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

TAKARA CO. LTD.,  
a Japanese corporation.  
  
Opposer,  
  
v.  
  
JUAN COLLADO,  
an individual,  
  
Applicant.

Opposition No. 153,180  
Mark: MICRONAUTS  
Serial No. 75/024,433  
Filed: November 24, 1995  
Published: May 14, 2002

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TRADEMARK TRIAL AND  
APPEAL BOARD



06-17-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #22

**OPPOSER'S SECOND REQUEST FOR**

**PRODUCTION OF DOCUMENTS AND THINGS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice (37 C.F.R. § 2.120), Opposer, Takara Co. Ltd., ("Opposer") serves its First Request For Production of Documents and Things upon Applicant, Juan Collado ("Applicant"), and Applicant's Assignee Picture Entertainment ("Assignee"), and hereby requests that Applicant and/or Assignee produce the following documents and things for inspection and copying, along with a written response to this request at the offices of Opposer's counsel: Snell & Wilmer, Attn. Joe Price, 1920 Main St., Suite 1200, Irvine, CA 92614-7230, within thirty (30) days after the service hereof. To the extent permitted by Rule 26(e) of the Federal Rules of Civil Procedure, these requests are to be deemed continuing and the responses thereto are to be supplemented promptly upon Applicant's acquisition of further or additional information or documents.

**General Definitions and Instructions**

The following definitions are applicable herein:

1. The terms "Applicant" and "you" or "yours" mean and refer to the Applicant, Juan Collado, all assignees of the MICRONAUTS trademark, Serial No. 75/024,433, including Assignee Picture Entertainment Corp., its predecessors, or controlled, controlling, or affiliated companies, and Applicant's past and present officers, employees, agents, representatives and attorneys, all to the fullest extent the context permits.
2. The term "Opposer" means and refers to the Opposer, Takara Co. Ltd., and includes the Opposer herein, its predecessors in business, and their officers, directors, agents, employees, and attorneys, both present and past.

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3. The term "Applicant's trademark" or "Applicant's mark" and similar terms means and refers to Applicant's alleged trademark, the subject of trademark application Serial No. 75/024,433 for the goods and services in international class 16 and US 002 005 022 023 029 037 038 050 identified as printed materials, namely posters, comic books, trading cards and booklets featuring stories in illustrated form.

4. The term "Opposer's trademark" and similar terms means and refers to Opposer's trademark having Registration No. 2663465 and Application Serial No. 74/372,240 for the goods and services set forth in the aforesaid registration and application.

5. The term "person" refers to both natural persons and to corporate or other business entities, partnerships, groups, associations, governmental entities, or other organizations.

6. The term "document" or "documentation" is used herein in its customary broad sense as defined in FRCP 34(a)(1), and includes, without being limited to, the original and all copies (carbon, photocopy, photographic, microfilm, or otherwise) of any advertising or promotional material (including, without limitation, art work, copies of drafts thereof, proofs, tear sheets, scripts, storyboards, etc.), brochures, business cards, travel tickets, lodging confirmations, lists of customers, lists of customer inquiries, rate schedules, letters, correspondence, customer or other complaints, books, journals, ledgers, working papers, invoices, contracts, purchase orders, estimates, reports, memoranda, interoffice communications, records, studies, appraisals, papers, charts, recordings of or memoranda of any conversation (by telephone or otherwise), meeting or conference, or any other writing however produced or reproduced; all other handwritten, typed, printed, or otherwise visually or aurally reproduced materials, whether copies or originals, including, but not limited to, letters, cables, wires, memoranda and interoffice communications; reports, notes, minutes and recordings; drawings, blueprints, sketches, charts, photographs, microfilm records, data compilations, voice recordings, video recordings, and movies; copyrights, copyright registration applications, patents, trademarks, patent applications, trademark applications, assignments, contracts, agreements, licenses and other official documents and legal instruments; published material of any kind; annual reports, reports to shareholders and minutes or reports of meetings of directors or executive boards or committees; advertising or promotional literature and press releases; engineering notebooks and data; and ledgers, bills, orders, books, records, and files that are in the possession, custody or control of Applicant or any of its officers, agents, or employees and/or Applicant's attorneys. The term "document" or "documents" also includes all copies that are not identical with the original.

7. As used herein, "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary in order to bring within the scope of the request all documents and things which might otherwise be construed to be outside its scope.

8. As used herein, the singular shall always include the plural and the present tense shall always include the past tense.

9. The term "thing" as used herein refers to any tangible object other than a document, and includes objects of every kind and nature such as, but not limited to, prototypes, models, specimens, computer disks and tapes, videotapes, audiotapes, compact discs, and digital video disks.

10. Should Applicant withhold any document requested by any of the following requests, Applicant shall, in its written response, describe such document by specifying the following for each such document:

(a) The date appearing on the document and if no date appears thereon, so state and give the date or approximate date on which the document was prepared;

(b) The identifying number, letter, or combination thereof, if any, and the significance or meaning of such;

(c) The general nature or description of the document (i.e., whether it is a letter, memorandum, minutes of a meeting, etc.), and the number of pages of which it consists;

(d) The name of the person who signed the document and if it was not signed, so state and give the name of the person or persons who prepared it;

(e) The name of the person to whom the document was addressed and the name of each person, other than such addressee, to whom the document, or a copy thereof, was sent;

(f) The subject matter to which the document relates; and

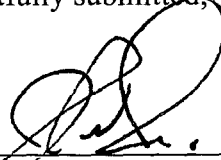
(g) The specific claim relied on for withholding production of the document.

### **Requests for Production**

1. Provide all documents and things referring or relating to the publication of the mark MICRONAUTS by Applicant and/or Assignee.
2. Provide all documents and things referring or relating to the commercial use of the mark MICRONAUTS by Applicant and/or Assignee.
3. Provide all documents supporting the denial, generally or specifically, of the existence of any of the documents and/or things sought in the above requests 1-2.

This 12th day of June, 2003.

Respectfully submitted,



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Joseph W. Price  
California Bar No. 54,357  
**SNELL & WILMER L.L.P.**  
1920 Main Street, Suite 1200  
Irvine, CA 92614-7230  
Telephone: (949) 253-2700  
Facsimile: (949) 955-2507

Attorney for Opposer, Takara Co., Ltd.

FOR GOOD CAUSE APPEARING, IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2003

Signed:

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Trademark Trial and Appeal Board

**CERTIFICATE OF MAILING AND SERVICE**

**CERTIFICATE OF MAILING**

I hereby certify that this Second Request for Production of Documents and Things is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, BOX TTAB, 2900 Crystal Drive, Arlington, VA 22202-3514, on this 12th day of June, 2003.

By: Dorothy L. Chambers


  
Signature

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Second Request for Production of Documents and Things was deposited in the United States mail, first-class postage prepaid to, Applicant's attorney, on the 9th day of May, 2003, addressed as follows:

Arthur Aaronson, Esq.  
AARONSON & AARONSON  
16133 Ventura Boulevard  
Suite 675  
Encino CA 91436

Dated: June 12, 2003

By:   
Dorothy L. Chambers