoted in full immediately preceding the response.

INTERROGATORIES

1. Describe all use of the ALISHAN Word Mark by Respondent since January 1, 2006.

2. Describe all use of the ALISHAN Stylized Mark by Respondent since January 1, 2006.

3. Identify the person(s) most knowledgeable about the Respondent's Products or Services sold in connection with the Contested Marks, since January 1, 2006.

4. Identify the person(s) most knowledgeable about the advertising and promotion of all Respondent's Products or Services in connection with the Contested Marks, since January 1, 2006.

5. Identify all media outlets and channels in which Respondent has advertised or promoted any Products or Services under the Contested Marks in the United States, and the dates and cost of each such media buy.

6. Identify each advertising agency, market research firm, public relations firm, or other entity which has rendered services to or on behalf of Respondent in

connection with the advertisement or promotion in the United States of the Contested Marks and/or any goods and services offered by Respondent thereunder since 2006, including but not limited to the period of time such services were provided, a description of the services performed on behalf of Respondent, and the identity of all documents relating, referring, or pertaining in any manner to such activities.

7. For each Product or Service ever advertised, promoted, rendered, manufactured, provided for free, offered, sold, and/or offered for sale in the United States under the Contested Marks state:

(a) The time period(s) during which the product or service was advertised or publicized;

(b) The amount of advertisements or publicity campaigns used; and,

(c) The geographic locations where the advertising or publicity campaigns were utilized;

(d) the annual advertising and marketing expenses for that product or service.

8. State the total annual advertising and marketing expenditures for each of Respondent's Products and Services in the Unites States in connection with the Contested Marks for each year since January 2006, including without limitation each of the following products: Allspice; Bagels; Bubble gum; Cakes; Candy; Cappuccino; Chewing gum; Chocolate; Cocoa; Coffee and coffee substitutes; Cookies; Dumplings; Espresso; Filo; Flour; Frozen yogurt; Herb tea; Iced tea; Tea; Tea bags; Tea substitutes; Tea-based beverages with fruit flavoring; Honey; Ice; Ice cream; Ketchup; Lo mein; Muffins;

Noodles; Oatmeal; Oolong tea; Pasta; Pies; Pizza; Popcorn; Relish; Rice; Salt; Sandwiches; Sauces; Shakes; Spices; Sugar; Sushi; Tacos; Vanilla; Vinegar; Wafers; Waffles; Bread.

9. State the total annual revenues Respondent has generated from each of Respondent's Products and Services in the Unites States in connection with the Contested Marks for each year since January 2006, including without limitation each of the following products: Allspice; Bagels; Bubble gum; Cakes; Candy; Cappuccino; Chewing gum; Chocolate; Cocoa; Coffee and coffee substitutes; Cookies; Dumplings; Espresso; Filo; Flour; Frozen yogurt; Herb tea; Iced tea; Tea; Tea bags; Tea substitutes; Tea-based beverages with fruit flavoring; Honey; Ice; Ice cream; Ketchup; Lo mein; Muffins; Noodles; Oatmeal; Oolong tea; Pasta; Pies; Pizza; Popcorn; Relish; Rice; Salt; Sandwiches; Sauces; Shakes; Spices; Sugar; Sushi; Tacos; Vanilla; Vinegar; Wafers; Waffles; Bread.

10. Describe any licensing agreements between Respondent and any third-party concerning any use of the Contested Marks in the United States.

11. Identify all documents that prove the amount of sales in the United States, in connection with the Contested Marks, of each of the following products: Allspice; Bagels; Bubble gum; Cakes; Candy; Cappuccino; Chewing gum; Chocolate; Cocoa; Coffee and coffee substitutes; Cookies; Dumplings; Espresso; Filo; Flour; Frozen yogurt; Herb tea; Iced tea; Tea; Tea bags; Tea substitutes; Tea-based beverages with fruit flavoring; Honey; Ice; Ice cream; Ketchup; Lo mein; Muffins; Noodles; Oatmeal; Oolong tea; Pasta; Pies; Pizza; Popcorn; Relish; Rice; Salt; Sandwiches; Sauces; Shakes; Spices;

Sugar; Sushi; Tacos; Vanilla; Vinegar; Wafers; Waffles; Bread.

12. Identify all people who provided information for the answers to these interrogatories, including a description of the types of information they provided and the specific Interrogatories to which their information is responsive.

Respectfully submitted,

Dated: April 29, 2016

/s/ Mike Rodenbaugh
Michael L. Rodenbaugh
Rodenbaugh Law
548 Market Street
Box No. 55819
San Francisco, CA 94104
Tel: (415) 738-8087
Email: mike@rodenbaugh.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **PETITIONER'S FIRST SET OF INTERROGATORIES** was served this 29th day of April, 2016, upon Chi Liu, General Manager for Evory Technologies, Inc., by email to <liuchi23@hotmail.com>, and by U.S. Postal Mail to the following address:

EVORY TECHNOLOGIES INC
1270 N MARINE CORP DR, STE 101-397
TAMUNING, GU 96913-4331
UNITED STATES

Respectfully submitted,

/s/ Mike Rodenbaugh
Mike Rodenbaugh
Rodenbaugh Law
548 Market Street
San Francisco, CA 94104
Tel: (415) 738-8087

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

JFP GULF GENERAL TRADING, LLC, Petitioner, vs. EVORY TECHNOLOGIES, INC, Respondent.	:	Cancellation no. 92062012 **PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Petitioner requests that Respondent produce the documents and things requested below, within thirty (30) days after the service hereof, at the offices of Petitioner's counsel, Rodenbaugh Law, 548 Market Street, Box No. 55819, San Francisco, CA 94104 or at such other time and place as the parties may mutually agree.

DEFINITIONS AND INSTRUCTIONS

Petitioner hereby incorporates by reference the Definitions and Instructions set forth in Petitioner's First Set of Interrogatories to Respondent, served concurrently herewith.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

1. All documents identified or requested to be identified in any of Petitioner's Interrogatories to Respondent.

2. All documents referenced or utilized by Respondent in responding to any of Petitioner's Interrogatories to Respondent.

3. All documents which evidence any use in the United States by Respondent of the Contested Marks since January 2006.

4. Representative samples of all advertisements, catalogs, brochures, posters, flyers, and any other advertising and printed promotional materials that have ever been used by Respondent in connection with any Products or Services offered under the Contested Marks in each United States media utilized (e.g., print, television, radio, Internet, billboards).

5. All documents referring or relating to Respondent's plans for marketing, promoting, advertising, selling, offering, rendering, and providing Products and Services in the United States under the Contested Marks, from January 2006 to the present, including but not limited to marketing plans, advertising plans, and business plans.

6. Documents sufficient to identify the time period(s) during which each Product or Service with which the Contested Marks have been used was advertised, promoted, rendered, provided for free, offered, sold and/or offered for sale in the United States.

7. Documents sufficient to identify the annual advertising and marketing expenses in the United States for each Product or Service with which the Contested Marks have been used since 2006, including without limitation the following goods: Allspice; Bagels; Bubble gum; Cakes; Candy; Cappuccino; Chewing gum; Chocolate;

Cocoa; Coffee and coffee substitutes; Cookies; Dumplings; Espresso; Filo; Flour; Frozen yogurt; Herb tea; Iced tea; Tea; Tea bags; Tea substitutes; Tea-based beverages with fruit flavoring; Honey; Ice; Ice cream; Ketchup; Lo mein; Muffins; Noodles; Oatmeal; Oolong tea; Pasta; Pies; Pizza; Popcorn; Relish; Rice; Salt; Sandwiches; Sauces; Shakes; Spices; Sugar; Sushi; Tacos; Vanilla; Vinegar; Wafers; Waffles; Bread.

8. Documents sufficient to identify the amount of advertisements or publicity campaigns used for each aforementioned Product or Service with which the Contested Marks have been used in the United States since 2006.

9. Documents sufficient to identify the geographic locations within the United States where any advertising or publicity campaigns were targeted for each aforementioned Product or Service in connection with the Contested Marks.

10. All documents relating or referring to trademark applications and related proceedings concerning the Contested Marks in the United States.

11. All documents relating or referring to agreements between Respondent and any third party concerning the use and/or registration in the United States of the Contested Marks including, but not limited to, joint marketing agreements, assignments, licenses, consent agreements, coexistence agreements, and settlement agreements.

12. Documents sufficient to show annual revenues (dollar and unit volume) of each of Respondent's Products and Services from January 2006 to the present, including without limitation each of the following goods: Allspice; Bagels; Bubble gum; Cakes; Candy; Cappuccino; Chewing gum; Chocolate; Cocoa; Coffee and coffee substitutes;

Cookies; Dumplings; Espresso; Filo; Flour; Frozen yogurt; Herb tea; Iced tea; Tea; Tea bags; Tea substitutes; Tea-based beverages with fruit flavoring; Honey; Ice; Ice cream; Ketchup; Lo mein; Muffins; Noodles; Oatmeal; Oolong tea; Pasta; Pies; Pizza; Popcorn; Relish; Rice; Salt; Sandwiches; Sauces; Shakes; Spices; Sugar; Sushi; Tacos; Vanilla; Vinegar; Wafers; Waffles; Bread.

13. Documents sufficient to show monthly revenues (dollar and unit volume) of each of Respondent's Products and Services January 2006 to the present.

14. All documents referring or relating to the trademark application for the Word Mark, including but not limited to communications referring or relating to the specimen of use filed therewith

15. All documents referring or relating to the trademark application for the Stylized Mark, including but not limited to communications referring or relating to the specimen of use filed therewith.

16. All documents referring or relating to the declaration of use under Sections 8 and 15 for the Word Mark, including but not limited to communications referring or relating to the specimen of use filed therewith.

17. All documents referring or relating to the declaration of use under Section 8 for the Stylized Mark, including but not limited to communications referring or relating to the Specimen of Use filed therewith.

18. All documents referring or relating to the use of the Contested Marks in connection with Respondent's Products and Services.

19. All documents not already produced in response to these Requests upon which Petitioners and/or any of its witnesses will rely in this Cancellation proceeding.

Respectfully submitted,

Dated: April 29, 2016

By: /s/ Mike Rodenbaugh
Michael L. Rodenbaugh
Rodenbaugh Law
548 Market Street
Box No. 55819
San Francisco, CA 94104
Tel: (415) 738-8087
Email: mike@rodenbaugh.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION** was served this 29th day of April, 2016, upon Chi Liu, General Manager for Evory Technologies, Inc., by email to <liuchi23@hotmail.com>, and by U.S. Postal Mail to the following address:

EVORY TECHNOLOGIES INC
1270 N MARINE CORP DR, STE 101-397
TAMUNING, GU 96913-4331
UNITED STATES

Respectfully submitted,

/s/ Mike Rodenbaugh
Mike Rodenbaugh
Rodenbaugh Law
548 Market Street
San Francisco, CA 94104
Tel: (415) 738-8087

Exhibit C

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

JFP GULF GENERAL TRADING LLC, Petitioner, vs. EVORY TECHNOLOGIES, INC, Registrant.	Mark: ALISHAN Cancellation No.:92062012

NOTICE TO TAKE THE DEPOSITION UPON ORAL EXAMINATION OF ANKUR AGGARWAL

To:
Ankur Aggarwal
JFP GULF GENERAL TRADING LLC
548 Market Street Box No 55819
San Francisco, CA 94104

Dear Mr. Aggarwal:

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P.26 and 30, the Registrant will take the deposition upon oral examination of Ankur Aggarwal at 44 Montgomery Street Suite 550, San Francisco, California on Monday June 6, 2016 at 10:00 a.m., before a notary public or other officer authorized to administer oaths.

The oral examination will continue from day to day until completed.

Dated: May 4, 2016

By: _____

CHI LIU
1270 N MARINE CORP DR, STE 101-397
TAMUNING, GU 96913-4331
General Manager
Evory Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing was served by Post Office Mail, postage prepaid on May 4, 2016 and E-mail on the same day, addressed as follows:

JFP GULF GENERAL TRADING LLC
548 MARKET STREET BOX NO 55819
SAN FRANCISCO, CA 94104
mike@rodenbaugh.com

CHI LIU

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

JFP GULF GENERAL TRADING LLC, Petitioner, vs. EVORY TECHNOLOGIES, INC, Registrant.	Mark: ALISHAN Cancellation No.:92062012

NOTICE TO TAKE THE DEPOSITION UPON ORAL EXAMINATION OF ANKUR AGGARWAL

To:
JFP GULF GENERAL TRADING LLC
548 Market Street Box No 55819
San Francisco, CA 94104

Dear Mr. Rodenbaugh:

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P.26 and 30, the Registrant will take the deposition upon oral examination of one major shareholder of JFP GULF GENERAL TRADING LLC at 44 Montgomery Street Suite 550, San Francisco, California, on Tuesday June 7, 2016 at 10:00 a.m., before a notary public or other officer authorized to administer oaths.

The oral examination will continue from day to day until completed.

Dated: May 4, 2016

By: _____
CHI LIU
1270 N MARINE CORP DR, STE 101-397
TAMUNING, GU 96913-4331
General Manager
Evory Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing was served by Post Office Mail, postage prepaid on May 4, 2016 and E-mail on the same day, addressed as follows:

JFP GULF GENERAL TRADING LLC
548 MARKET STREET BOX NO 55819
SAN FRANCISCO, CA 94104
mike@rodenbaugh.com

CHI LIU

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

JFP GULF GENERAL TRADING LLC, Petitioner, vs. EVORY TECHNOLOGIES, INC, Registrant.	Mark: ALISHAN Cancellation No.:92062012

NOTICE TO TAKE THE DEPOSITION UPON ORAL EXAMINATION OF ANKUR AGGARWAL

To:
JFP GULF GENERAL TRADING LLC
548 Market Street Box No 55819
San Francisco, CA 94104

Dear Mr. Rodenbaugh:

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P.26 and 30, the Registrant will take the deposition upon oral examination of the Chief Financial Officer of JFP GULF GENERAL TRADING LLC at 44 Montgomery Street Suite 550, San Francisco, California, on Wednesday June 8, 2016 at 10:00 a.m., before a notary public or other officer authorized to administer oaths.

The oral examination will continue from day to day until completed.

Dated: May 4, 2016

By: _____
CHI LIU
1270 N MARINE CORP DR, STE 101-397
TAMUNING, GU 96913-4331
General Manager
Evory Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing was served by Post Office Mail, postage prepaid on May 4, 2016 and E-mail on the same day, addressed as follows:

JFP GULF GENERAL TRADING LLC
548 MARKET STREET BOX NO 55819
SAN FRANCISCO, CA 94104
mike@rodenbaugh.com

CHI LIU

Exhibit D

Marie Richmond <marie@rodenbaugh.com>

Notice of Deposition

11 messages

chi_liu <chi_liu@evorytech.com> Wed, May 4, 2016 at 6:21 PM
Reply-To: chi_liu <chi_liu@evorytech.com>
To: Mike Rodenbaugh <mike@rodenbaugh.com>, Marie Richmond <marie@rodenbaugh.com>
Cc: liuchi23@hotmail.com

Mr. Rodenbaugh,

With respect to the cancellation proceeding at the Trademark Trial and Appeal Board, please see the attached Notice of Deposition. We are seeking to depose Ankur Aggarwal, the marketing director of JFP GULF GENERAL TRADING LLC, on June 6, 2016 at 10:00 a.m., one major shareholder of JFP GULF GENERAL TRADING LLC on June 7, 2016 at 10:00 a.m. and the Chief Financial Officer of JFP GULF GENERAL TRADING LLC on June 8, 2016 at 10:00 a.m. The deposition was scheduled to take place in the following location:

US Legal Support

44 Montgomery Street, Suite 550

San Francisco CA 94104

Because we need to commence travel arrangements, please write to confirm your attendance and provide the name of the deponents no later than 8:00 a.m. Monday May 9, 2016.

In addition, we would highly appreciate it if you could write an email to notify us your receipt of this email.

Regards,

Chi

Evory Tecjnologies, Inc.

3 attachments

Notice of Deposition03.pdf
496K

Notice of Deposition01.pdf
492K

Notice of Deposition02.pdf
496K

chi_liu <chi_liu@evorytech.com> Thu, May 5, 2016 at 1:02 AM
Reply-To: chi_liu <chi_liu@evorytech.com>
To: Marie Richmond <marie@rodenbaugh.com>, Mike Rodenbaugh <mike@rodenbaugh.com>
Cc: liuchi23@hotmail.com

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3 attachments

Notice of Deposition03-v.pdf
501K

Notice of Deposition01.pdf
492K

Notice of Deposition02-v.pdf
504K

Mike Rodenbaugh <mike@rodenbaugh.com> Mon, May 9, 2016 at 8:52 PM
To: chi_liu <chi_liu@evorytech.com>
Cc: Marie Richmond <marie@rodenbaugh.com>, Chi Liu <liuchi23@hotmail.com>

Mr. Liu,

We are in receipt of your email and deposition notices. However, again you have served the documents improperly, by sending them to my client's attention, at my firm's mailing service address. This creates delay. As previously requested, please either agree to email service in this proceeding, or ensure that you post mail to me, Mike Rodenbaugh, rather than to my client, at the address you have been using in San Francisco (548 Market St., Box 55819, San Francisco, CA 94104).

Moreover, the deposition notices are improper, and we request you to withdraw them. First, Evory can not command my clients to come to San Francisco, since they are located in India. More importantly, you have no basis to take deposition testimony from my clients in this case. The sole issue in this case is whether Evory Technologies had used its mark in US commerce as of the date of the application, as to all of the goods listed in the application and registration. My client has no information on that issue, except what little you have provided us to date.

Please advise as to what, if any, topics you believe each deponent is necessary to provide testimony in this case, otherwise withdraw the notices. If you do not withdraw them by Monday, May 16, then we will move to quash the notices and for sanctions against Evory for serving them improperly and causing us to file an unnecessary motion.

We again request to have a discovery and settlement conference with you, in order to avoid issues like this and attempt to resolve this matter. Are you available for a phone call this week? We propose anytime on Thurs, May 12 or Friday morning, May 13, Pacific time.

Thanks,
Mike

Mike Rodenbaugh
RODENBAUGH LAW
tel/fax: +1.415.738.8087
http://rodenbaugh.com
[Quoted text hidden]

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chi_liu <chi_liu@evorytech.com> Sun, May 15, 2016 at 7:22 PM
Reply-To: chi_liu <chi_liu@evorytech.com>
To: Mike Rodenbaugh <mike@rodenbaugh.com>, Marie Richmond <marie@rodenbaugh.com>
Cc: Chi Liu <liuchi23@hotmail.com>

Mr. Rodenbaugh,

We forwarded by email a Notice of Deposition pursuant to Fed. R. Civ. P. 28 and 30 and Trademark Rule 2.120(b). By this deposition, we are seeking a representative of the Petitioner, JFP who has knowledge of the topics specified in Schedule A of the Notice of Deposition.

On May 4, we sent you a Notice to propose the deposition to take place in San Francisco because the petitioner's mailing address in the United States of America is located in San Francisco. However, you refused to take the deposition on the proposed date in San Francisco.

As discovery will close on July 1, 2016, please provide us with several possible dates and locations between May 20, 2016 and July 1, 2016. You should give us a list of several different dates and location on which you and your Petitioner are available, and we will try to schedule the deposition on a date and location that is convenient for Petitioner and us.

Regarding the attendants, at least three of them must include Chief Financial Officer, one of major shareholder, and Mr. Ankur Aggarwal. Please provide the name and title of Petitioners that will attend the deposition.

Please advise us a list of several possible dates, locations and attendants no later than May 20, 2016 as we are again seeking to make a good faith attempt to resolve this matter.

We are willing to collaborate with Petitioner and provide ALISHAN's samples upon Petitioner's request. If Petitioner would like to request additional Registrant's ALISHAN goods, please provide petitioner's *carrier account*number to cover the shipping charge.

This email is written in our continued good faith effort to conduct discovery and schedule and take depositions in this cancellation. We await your response

Regards,

Chi

Evory Technologies, Inc.

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SCHEDULE A.pdf
520K

Mike Rodenbaugh <mike@rodenbaugh.com> Wed, May 18, 2016 at 12:06 PM
To: chi_liu <chi_liu@evorytech.com>
Cc: Marie Richmond <marie@rodenbaugh.com>, Chi Liu <liuchi23@hotmail.com>

> We again request to have a discovery and settlement conference with you, in order to avoid issues like this and attempt to resolve this matter. Are you available for a phone call this week? We propose anytime on Thurs, May 12 or Friday morning, May 13, Pacific time.

Please advise. We wish to avoid wasteful and expensive motion practice as to Evory's inappropriate deposition notices and discovery requests. Note from this TTAB notice "a motion to compel must always include a showing that the parties have made a good faith attempt to resolve their discovery dispute prior to filing a motion to compel, see 37 CFR 2.120(e)." As suggested in the notice, we further intend to request a phone conference with the TTAB interlocutory attorney, who would decide whether Evory may take any depositions and which of Evory's other discovery requests require any response from my client.

Thanks,
Mike

Mike Rodenbaugh
RODENBAUGH LAW
tel/fax: +1.415.738.8087
http://rodenbaugh.com

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chi_liu <chi_liu@evorytech.com> Wed, May 18, 2016 at 6:41 PM
Reply-To: chi_liu <chi_liu@evorytech.com>
To: Mike Rodenbaugh <mike@rodenbaugh.com>
Cc: Marie Richmond <marie@rodenbaugh.com>, Chi Liu <liuchi23@hotmail.com>

Hi Mike,

I tried to contact with you at 415-7388087 on Thursday afternoon May 18, 2016 three times. Unfortunately, you did not answer the phone and your answer machine was not working.

I am going to contact with you tomorrow again, Friday May 19, 2016. Please make sure you or your assistants are in the office and your answer machine is working at that time.

Due to I am in business trip, I am not in my main office currently. You still can reach me at +886-978380370 on Friday morning May 19, 2016, Pacific Time.

Regards,

Chi

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Mike Rodenbaugh <mike@rodenbaugh.com> Wed, May 18, 2016 at 10:33 PM
To: chi_liu <chi_liu@evorytech.com>
Cc: Marie Richmond <marie@rodenbaugh.com>, Chi Liu <liuchi23@hotmail.com>

Hi Chi,

I'm not sure where you are, but at the moment it is Wed. evening Pacific, and I have received voicemail from other people today. How about we schedule to talk at 10 a.m. Friday, Pacific time?

Thanks,
Mike

Mike Rodenbaugh
RODENBAUGH LAW
tel/fax: +1.415.738.8087
http://rodenbaugh.com

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chi_liu <chi_liu@evorytech.com> Thu, May 19, 2016 at 10:12 AM
Reply-To: chi_liu <chi_liu@evorytech.com>
To: Mike Rodenbaugh <mike@rodenbaugh.com>
Cc: Marie Richmond <marie@rodenbaugh.com>, Chi Liu <liuchi23@hotmail.com>

Hi Mike,

If you ever sent me any document, you must know that my mailing address is as below:

1270 N MARINE CORP DR, STE 101-397

TAMUNING, GU 96913-4331 USA

As you mentioned in your E-mail dated on 5/19 that “I’m not sure where you are”, you probably do not know my physical address. This is probably why I seldom received documents from you.

I am glad that you finally made a suggestion about a phone conference appointment at 10:00a.m. Pacific Time on this Friday. Before you proposed a time, please check the time zone using search engine. 10:00a.m. Pacific Time is 3:00 a.m. Guam Time, which is my bed time. I would strongly urge you to reconsider a reasonable schedule

which is convenient for everyone.

I would like to restate my view as below:

I tried to call you at 415-738 8087 three times starting at 17:30 and ending at 18:30 Pacific Time on Wednesday May 18, 2016. And you confirmed that “I have received voicemail from other people today”. I am going to call you again on Thursday May 19, 2016. Please make sure you or your assistants are available and your answer machine works. Thank you.

Best Regards,

Chi

[Quoted text hidden]

Mike Rodenbaugh <mike@rodenbaugh.com> Thu, May 19, 2016 at 10:28 AM
To: chi_liu <chi_liu@evorytech.com>
Cc: Marie Richmond <marie@rodenbaugh.com>, Chi Liu <liuchi23@hotmail.com>

Hi Chi,

Yes I believe we have sent all documents to that address, which is the address of record with the TTAB. We have also asked whether you would instead accept service by email in this action, and we will do the same. That would save cost and time for both parties and should be more reliable, if indeed you are not getting our postal mail. Please advise.

You said you were traveling on business, so that is why I said I did not know where you are -- and because you were misstating what day it is at least in my time zone.

I am happy to accommodate a convenient time for both of us. How about 4 pm Pacific today (Thursday)?

Thanks,
Mike

Mike Rodenbaugh
RODENBAUGH LAW
tel/fax: +1.415.738.8087
http://rodenbaugh.com

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chi_liu <chi_liu@evorytech.com> Sun, May 22, 2016 at 6:01 AM
Reply-To: chi_liu <chi_liu@evorytech.com>
To: Mike Rodenbaugh <mike@rodenbaugh.com>
Cc: Marie Richmond <marie@rodenbaugh.com>, Chi Liu <liuchi23@hotmail.com>

Hi Mike,

I called you at 415-7388087 at 5:00 pm Pacific Time on Friday May 20, 2016 and you answered the phone. Unfortunately, you did not provide any information regarding deposition.

Please provide us a list of several possible dates, locations and attendants as soon as possible, as we are seeking to make a good faith attempt to resolve this matter. Regarding the attendants, at least three of them must be Chief Financial Officer, one of major shareholder, and Mr. Ankur Aggarwal. Please provide the name and title of Petitioners that will attend the deposition. If we haven’t heard from you by the end of May 25, 2016, I am going to file a motion to compel.

This email is written in our continued good faith effort to conduct discovery and schedule to take depositions in this cancellation. We await your response

Regards,

Chi

Evory Technologies, Inc.

[Quoted text hidden]

Mike Rodenbaugh <mike@rodenbaugh.com> Sun, May 22, 2016 at 1:58 PM
To: chi_liu <chi_liu@evorytech.com>
Cc: Marie Richmond <marie@rodenbaugh.com>, Chi Liu <liuchi23@hotmail.com>

Hi Chi,

You called me, I answered, then I could not hear you say anything. I figured you would call back.

Rather than file a motion to compel, we should have a conference with the TTAB attorney, as that would save us all time and expense, and is the preferred practice within the TTAB.

Please let me know when you are available this week Mon-Wed and I will try to set up a call.

Thanks,
Mike

Mike Rodenbaugh
RODENBAUGH LAW
tel/fax: +1.415.738.8087
http://rodenbaugh.com

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