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

Proceeding	92063694
Party	Plaintiff Sazerac Brands, LLC
Correspondence Address	VINCENT J BADOLATO COOLEY LLP 1299 PENNSYLVANIA AVE NW STE 700 WASHINGTON, DC 20004 UNITED STATES trademarks@cooley.com, vbadolato@cooley.com, pwillsey@cooley.com, mk-lumpp@cooley.com
Submission	Motion to Compel Discovery
Filer's Name	Judd D. Lauter
Filer's e-mail	jlauter@cooley.com, vbadolato@cooley.com, trademarks@cooley.com
Signature	/Judd D. Lauter/
Date	10/12/2016
Attachments	MTC re BLACK DRAGON.pdf(226413 bytes ) Sazerac -- Declaration of Judd Lauter ISO MTC.pdf(194687 bytes ) Ex. A.pdf(150259 bytes ) Ex. B.pdf(219835 bytes ) Ex. C.pdf(210945 bytes ) Ex. D.pdf(58097 bytes ) Ex. E.pdf(59672 bytes ) Ex. F.pdf(56363 bytes ) Ex. G.pdf(63991 bytes ) Ex. H.pdf(65027 bytes )

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

In the Matter of Trademark Registration No. 4,506,303  
For the Trademark BLACK DRAGON  
Registered on April 1, 2014

Sazerac Brands, LLC,	)	
	)	
Petitioner,	)	
	)	Cancellation No. 92063694
v.	)	
	)	
K. Hansotia & Co., Inc.,	)	
	)	
Respondent.	)	
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**MOTION TO COMPEL DISCOVERY AND FOR AN EXTENSION OF DEADLINES**

Pursuant to 37 CFR § 2.120(e)(1), Sazerac Brands, LLC (“Sazerac”) moves the Board to compel Respondent K. Hansotia & Co., Inc. (“Respondent”) to respond to Sazerac’s Requests for Production and Interrogatories and to serve Initial Disclosures. As set forth in detail below and in the accompanying Declaration of Judd D. Lauter (“Lauter Decl.”), Sazerac has made a concerted good faith effort to resolve this discovery dispute but to no avail.

Sazerac further respectfully requests that the Board suspend the proceeding and reset all deadlines by 30 days upon disposition of this motion so that Sazerac may review any discovery Respondent is compelled to produce and use such discovery to prepare for the deposition of Respondent. *See* 37 C.F.R. § 2.120(e)(2).

**I. INTRODUCTION**

Respondent has prejudiced Sazerac’s ability to prosecute this opposition by failing to satisfy its discovery obligations. Sazerac served its first sets of Requests for Production and

Interrogatories on Respondent on August 22, 2016. As set forth below, since that time Sazerac has expended substantial effort to obtain Initial Disclosures and complete responses and responsive documents from Respondent with no success. Because Respondent has failed to provide discovery in a timely manner, Sazerac is left with no choice but to move this Board to compel Respondent to fully satisfy its obligations with respect to the Requests for Production and Interrogatories and Initial Disclosures that are the subject of this motion. Sazerac cannot effectively prosecute this opposition without such discovery.

## **II. PROCEDURAL AND FACTUAL BACKGROUND**

On May 10, 2016, Sazerac timely filed a Petition to Cancel Respondent's registration for the mark BLACK DRAGON on the ground of abandonment. (Dkt. No. 1.) Respondent filed its Answer on June 21, 2016. (Dkt. No. 5.)

Sazerac timely served its Initial Disclosures on August 22, 2016. (Lauter Decl. at ¶ 2.) Respondent has never served its Initial Disclosures. (*Id.* at ¶ 3.) Sazerac also served its first sets of Requests for Production and Interrogatories on Respondent on August 22, 2016. (*Id.* at ¶¶ 4-5.) Sazerac served these via email pursuant to a stipulation between the parties. (*Id.*)

Respondent's responses to Sazerac's interrogatories and requests for documents were due by September 21, 2016, yet no responses have been provided. (*Id.* at ¶ 6.) On September 29, 2016, Sazerac emailed Respondent's counsel regarding Respondent's outstanding Initial Disclosures and responses to Sazerac's discovery requests but did not receive any response. (*Id.* at ¶ 7.) Sazerac emailed Respondent's counsel again on October 5, 2016, to which Sazerac again did not receive a reply. (*Id.* at ¶ 8.) In a final attempt to confer with opposing counsel, Sazerac's counsel contacted Respondent's counsel by telephone on October 5, 2016. (*Id.* at ¶ 9.) During the call, Respondent's counsel represented that he had been unable to obtain information from his client necessary to provide Initial Disclosures and responses to Sazerac's outstanding

discovery requests. (*Id.*) Respondent's counsel advised that he would try to get hold of his client again "early next week" but was unable to provide any indication of whether Respondent could or would uphold its discovery obligations. (*Id.*)

On October 7, 2016, counsel for Petitioner followed up with Respondent's counsel to memorialize the parties' telephone conversation on October 5<sup>th</sup>. (*Id.* at ¶ 10.) On October 10, 2016, Respondent's counsel advised that he had contacted Registrant's office on October 7, but that Registrant was out of the office and would not return until October 12, 2016. (*Id.* at ¶ 11.) Petitioner's counsel followed up with Respondent's counsel again on October 12, 2016 to confirm whether he had been able to speak to his client. (*Id.* at ¶ 12.) He had not. (*Id.*)

### **III. ARGUMENT**

#### **A. Sazerac's Motion to Compel is Timely and Well-Supported.**

Trademark Rule § 2.120(e)(1) provides, in relevant part, that "[i]f a party...fails to answer...any interrogatory, or fails to produce and permit the inspection and copying of any document or thing, the party...seeking discovery may file a motion to compel...an answer or production...." 37 C.F.R. § 2.120(e)(1); *see also* TBMP § 523. The moving party must (1) support its motion with a written statement showing a good faith effort to resolve the issues presented in the motion, (2) include with its motion a copy of any interrogatory or document request which is the subject of the motion as well as any answer or proffer of production or objection made in response, and (3) file its motion prior to the close of discovery and the commencement of the first testimony period. 37 C.F.R. § 2.120(e)(1).

##### **1. Sazerac Has Made a Good Faith Effort to Resolve This Dispute.**

In support of a motion to compel, the movant must provide a written statement "showing that it has made a good faith effort, by conference or correspondence, to resolve the issues with the other party, but that the parties were unable to resolve their differences." *Hot Tamale Mama*

... *and More, LLC v. SF Investments, Inc.*, 110 USPQ2d 1080, 1081 (TTAB 2014) (citing 37 C.F.R. § 2.120(e)(1); TBMP § 523.02). When a party attempts to fulfill this obligation, the other party “is under an equal obligation to participate in good faith” in such efforts to resolve the dispute. *Amazon Tech. Inc. v. Wax*, 93 USPQ2d 1702, 1705 (TTAB 2009). “[F]ollowing such contact, if the party seeking discovery is dissatisfied with the adverse party’s answer, it may file a motion to compel.” *Hot Tamale Mama ... and More, LLC*, 110 USPQ2d. at 1080-81; *see also Pioneer Kabushiki Kaisha v. Hitachi High Tech. America Inc.*, 74 USPQ2d 1672, 1679 (TTAB 2005) (two letters requesting documents prior to moving to compel “demonstrate[d] a good faith effort to resolve the discovery dispute at issue.”).

As detailed above, Sazerac has repeatedly sought Initial Disclosures from Respondent as well as responses to Sazerac’s Requests for Production and Interrogatories. (Lauter Decl., at ¶¶ 7-12.) Neither Respondent nor Respondent’s counsel have provided any indication of whether Respondent will uphold its discovery obligations, let alone when Sazerac should expect that to occur. (*Id.*) Sazerac has therefore more than met its obligation to engage in a good faith effort to resolve this dispute. Respondent’s continued failure to meet its obligations thus requires the Board’s intervention.

## **2. Sazerac’s Motion Is Accompanied by the Discovery Requests in Dispute**

A motion to compel shall be accompanied by the discovery requests in dispute and any responses or proffers of production thereto. 37 C.F.R. § 2.120 (e)(1); TBMP § 523.02. The Requests for Production and Interrogatories at issue are attached as Exhibits to this motion. *See* (Lauter Decl., ¶¶ 4-5; Exs. B-C (Sazerac’s Requests for Production and Interrogatories)). Accordingly, Sazerac has satisfied this requirement.

**3. Sazerac's Motion Is Timely Filed.**

A party seeking an order compelling discovery must file a motion to compel prior to the close of discovery. 37 C.F.R. § 2.120(e)(1). Discovery closes in this proceeding on December 15, 2016. Sazerac's motion therefore is timely filed.

**B. The Board Should Issue an Order Compelling Respondent to Search for and Produce, Without Objection, Documents Responsive to Sazerac's Requests for Production of Documents; to Serve, Without Objection, Complete Responses to Sazerac's Interrogatories; and to Serve Respondent's Initial Disclosures.**

"Each party has a duty to make a good faith effort to satisfy the reasonable and appropriate needs of its adversary." *Panda Travel Inc. v. Resort Option Enterprises, Inc.* 94 USPQ2d 1789, 1791 (TTAB 2009). Moreover, "[a] party which fails to respond to interrogatories or document requests during the time allowed for, and which is unable to show excusable neglect, may be found, upon motion to compel filed by the propounding party, to have forfeited its right to object to the discovery request on its merits." TBMP § 403.03; *see also Envirotech Corp. v. Compagnie Des Lampes*, 219 USPQ 448, 449 (TTAB 1979).

The Interrogatories and Requests for Production that are the subject of this motion seek documents and information that are reasonable and appropriate subjects for discovery in this dispute. (*See* Lauter Decl., at ¶¶ 4-5.) Respondent has completely failed to respond. (*Id.* at ¶ 6.) Further, because Respondent has offered no reasonable explanation for dereliction of its discovery obligations, it should be compelled to provide the requested discovery without objection. (*Id.* at ¶¶ 7-12.) In addition, Respondent should be compelled to serve its Initial Disclosures, which are now nearly three months overdue.

**C. The Board Should Suspend the Proceeding and Reset Deadlines Upon Disposition of This Motion.**

Pursuant to 37 CFR § 2.120(e)(2), "[w]hen a party files a motion for an order to compel...the case will be suspended by the Trademark Trial and Appeal Board with respect to

all matters not germane to the motion.” Further, the Board may extend deadlines upon a showing of good cause. *See* Fed. R. Civ. P. 6(b); TBMP § 509.01. “The Board is liberal in granting extensions of time before the period to act has elapsed so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused.” *National Football League v. DNH Management LLC*, 85 USPQ2d 1852, 1854 (TTAB 2008).

As described above, Sazerac has made a good faith effort to obtain needed discovery from Respondent, but Respondent is not cooperating. (*See* Lauter Decl., at ¶¶ 7-12.) Following the disposition of this motion, Sazerac will need adequate time to evaluate any discovery Respondent is compelled to produce, prepare to take Respondent’s deposition, and, if necessary, serve additional discovery requests. Thus, Sazerac has shown good cause for an extension of all deadlines by 30 days.

#### **IV. CONCLUSION**

For the foregoing reasons, Sazerac respectfully requests that the Board enter an order: (a) compelling Respondent to search for thoroughly and produce, without objection, documents responsive to Sazerac’s Requests for Production, to serve, without objection, complete responses to Sazerac’s Interrogatories, and to serve Respondent’s Initial Disclosures; and (b) extending all deadlines in this proceeding by 30 days.

Date: October 12, 2016

COOLEY LLP

/Judd D. Lauter /  
Vincent J. Badolato  
Judd D. Lauter  
COOLEY LLP  
1299 Pennsylvania Ave., NW  
Suite 700  
Washington, D.C. 20004  
Tel: (202) 842-7800  
*Counsel for Petitioner Sazerac Brands, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **PETITIONER'S MOTION TO COMPEL AND FOR AN EXTENSION OF DEADLINES** has been served on Respondent K. Hansotia & Co., Inc. by emailing said copy, pursuant to the parties' stipulation, to Respondent's counsel at the following email address:

pmeles@bellsouth.net

Date: October 12, 2016

/ Judd D. Lauter/

\_\_\_\_\_  
Judd D. Lauter



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

In the Matter of Trademark Registration No. 4,506,303  
For the Trademark BLACK DRAGON  
Registered on April 1, 2014

Sazerac Brands, LLC,	)	
	)	
Petitioner,	)	
	)	Cancellation No. 92063694
v.	)	
	)	
K. Hansotia & Co., Inc.,	)	
	)	
Respondent.	)	
_____	)	

**DECLARATION OF JUDD D. LAUTER IN SUPPORT OF PETITIONER’S MOTION  
TO COMPEL DISCOVERY AND FOR AN EXTENSION OF DEADLINES**

Judd D. Lauter, a U.S. citizen over the age of 18, hereby declares that:

1. I am an associate with the law firm Cooley LLP, counsel for Petitioner Sazerac Brands, LLC (“Petitioner”) in connection with the above-captioned proceeding. I submit this declaration in support of Petitioner’s Motion to Compel Discovery and For an Extension of Deadlines. I make this declaration upon personal knowledge and, if called and sworn as a witness, I could and would testify as to the matters set forth herein.

2. Attached hereto as Exhibit A is a true and correct copy of Petitioner’s Initial Disclosures, which were served in a timely manner on August 22, 2016.

3. Petitioner has not received Initial Disclosures from Respondent despite the August 20, 2016 deadline for the same (August 20<sup>th</sup> was a Saturday, giving Respondent until August 22, 2016 to serve its Initial Disclosures).

4. Attached hereto as Exhibit B is a true and correct copy of Petitioner's First Set of Requests for Production of Documents, which was served on Respondent on August 22, 2016.

5. Attached hereto as Exhibit C is a true and correct copy of Petitioner's First Set of Interrogatories, which was served on Respondent on August 22, 2016.

6. Respondent's responses to Sazerac's discovery requests were due by September 21, 2016, but no responses have been served.

7. In an email dated September 29, 2016, a true and correct copy of which is attached hereto as Exhibit D, I inquired regarding Respondent's delinquent Initial Disclosures and responses to Sazerac's discovery requests. I did not receive a response.

8. I emailed Respondent's counsel on October 5, 2016, a true and correct copy of which is attached hereto as Exhibit E. Again, I did not receive a reply.

9. After emailing Respondent's counsel on October 5, 2016, I contacted him by telephone. During the call, Respondent's counsel represented that he had been unable to obtain information from his client necessary to provide Initial Disclosures and responses to Sazerac's outstanding discovery requests. He also advised that he would try to get hold of his client again "early next week" but was unable to provide any indication of whether Respondent could or would uphold its discovery obligations.

10. In an email dated October 7, 2016, a true and correct copy of which is attached hereto as Exhibit F, I wrote Respondent's counsel to memorialize our October 5<sup>th</sup> telephone conversation.

11. In an email dated October 10, 2016, a true and correct copy of which is attached hereto as Exhibit G, Respondent's counsel advised that he had attempted to contact his client on October 7<sup>th</sup>, but his client was away from the office and would not return until October 12, 2016.

12. In an email dated October 12, 2016, a true and correct copy of which is attached hereto as Exhibit H, I wrote Respondent's counsel to determine whether he had been able to reach his client, as he had indicated he would attempt to do. I have not received a reply.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed in Washington, D.C. this 12th day of October, 2016.

/Judd D. Lauter/  
Vincent J. Badolato  
Judd D. Lauter  
COOLEY LLP  
1299 Pennsylvania Ave., NW  
Suite 700  
Washington, D.C. 20004  
Tel: (202) 842-7800

*Counsel for Petitioner Sazerac Brands,  
LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **DECLARATION OF JUDD D. LAUTER IN SUPPORT OF PETITIONER'S MOTION TO COMPEL AND FOR AN EXTENSION OF DEADLINES** has been served on Respondent K. Hansotia & Co., Inc. by emailing said copy, pursuant to the parties' stipulation, to Respondent's counsel at the following email address:

pmeles@bellsouth.net

Date: October 12, 2016

/Judd D. Lauter/

Judd D. Lauter

# **EXHIBIT A**

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

In the Matter of Trademark Registration No. 4,506,303  
For the Trademark BLACK DRAGON  
Registered on April 1, 2014

Sazerac Brands, LLC,	)	
	)	
Petitioner,	)	
	)	Cancellation No. 92063694
v.	)	
	)	
K. Hansotia & Co., Inc.,	)	
	)	
Respondent.	)	
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**INITIAL DISCLOSURES OF PETITIONER SAZERAC BRANDS, LLC**

Petitioner Sazerac Brands, LLC (“Petitioner”), through its counsel, hereby provides the following initial disclosures under Federal Rule of Civil Procedure 26(a)(1) of the Federal Rules of Civil Procedure, 37 CFR § 2.120, and this Board’s May 12, 2016 Order. These initial disclosures are based on information reasonably available to Petitioner as of the date below. Fed. R. Civ. P. 26(a)(1). Petitioner reserves the right to supplement, alter, or amend these disclosures as discovery progresses and as further information becomes available through its ongoing investigation or discovery. Petitioner also reserves the right to further supplement, alter, or amend these initial disclosures at appropriate intervals as provided for in Federal Rule of Civil Procedure 26(e)(1). Supplemental disclosures will be made to the extent that they are not mooted by future discovery responses or have not otherwise been made known to K. Hansotia & Co., Inc. (“Respondent”) during the discovery process or in writing.

By making these initial disclosures, Petitioner is not waiving its right to object to the production of such documents, or testimony of such witnesses, on any ground, including, without limitation: (1) on the basis of privilege or work product protection; (2) on the ground that the information sought is not relevant to the subject matter of Cancellation No. 92063694 (the “Cancellation Action”) involving the BLACK DRAGON mark set forth in Reg. No. 4,506,303 (the “Hansotia Mark”), and is not reasonably calculated to lead to the discovery of admissible evidence; and (3) on the ground that the information sought is not sufficiently relevant to justify the burden or expense of production. Further, Petitioner is not making a representation that it has identified every document, tangible thing, or witness that may possibly be relevant to this proceeding. These disclosures represent a good faith effort to identify information that Petitioner reasonably believes is called for by Federal Rule of Civil Procedure 26(a)(1).

**I. KNOWLEDGEABLE INDIVIDUALS (FED. R. CIV. P. 26(a)(1)(A)(i)).**

As required by Fed. R. Civ. P. 26(a), Petitioner hereby identifies the following persons who are likely to have discoverable information that Petitioner may use to support its claims. Petitioner is informed and believes there are potentially other persons who may possess discoverable information that Petitioner may use to support its claims. Discovery is continuing and Petitioner reserves the right to designate such persons as witnesses as such witnesses become known to Petitioner.

Individual/Entity	Subject(s) of Information
Steve Wyant Chief Commercial Officer Sazerac Company, Inc.  To be contacted through counsel for Petitioner, Cooley LLP	Petitioner’s marketing and communications; Petitioner’s target markets and trade channels for products and services offered, or to be offered, under the BLACK DRAGON mark; harm suffered by registration of the Hansotia Mark.

Individual/Entity	Subject(s) of Information
Becky Henry Senior Marketing Director Sazerac Company, Inc.  To be contacted through counsel for Petitioner, Cooley LLP	Petitioner’s marketing and communications; Petitioner’s target markets and trade channels for products and services offered, or to be offered, under the BLACK DRAGON mark; harm suffered by registration of the Hansotia Mark.
Kaizad Hansotia Founder  Respondent K. Hansotia & Co., Inc.	Adoption of the Hansotia Mark; the products and/or services offered, or to be offered, in connection with the Hansotia Mark; manner and use, or planned use, of the Hansotia Mark by Respondent and/or its customers, partners and licensees; marketing and/or advertising of products and/or services offered, or to be offered, in connection with the Hansotia Mark; sales of the products and/or services offered in connection with the Hansotia Mark; customers for the products and/or services offered, or to be offered, in connection with the Hansotia Mark.

## **II. RELEVANT NON-PRIVILEGED DOCUMENTS (FED. R. CIV. P. 26(a)(1)(A)(ii)).**

Subject to the qualifications set forth above, Petitioner hereby identifies the following categories of documents, data compilations, and/or tangible things in the possession, custody, or control of Petitioner or Respondent that Petitioner may use to support its claims

1. Copies of Petitioner’s United States trademark filings and submissions to the United States Patent & Trademark Office (“USPTO”), publicly available, located with Petitioner, and/or located with Respondent;
2. Copies of Respondent’s United States trademark filings and submissions to the USPTO, publicly available, located with Petitioner, and/or located with Respondent;
3. Documents relating to Petitioner’s first use of the Hansotia Mark in U.S. interstate commerce, located with Petitioner;
4. Documents relating to the adoption, clearance, use and/or intended use of the Hansotia Mark in the United States, located with Respondent;



5. Documents relating to the marketing, promotion, and advertising of any goods or services in connection with the Hansotia Mark in the United States, located with Respondent;
6. Documents relating to Respondent's sale of any goods or rendering of any services under the Hansotia Mark in the United States, located with Respondent;
7. Documents identifying the organizational structure of Respondent including its officers and directors and shareholders, located with Respondent;
8. Correspondence between Petitioner and Respondent relating to the claims asserted in this action, located with Petitioner and Respondent;
9. Documents relating to the use of the Hansotia Mark, located with Petitioner;
10. Documents relating to consumer recognition of the Hansotia Mark, located with Petitioner;

To the extent that any of these documents are proprietary, trade secret, or confidential, Petitioner will make them available only after the entry of an appropriate protective order.

Petitioner notes that the initial disclosures required by Fed. R. Civ. P. 26(a)(1)(A)(iii) (relating to computation of damages) and Fed. R. Civ. P. 26(a)(1)(A)(iv) (relating to insurance agreements) are not applicable to this proceeding.

Date: August 22, 2016

COOLEY LLP

/Vincent J Badolato/

Peter J. Willsey, Esq.

Vincent J. Badolato, Esq.

COOLEY LLP

1299 Pennsylvania Ave., NW

Suite 700

Washington, D.C. 20004

Tel: (202) 728-7052

*Counsel for Petitioner Sazerac Brands, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **INITIAL DISCLOSURES OF PETITIONER SAZERAC BRANDS, LLC** was served on Respondent on the date set forth below by emailing said copy, pursuant to the parties' stipulation, to Respondent's counsel of record at the following email address:

Pablo Meles -- pmeles@bellsouth.net

Date: August 22, 2016

/Judd D. Lauter/

Judd D. Lauter

# **EXHIBIT B**

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

In the matter of Trademark Registration No. 4,506,303  
For the Trademark BLACK DRAGON  
Registered on April 1, 2014

Sazerac Brands, LLC,	)	
	)	
Petitioner,	)	
	)	Cancellation No. 92063694
v.	)	
	)	
K. Hansotia & Co., Inc.,	)	
	)	
Respondent.	)	
_____	)	

**PETITIONER’S FIRST SET OF REQUESTS FOR PRODUCTION  
OF DOCUMENTS AND THINGS TO RESPONDENT**

**PROPOUNDING PARTY:**        **PETITIONER SAZERAC BRANDS, LLC**

**RESPONDING PARTY:**        **RESPONDENT K. HANSOTIA & CO., INC.**

**SET NUMBER:**                **ONE**

Pursuant to 37 C.F.R. § 2.120 and Federal Rule of Civil Procedure 34, Petitioner Sazerac Brands, LLC (“Sazerac”) hereby requests that Respondent K. Hansotia & Co., Inc. (“Respondent”) respond to this First Set of Requests for Production of Documents and Things (“Requests”) within thirty (30) days of service hereof and in accordance with the Definitions and Instructions set forth below.

**I.        DEFINITIONS**

Notwithstanding any Definition below, each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. As used in these Requests, words in capital letters are defined as follows:

1.        YOU, YOUR, or YOURS refer to Respondent and anyone acting on its behalf,

including without limitation its officers, directors, employees, partners, corporate parent, subsidiaries, affiliates, attorneys, accountants, licensees, and consultants, as well as any business entity owned or operated by Respondent, including any such business entity's officers, directors, corporate parent, subsidiaries, and affiliates.

2. COMMUNICATION is used in its broadest sense, and means any transmission of information from one PERSON to another by any means, including without limitation written communications, telephone communications, in-person communications, email, instant messaging, and other electronic communications.

3. CONCERN or CONCERNING means constituting, relating to, reflecting, regarding, memorializing, identifying, embodying, referring to, pertaining to, commenting on, discussing, analyzing, considering, describing, containing, consisting of, connected to, indicating, evidencing, supporting, or refuting.

4. DOCUMENT or DOCUMENTS shall have the broadest meaning ascribed to those terms by Federal Rule of Civil Procedure 34, and include electronically-stored information and tangible things, whose discovery is permitted under Rule 34(a)(1), and writings as defined by Rule 1001(1) of the Federal Rules of Evidence. A draft or non-identical copy is a separate "document" within the meaning of this term.

5. PERSON means any natural person, business, or other legal entity.

6. CANCELLATION ACTION refers to Cancellation No. 92063694, filed by Sazerac on May 10, 2016.

7. YOUR ANSWER refers to the Answer YOU filed in the CANCELLATION ACTION on June 21, 2016.

8. REGISTRANT'S MARK refers to the trademark reflected in Reg. No. 4,506,303.

## **II. INSTRUCTIONS**

1. YOU shall produce all non-privileged DOCUMENTS or tangible things in YOUR possession, custody, or control that are responsive to these Requests. If YOU object to part of a

Request and refuse to respond to that part, YOU shall produce all DOCUMENTS called for which are not subject to that objection. If YOU object to the scope or time period of a Request, YOU shall state YOUR objection and produce all documents responsive to the Request that are not covered by YOUR objection.

2. If, in responding to these Requests, YOU encounter any ambiguities when construing a Request or Definition, YOU shall set forth in YOUR written response to the Request the matter deemed ambiguous and the construction used in responding.

3. Each DOCUMENT or tangible thing produced in response to these Requests shall be produced as it is kept in the usual course of business, including file folders, binders, notebooks, and other devices by which such papers or things may be organized or separated, or it shall be organized and labeled to correspond with the Requests to which it is responsive. All DOCUMENTS that are physically or electronically attached to each other shall be produced in that form and designated accordingly in an electronic production.

4. DOCUMENTS should be produced in a form pursuant to a production protocol to be agreed upon by the parties, in a form in which they are ordinarily maintained (*e.g.*, native form), or in a reasonably usable form (*e.g.*, TIFF images with Concordance-compatible load files).

5. If there are no DOCUMENTS or things responsive to any particular Request, YOU are requested to indicate the same in writing. If any responsive DOCUMENT is no longer in existence, cannot be located or is not in YOUR possession, custody, or control, identify it, describe its subject matter and describe its disposition, including without limitation identifying the PERSON having knowledge of the disposition.

6. These Requests are continuing so as to require prompt supplemental responses as required under Federal Rule of Civil Procedure 26(e) up to and including the time of trial of the CANCELLATION ACTION. If YOU come into possession, custody, or control of responsive DOCUMENTS or things after the initial production, YOU shall supplement the production by promptly producing such DOCUMENTS or things.

7. If YOU believe that any Request calls for the disclosure of privileged information,

YOU must comply with the requirements of Federal Rule of Civil Procedure 26(b)(5) as to each DOCUMENT for which a claim of privilege or protection from discovery is made.

8. When a DOCUMENT contains both privileged and non-privileged material, the non-privileged material must be disclosed to the fullest extent possible without disclosing the privileged material. If a privilege is asserted with regard to part of the material contained in a DOCUMENT, the party claiming the privilege must clearly indicate the portions as to which the privilege is claimed. When a DOCUMENT has been redacted or altered in any fashion, YOU shall identify as to each DOCUMENT the reason for the redaction or alteration, the date of the redaction or alteration, and the individual performing the redaction or alteration. Any redaction must be clearly visible on the redacted DOCUMENT.

9. Whenever used herein, the present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. “All” means “any and all”; “any” means “any and all.” “Including” means “including but not limited to.” “And” and “or” encompasses both “and” and “or.” Words in the masculine, feminine, or neutral form shall include each of the other genders.

### **III. REQUESTS FOR PRODUCTION**

#### **REQUEST FOR PRODUCTION No. 1:**

DOCUMENTS sufficient to show YOUR use of REGISTRANT’S MARK in U.S. commerce in connection with the services identified in Reg. No. 4,506,303, including the first instances of such use(s) and the date(s) associated therewith.

#### **REQUEST FOR PRODUCTION No. 2:**

DOCUMENTS sufficient to show YOUR use of REGISTRANT’S MARK in U.S. commerce in connection with any goods or services, including the first instances of such use(s) and the date(s) associated therewith.

#### **REQUEST FOR PRODUCTION No. 3:**

DOCUMENTS sufficient to show the prices or fees YOU charge or intend to charge in the

United States for each good or service that YOU have offered, currently offer, or intend to offer in connection with REGISTRANT'S MARK.

**REQUEST FOR PRODUCTION No. 4:**

All DOCUMENTS CONCERNING YOUR use of REGISTRANT'S MARK in connection with YOUR plans or preparations to develop a good and/or service offered or to be offered in the United States.

**REQUEST FOR PRODUCTION No. 5:**

DOCUMENTS sufficient to reflect all use YOU have made of REGISTRANT'S MARK in connection with the sale, advertising, or promotion of a good or service in the United States.

**REQUEST FOR PRODUCTION No. 6:**

DOCUMENTS sufficient to show the target market in the United States for the goods identified in Reg. No. 4,506,303.

**REQUEST FOR PRODUCTION No. 7:**

DOCUMENTS sufficient to show all advertising and promotion disseminated by YOU in the United States in connection with REGISTRANT'S MARK.

**REQUEST FOR PRODUCTION No. 8:**

All DOCUMENTS reflecting or referring to any business plan, forecast, vision, or objective of YOUR company with respect to any goods or services offered or to be offered under REGISTRANT'S MARK in the United States.

**REQUEST FOR PRODUCTION No. 9:**

All marketing plans, market surveys, forecasts, projections, and other DOCUMENTS CONCERNING YOUR marketing and sales plans associated with any good or service offered or sold to persons in the United States in connection with REGISTRANT'S MARK.

**REQUEST FOR PRODUCTION No. 10:**

DOCUMENTS sufficient to identify the channels of trade through which YOU sell, plan to sell, advertise, or plan to advertise each good or service offered or intended to be offered in connection with REGISTRANT'S MARK in the United States.



**REQUEST FOR PRODUCTION No. 11:**

DOCUMENTS sufficient to show the identities of any PERSONS who have ever been associated with the marketing of any goods or services offered or intended to be offered in connection with REGISTRANT'S MARK.

**REQUEST FOR PRODUCTION No. 12:**

DOCUMENTS sufficient to show all expenses incurred to advertise, market, or promote the goods and services offered or intended to be offered in connection with REGISTRANT'S MARK in the United States.

**REQUEST FOR PRODUCTION No. 13:**

For each month that YOU have offered goods or services under REGISTRANT'S MARK in the United States, DOCUMENTS sufficient to show the number of consumers for each such good or service.

**REQUEST FOR PRODUCTION No. 14:**

DOCUMENTS sufficient to identify all consumers of YOUR goods and services offered under REGISTRANT'S MARK in the United States to date.

**REQUEST FOR PRODUCTION No. 15:**

For each month that YOU have offered goods or services under REGISTRANT'S MARK in the United States, DOCUMENTS sufficient to show the total number of visitors from the United States to any website YOU own or control displaying REGISTRANT'S MARK.

**REQUEST FOR PRODUCTION No. 16:**

DOCUMENTS sufficient to reflect the content of any website YOU own or control displaying REGISTRANT'S MARK, from inception of the website to date.

**REQUEST FOR PRODUCTION No. 17:**

All DOCUMENTS CONCERNING COMMUNICATIONS between YOU and Sazerac or any current or former Sazerac agent, employee, developer, consultant, licensee, affiliate, vendor, partner, or service provider referring to REGISTRANT'S MARK.

**REQUEST FOR PRODUCTION No. 18:**

All DOCUMENTS reflecting or referring to any COMMUNICATIONS between YOU and any PERSON CONCERNING YOUR plans to offer any goods or services in the United States under REGISTRANT'S MARK.

**REQUEST FOR PRODUCTION No. 19:**

All DOCUMENTS reflecting or referring to any agreement or draft agreement between YOU and any PERSON CONCERNING any goods or services offered or intended to be offered by YOU in the United States under REGISTRANT'S MARK.

**REQUEST FOR PRODUCTION No. 20:**

All DOCUMENTS reflecting or referring to any license or draft license between YOU and any PERSON CONCERNING use of REGISTRANT'S MARK in connection with any goods or services in the United States.

**REQUEST FOR PRODUCTION No. 21:**

DOCUMENTS sufficient to reflect YOUR organizational structure including without limitation all officers and directors.

**REQUEST FOR PRODUCTION No. 22:**

DOCUMENTS sufficient to identify all physical locations in the United States from which YOU offer or render or have at any time offered or rendered goods or services under REGISTRANT'S MARK.

**REQUEST FOR PRODUCTION No. 23:**

All DOCUMENTS CONCERNING any facts that form the basis of any allegation or defense asserted by YOU in YOUR ANSWER.

**REQUEST FOR PRODUCTION No. 24:**

All DOCUMENTS YOU used, identified, relied upon, or referred to when answering Sazerac's First Set of Interrogatories or any other discovery requests propounded by Sazerac.

**REQUEST FOR PRODUCTION No. 25:**

All DOCUMENTS YOU intend to rely on in this CANCELLATION ACTION.

Date: August 22, 2016

COOLEY LLP

*/ Vincent J. Badolato/*

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Peter J. Willsey, Esq.

Vincent J. Badolato, Esq.

COOLEY LLP

1299 Pennsylvania Ave., NW

Suite 700

Washington, D.C. 20004

Tel: (202) 728-7052

*Counsel for Petitioner Sazerac Brands, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS TO RESPONDENT** was served on Respondent on the date set forth below by emailing said copy, pursuant to the parties' stipulation, to Respondent's counsel of record at the following email address:

Pablo Meles -- pmeles@bellsouth.net

Date: August 22, 2016

/Judd D. Lauter/

Judd D. Lauter

# **EXHIBIT C**

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

In the matter of Trademark Registration No. 4,506,303  
For the Trademark BLACK DRAGON  
Registered on April 1, 2014

Sazerac Brands, LLC,	)	
	)	
Petitioner,	)	
	)	Cancellation No. 92063694
v.	)	
	)	
K. Hansotia & Co., Inc.,	)	
	)	
Respondent.	)	
_____	)	

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

**PROPOUNDING PARTY:**        **PETITIONER SAZERAC BRANDS, LLC**

**RESPONDING PARTY:**        **RESPONDENT K. HANSOTIA & Co., INC.**

**SET NUMBER:**                **ONE**

Pursuant to 37 C.F.R. § 2.120 and Federal Rule of Civil Procedure 33, Petitioner Sazerac Brands, LLC (“Sazerac”) hereby requests that Respondent K. Hansotia & Co., Inc. (“Respondent”) respond to this First Set of Interrogatories (“Interrogatories”) by answering each Interrogatory separately and completely in writing under oath within thirty (30) days from the date of service in accordance with the Definitions and Instructions set forth below.

**I.        DEFINITIONS**

Notwithstanding any Definition below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. As used in these Interrogatories, words in capital letters are defined as follows:

1.        YOU, YOUR, or YOURS refer to Respondent and anyone acting on its behalf, including without limitation its officers, directors, employees, partners, corporate parent,

subsidiaries, affiliates, attorneys, accountants, licensees, and consultants, as well as any business entity owned or operated by Respondent, including any such business entity's officers, directors, corporate parent, subsidiaries, and affiliates.

2. COMMUNICATION is used in its broadest sense, and means any transmission of information from one PERSON to another by any means, including without limitation written communications, telephone communications, in-person communications, email, instant messaging, and other electronic communications.

3. CONCERN or CONCERNING means constituting, relating to, reflecting, regarding, memorializing, identifying, embodying, referring to, pertaining to, commenting on, discussing, analyzing, considering, describing, containing, consisting of, connected to, indicating, evidencing, supporting, or refuting.

4. DOCUMENT or DOCUMENTS shall have the broadest meaning ascribed to those terms by Federal Rule of Civil Procedure 34, and include electronically-stored information and tangible things, whose discovery is permitted under Rule 34(a)(1), and writings as defined by Rule 1001(1) of the Federal Rules of Evidence. A draft or non-identical copy is a separate "document" within the meaning of this term.

5. IDENTIFY means to describe with particularity in full detail all relevant facts about the subject matter, including but not limited to names, relationships, functions, addresses, telephone number(s), purposes, objectives, results, and any other information which is relevant or could lead to the discovery of admissible evidence.

(a) When used with respect to an individual, the term means to state the individual's (i) full name, (ii) title, (iii) employer or business affiliation, (iv) present address, or if unknown, last known address, and (v) telephone number.

(b) When used with respect to a corporation or other form of business organization, the term means to state (i) the name and form of such corporation or business organization, (ii) the address of its principal place of business, (iii) its state of incorporation or formation, and (iv) the identity of all individuals who acted on its behalf in connection with the

matter alleged in the CANCELLATION ACTION.

(c) When used with respect to a DOCUMENT, the term means to state (i) the identity of the PERSONS (s) who authored the DOCUMENT, (ii) the identity of the sender(s) of the DOCUMENT, if any, (iii) its title or a description of the general nature of its subject matter, (iv) the identity of all actual or intended recipients, if any, (v) the date when the DOCUMENT was created and last modified, and (vi) the location of each copy of the DOCUMENT and the identity of the present custodian.

6. PERSON means any natural person, business, or other legal entity.

7. CANCELLATION ACTION refers to Cancellation No. 92063694, filed by Sazerac on May 10, 2016.

8. YOUR ANSWER refers to the Answer YOU filed in the CANCELLATION ACTION on June 21, 2016.

9. REGISTRANT'S MARK refers to the trademark reflected in Reg. No. 4,506,303.

## **II. INSTRUCTIONS**

1. YOU are requested to answer each Interrogatory set forth below separately and completely in writing under oath. YOUR response hereto is to be signed and verified by the PERSON making it, and the objections signed by the attorney making them, as required by Federal Rule of Civil Procedure 33(b).

2. Each Interrogatory shall be answered fully unless it is objected to in good faith, in which event the reasons for YOUR objection shall be stated in detail. If an objection pertains to only a portion of an Interrogatory, or a word, phrase, or clause contained within it, YOU are required to state YOUR objection to that portion only and to respond to the remainder of the Interrogatory, using YOUR best efforts to do so.

3. If YOU answer any of the Interrogatories by reference to records from which the answer may be derived or ascertained, YOU are required to comply with the requirements of Federal Rule of Civil Procedure 33 and Section 405.04(b) of the Trademark Trial and Appeal



Board Manual of Procedure. YOU are requested to comply with the Instructions set forth in Sazerac's First Set of Requests for the Production of Documents and Things with respect to any such records produced.

4. If, in answering these Interrogatories, YOU encounter any ambiguities when construing an Interrogatory, Instruction, or Definition, YOU shall set forth in YOUR answer the matter deemed ambiguous and the construction used in answering.

5. If YOU believe that any information responsive to any Interrogatory is privileged or otherwise protected from discovery, YOU shall comply with the requirements of Federal Rule of Civil Procedure 26(b)(5) as to the information for which a claim of privilege or protection from discovery is made.

6. These Interrogatories are continuing in nature and YOUR responses to them are to be promptly supplemented or amended if, after the time of YOUR initial responses, YOU learn that any response is or has become in some material respect incomplete or incorrect, to the full extent provided for by Federal Rule of Civil Procedure 26(e).

7. Wherever used herein, the present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all." "Any" means "any and all." "Including" means "including but not limited to." "And" and "or" encompass both "and" and "or." Words in the masculine, feminine, or neuter form shall include each of the other genders.

### **III. INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

IDENTIFY each PERSON who supplied information in response to these Interrogatories or who was consulted or whose DOCUMENTS or files were consulted in connection with the preparation of responses to these Interrogatories.

#### **INTERROGATORY NO. 2:**

IDENTIFY and describe in detail each good or service in connection with which YOU

currently use or intend to use RESPONDENT'S MARK in the United States.

**INTERROGATORY NO. 3:**

For each good and service identified in response to Interrogatory No. 2, IDENTIFY the date(s) when YOU first used RESPONDENT'S MARK in United States commerce.

**INTERROGATORY NO. 4:**

Describe the target market(s) for the goods and services identified in response to Interrogatory No. 2, including without limitation the type of consumer targeted, the demographic of the consumer targeted, and the geographic scope of the target market.

**INTERROGATORY NO. 5:**

IDENTIFY all channels of trade for the goods and services identified in response to Interrogatory No. 2.

**INTERROGATORY NO. 6:**

IDENTIFY the price of each good and service identified in response to Interrogatory No. 2.

**INTERROGATORY NO. 7:**

IDENTIFY any agreement, contract, or license YOU have entered into with any PERSON relating to the use of RESPONDENT'S MARK in the United States.

**INTERROGATORY NO. 8:**

IDENTIFY any existing or potential business partners or investors in the goods and/or services described in response to Interrogatory No. 2.

**INTERROGATORY NO. 9:**

Describe the facts and circumstances surrounding YOUR selection and adoption of RESPONDENT'S MARK.

**INTERROGATORY NO. 10:**

Describe the facts and circumstances regarding any actual or anticipated plans that YOU have to expand the types of goods and services offered by YOU in connection with RESPONDENT'S MARK in the United States.

**INTERROGATORY NO. 11:**

IDENTIFY each PERSON with knowledge of YOUR selection and adoption of RESPONDENT'S MARK.

**INTERROGATORY NO. 12:**

IDENTIFY each PERSON who had any involvement with YOUR efforts to register RESPONDENT'S MARK with the United States Patent and Trademark Office.

**INTERROGATORY NO. 13:**

Describe the facts and circumstances surrounding YOUR decision to register RESPONDENT'S MARK with the United States Patent and Trademark Office.

**INTERROGATORY NO. 14:**

IDENTIFY all facts YOU intend to rely upon in support of YOUR claims or defenses in this CANCELLATION ACTION, including without limitations all facts YOU relied upon in support of YOUR ANSWER.

Date: August 22, 2016

COOLEY LLP

/Vincent J Badolato /

Peter J. Willsey, Esq.

Vincent J. Badolato, Esq.

COOLEY LLP

1299 Pennsylvania Ave., NW

Suite 700

Washington, D.C. 20004

Tel: (202) 728-7052

*Counsel for Petitioner Sazerac Brands, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **PETITIONER'S FIRST SET INTERROGATORIES TO RESPONDENT** was served on Respondent on the date set forth below by emailing said copy, pursuant to the parties' stipulation, to Respondent's counsel of record at the following email address:

Pablo Meles -- pmeles@bellsouth.net

Date: August 22, 2016

/Judd D. Lauter/

Judd D. Lauter

## **EXHIBIT D**

## Lauter, Judd

---

**From:** Lauter, Judd  
**Sent:** Thursday, September 29, 2016 4:47 PM  
**To:** 'pmeles@bellsouth.net'  
**Cc:** Badolato, Vinny  
**Subject:** RE: Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Mr. Meles,

It has now been well over one month since our initial sets of discovery requests were served, and we have not yet received a response from you or your client. In addition, we note that your client's Initial Disclosures were due on August 20, 2016. Those too are delinquent. Please promptly provide us with your availability to meet and confer regarding your client's failure to participate in discovery.

If these issues are not resolved in a timely manner, Sazerac will be forced to pursue a motion to compel.

Sincerely,  
Judd Lauter

**Judd D. Lauter**

Cooley LLP  
Direct: +1 202 728 7052 • Fax: +1 202 842 7899

---

**From:** Lauter, Judd  
**Sent:** Monday, August 22, 2016 4:16 PM  
**To:** 'pmeles@bellsouth.net'  
**Cc:** Badolato, Vinny; Willsey, Peter  
**Subject:** Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Pablo,

Please find attached copies of Sazerac's Initial Disclosures, First Set of Requests for Production of Documents, and First Set of Interrogatories.

Best regards,  
Judd Lauter

**Judd D. Lauter**

Cooley LLP  
1299 Pennsylvania Avenue, NW • Suite 700  
(enter from 12th and E Streets)  
Washington, DC 20004-2400  
Direct: +1 202 728 7052 • Fax: +1 202 842 7899  
Email: [jlauter@cooley.com](mailto:jlauter@cooley.com) • [www.cooley.com](http://www.cooley.com)

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# **EXHIBIT E**

## Lauter, Judd

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**From:** Lauter, Judd  
**Sent:** Wednesday, October 05, 2016 5:05 PM  
**To:** 'pmeles@bellsouth.net'  
**Cc:** Badolato, Vinny  
**Subject:** RE: Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Mr. Meles,

We still have not received any response from you. If we do not hear from you by close of business tomorrow, we will proceed with filing a motion to compel.

Sincerely,  
Judd Lauter

**Judd D. Lauter**

Cooley LLP  
Direct: +1 202 728 7052 • Fax: +1 202 842 7899

---

**From:** Lauter, Judd  
**Sent:** Thursday, September 29, 2016 4:47 PM  
**To:** 'pmeles@bellsouth.net'  
**Cc:** Badolato, Vinny  
**Subject:** RE: Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Mr. Meles,

It has now been well over one month since our initial sets of discovery requests were served, and we have not yet received a response from you or your client. In addition, we note that your client's Initial Disclosures were due on August 20, 2016. Those too are delinquent. Please promptly provide us with your availability to meet and confer regarding your client's failure to participate in discovery.

If these issues are not resolved in a timely manner, Sazerac will be forced to pursue a motion to compel.

Sincerely,  
Judd Lauter

**Judd D. Lauter**

Cooley LLP  
Direct: +1 202 728 7052 • Fax: +1 202 842 7899

---

**From:** Lauter, Judd  
**Sent:** Monday, August 22, 2016 4:16 PM  
**To:** 'pmeles@bellsouth.net'  
**Cc:** Badolato, Vinny; Willsey, Peter  
**Subject:** Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Pablo,



Please find attached copies of Sazerac's Initial Disclosures, First Set of Requests for Production of Documents, and First Set of Interrogatories.

Best regards,  
Judd Lauter

**Judd D. Lauter**

Cooley LLP  
1299 Pennsylvania Avenue, NW • Suite 700  
(enter from 12th and E Streets)  
Washington, DC 20004-2400  
Direct: + 1 202 728 7052 • Fax: + 1 202 842 7899  
Email: [jlauter@cooley.com](mailto:jlauter@cooley.com) • [www.cooley.com](http://www.cooley.com)

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# **EXHIBIT F**

## Lauter, Judd

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**From:** Lauter, Judd  
**Sent:** Friday, October 07, 2016 3:40 PM  
**To:** 'pmeles@bellsouth.net'  
**Cc:** Badolato, Vinny  
**Subject:** RE: Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Pablo,

I hope you're riding out the storm ok. Further to our conversation on Wednesday, please let us know once you have had an opportunity to speak with your client early next week. We would prefer to resolve these outstanding discovery issues without the need for the Board to intervene, but will do what is necessary to obtain your client's participation in discovery.

As far as settlement is concerned, I have been advised that any discussion of settlement was and remains contingent on your client supplying us with evidence that it has used the BLACK DRAGON mark in commerce.

Best regards,  
Judd

**Judd D. Lauter**

Cooley LLP  
Direct: +1 202 728 7052 • Fax: +1 202 842 7899

---

**From:** Lauter, Judd  
**Sent:** Wednesday, October 05, 2016 5:05 PM  
**To:** 'pmeles@bellsouth.net'  
**Cc:** Badolato, Vinny  
**Subject:** RE: Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Mr. Meles,

We still have not received any response from you. If we do not hear from you by close of business tomorrow, we will proceed with filing a motion to compel.

Sincerely,  
Judd Lauter

**Judd D. Lauter**

Cooley LLP  
Direct: +1 202 728 7052 • Fax: +1 202 842 7899

---

**From:** Lauter, Judd  
**Sent:** Thursday, September 29, 2016 4:47 PM  
**To:** 'pmeles@bellsouth.net'  
**Cc:** Badolato, Vinny  
**Subject:** RE: Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Mr. Meles,

It has now been well over one month since our initial sets of discovery requests were served, and we have not yet received a response from you or your client. In addition, we note that your client's Initial Disclosures were due on August 20, 2016. Those too are delinquent. Please promptly provide us with your availability to meet and confer regarding your client's failure to participate in discovery.

If these issues are not resolved in a timely manner, Sazerac will be forced to pursue a motion to compel.

Sincerely,  
Judd Lauter

**Judd D. Lauter**

Cooley LLP

Direct: +1 202 728 7052 • Fax: +1 202 842 7899

---

**From:** Lauter, Judd  
**Sent:** Monday, August 22, 2016 4:16 PM  
**To:** 'pmeles@bellsouth.net'  
**Cc:** Badolato, Vinny; Willsey, Peter  
**Subject:** Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Pablo,

Please find attached copies of Sazerac's Initial Disclosures, First Set of Requests for Production of Documents, and First Set of Interrogatories.

Best regards,  
Judd Lauter

**Judd D. Lauter**

Cooley LLP

1299 Pennsylvania Avenue, NW • Suite 700

(enter from 12th and E Streets)

Washington, DC 20004-2400

Direct: +1 202 728 7052 • Fax: +1 202 842 7899

Email: [jlauter@cooley.com](mailto:jlauter@cooley.com) • [www.cooley.com](http://www.cooley.com)

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# **EXHIBIT G**

## Lauter, Judd

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**From:** Pablo Meles <pmeles@bellsouth.net>  
**Sent:** Monday, October 10, 2016 9:47 AM  
**To:** Lauter, Judd  
**Cc:** Badolato, Vinny  
**Subject:** Re: Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Judd,

Thanks. Fortunately the storm was more of an inconvenience than anything else. Unfortunately, I somehow pulled a muscle in my back picking up debris. Also, I spoke with my client's office last Friday. He is out until this coming Wednesday. Hopefully I'll get a chance to speak to him then and respond back to you.

Thank you for your patience.

best regards,

Pablo

Pablo Meles  
cell: 954.410.1342  
[pmeles@bellsouth.net](mailto:pmeles@bellsouth.net)

On Oct 7, 2016, at 3:39 PM, Lauter, Judd <[jlauter@cooley.com](mailto:jlauter@cooley.com)> wrote:

Pablo,

I hope you're riding out the storm ok. Further to our conversation on Wednesday, please let us know once you have had an opportunity to speak with your client early next week. We would prefer to resolve these outstanding discovery issues without the need for the Board to intervene, but will do what is necessary to obtain your client's participation in discovery.

As far as settlement is concerned, I have been advised that any discussion of settlement was and remains contingent on your client supplying us with evidence that it has used the BLACK DRAGON mark in commerce.

Best regards,  
Judd

**Judd D. Lauter**  
Cooley LLP  
Direct: +1 202 728 7052 • Fax: +1 202 842 7899

---

**From:** Lauter, Judd  
**Sent:** Wednesday, October 05, 2016 5:05 PM  
**To:** '[pmeles@bellsouth.net](mailto:pmeles@bellsouth.net)'

**Cc:** Badolato, Vinny  
**Subject:** RE: Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Mr. Meles,

We still have not received any response from you. If we do not hear from you by close of business tomorrow, we will proceed with filing a motion to compel.

Sincerely,  
Judd Lauter

**Judd D. Lauter**

Cooley LLP  
Direct: +1 202 728 7052 • Fax: +1 202 842 7899

---

**From:** Lauter, Judd  
**Sent:** Thursday, September 29, 2016 4:47 PM  
**To:** '[pmeles@bellsouth.net](mailto:pmeles@bellsouth.net)'  
**Cc:** Badolato, Vinny  
**Subject:** RE: Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Mr. Meles,

It has now been well over one month since our initial sets of discovery requests were served, and we have not yet received a response from you or your client. In addition, we note that your client's Initial Disclosures were due on August 20, 2016. Those too are delinquent. Please promptly provide us with your availability to meet and confer regarding your client's failure to participate in discovery.

If these issues are not resolved in a timely manner, Sazerac will be forced to pursue a motion to compel.

Sincerely,  
Judd Lauter

**Judd D. Lauter**

Cooley LLP  
Direct: +1 202 728 7052 • Fax: +1 202 842 7899

---

**From:** Lauter, Judd  
**Sent:** Monday, August 22, 2016 4:16 PM  
**To:** '[pmeles@bellsouth.net](mailto:pmeles@bellsouth.net)'  
**Cc:** Badolato, Vinny; Willsey, Peter  
**Subject:** Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Pablo,

Please find attached copies of Sazerac's Initial Disclosures, First Set of Requests for Production of Documents, and First Set of Interrogatories.

Best regards,  
Judd Lauter

**Judd D. Lauter**

Cooley LLP

1299 Pennsylvania Avenue, NW • Suite 700

(enter from 12th and E Streets)

Washington, DC 20004-2400

Direct: +1 202 728 7052 • Fax: +1 202 842 7899

Email: [jlauter@cooley.com](mailto:jlauter@cooley.com) • [www.cooley.com](http://www.cooley.com)

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# **EXHIBIT H**

## Lauter, Judd

---

**From:** Lauter, Judd  
**Sent:** Wednesday, October 12, 2016 2:16 PM  
**To:** 'Pablo Meles'  
**Cc:** Badolato, Vinny  
**Subject:** RE: Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Pablo,

Thank you for the follow up. Glad to hear that you weren't hit too hard.

Please confirm by close of business today whether you have been able to speak to your client regarding its outstanding discovery obligations. If we are unable to address these issues today, we will proceed with filing a motion to compel.

Regards,  
Judd

**Judd D. Lauter**

Cooley LLP

Direct: +1 202 728 7052 • Fax: +1 202 842 7899

---

**From:** Pablo Meles [<mailto:pmeles@bellsouth.net>]  
**Sent:** Monday, October 10, 2016 9:47 AM  
**To:** Lauter, Judd  
**Cc:** Badolato, Vinny  
**Subject:** Re: Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Judd,

Thanks. Fortunately the storm was more of an inconvenience than anything else. Unfortunately, I somehow pulled a muscle in my back picking up debris. Also, I spoke with my client's office last Friday. He is out until this coming Wednesday. Hopefully I'll get a chance to speak to him then and respond back to you.

Thank you for your patience.

best regards,

Pablo

Pablo Meles  
cell: 954.410.1342  
[pmeles@bellsouth.net](mailto:pmeles@bellsouth.net)

On Oct 7, 2016, at 3:39 PM, Lauter, Judd <[jlauter@cooley.com](mailto:jlauter@cooley.com)> wrote:

Pablo,

I hope you're riding out the storm ok. Further to our conversation on Wednesday, please let us know once you have had an opportunity to speak with your client early next week. We would prefer to resolve these outstanding discovery issues without the need for the Board to intervene, but will do what is necessary to obtain your client's participation in discovery.

As far as settlement is concerned, I have been advised that any discussion of settlement was and remains contingent on your client supplying us with evidence that it has used the BLACK DRAGON mark in commerce.

Best regards,  
Judd

**Judd D. Lauter**

Cooley LLP

Direct: +1 202 728 7052 • Fax: +1 202 842 7899

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**From:** Lauter, Judd

**Sent:** Wednesday, October 05, 2016 5:05 PM

**To:** '[pmeles@bellsouth.net](mailto:pmeles@bellsouth.net)'

**Cc:** Badolato, Vinny

**Subject:** RE: Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Mr. Meles,

We still have not received any response from you. If we do not hear from you by close of business tomorrow, we will proceed with filing a motion to compel.

Sincerely,  
Judd Lauter

**Judd D. Lauter**

Cooley LLP

Direct: +1 202 728 7052 • Fax: +1 202 842 7899

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**From:** Lauter, Judd

**Sent:** Thursday, September 29, 2016 4:47 PM

**To:** '[pmeles@bellsouth.net](mailto:pmeles@bellsouth.net)'

**Cc:** Badolato, Vinny

**Subject:** RE: Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Mr. Meles,

It has now been well over one month since our initial sets of discovery requests were served, and we have not yet received a response from you or your client. In addition, we note that your client's Initial Disclosures were due on August 20, 2016. Those too are delinquent. Please promptly provide us with your availability to meet and confer regarding your client's failure to participate in discovery.

If these issues are not resolved in a timely manner, Sazerac will be forced to pursue a motion to compel.

Sincerely,  
Judd Lauter

**Judd D. Lauter**

Cooley LLP

Direct: +1 202 728 7052 • Fax: +1 202 842 7899

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**From:** Lauter, Judd

**Sent:** Monday, August 22, 2016 4:16 PM

**To:** 'pmeles@bellsouth.net'

**Cc:** Badolato, Vinny; Willsey, Peter

**Subject:** Sazerac/ Cancellation No. 92063694 re BLACK DRAGON

Pablo,

Please find attached copies of Sazerac's Initial Disclosures, First Set of Requests for Production of Documents, and First Set of Interrogatories.

Best regards,

Judd Lauter

**Judd D. Lauter**

Cooley LLP

1299 Pennsylvania Avenue, NW • Suite 700

(enter from 12th and E Streets)

Washington, DC 20004-2400

Direct: +1 202 728 7052 • Fax: +1 202 842 7899

Email: [jlauter@cooley.com](mailto:jlauter@cooley.com) • [www.cooley.com](http://www.cooley.com)

<< File: Sazerac v. K. Hansotia (BLACK DRAGON) --- First Set of RFPs.pdf >> << File: Sazerac v. K. Hansotia (BLACK DRAGO) --- First Set of Interrogatories.pdf >> << File: Sazerac v. K. Hansotia (BLACK DRAGON) -- Initial Disclosures.pdf >>

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