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

Proceeding	91163881
Party	Plaintiff Chicago National League Ball Club, Inc.
Correspondence Address	MARY L. KEVLIN COWAN, LIEBOWITZ & LATMAN, P.C. 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036
Submission	Motion for Default Judgment
Filer's Name	Kieran G. Doyle
Filer's e-mail	kgd@cll.com, trademark@cll.com
Signature	/Kieran G. Doyle/
Date	05/12/2006
Attachments	CDSmotion.PDF (29 pages)(2931791 bytes)

Ref. No. 21307-011

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

In re Application Serial No. 76/364,162
Filed: January 30, 2002
For Mark: CDS and Design
Published in the Official Gazette: November 19, 2002

-----X	:	Opposition No. 91163881
CHICAGO NATIONAL LEAGUE	:	
BALL CLUB, INC.,	:	
Opposer,	:	
v.	:	
	:	
	:	
CHIANG DING SHENG	:	
INDUSTRIAL CO., LTD.	:	
	:	
Applicant.	:	
-----X		

OPPOSER'S MOTION TO FOR SANCTIONS AND SUPPORTING MEMORANDUM

MOTION

Pursuant to 37 C.F.R. § 2.120(g) and TBMP § 527.01, Opposer, Chicago National League Ball Club, Inc. ("Opposer") hereby requests that the Board strike Applicant's answer, preclude Applicant from supporting its defenses and enter judgment in favor of Opposer. As grounds for its motion, Opposer submits that the Trademark Trial and Appeal Board (the "Board") granted Opposer's motion to compel and ordered Applicant to respond to Opposer's discovery requests by May 9, 2006, and that Applicant has failed to comply with the Board's order by not responding to Opposer's written discovery requests.

MEMORANDUM OF LAW

STATEMENT OF FACTS

The facts are set forth more fully in the Declaration of Kieran G. Doyle, Esq., dated May 12, 2006 ("Doyle Decl."), which accompanies this Motion for Sanctions. The facts are briefly summarized below.

On August 12, 2005¹, Opposer served on Applicant Opposer's First Set of Interrogatories and Request for Production of Documents and Things. Doyle Decl. ¶ 1; Exh. 1. Although Applicant's responses to the written discovery requests were due to be served on Opposer by September 16, 2005, no responses were received. Opposer then made repeated efforts to secure Applicant's compliance with Opposer's discovery requests. Specifically, Opposer's attorney, Kieran G. Doyle, contacted Applicant's counsel, Morton J. Rosenberg, several times to ascertain when Applicant would respond to Opposer's discovery requests and thus satisfy its discovery obligations. Doyle Decl. ¶¶ 4-8. In a telephone conversation between the parties' counsel on September 29, 2005, Applicant's counsel confirmed that he had received Opposer's discovery requested and indicated that he had forwarded the requests to Applicant with his instructions for response but had received no response from Applicant.

On October 3, 2005, Opposer's counsel sent a follow-up letter to Applicant's counsel by Federal Express. Doyle Decl. Ex. 2. In that letter, Opposer's counsel urged Applicant's counsel to indicate by October 6, 2005 whether and when Applicant intended to respond to the

¹ On that same day, Opposer also served Opposer's First Set of Requests for Admissions the deadline to respond to which was September 16, 2005. Since Applicant failed to timely respond to those requests for admissions, the requests stand admitted pursuant to TBMP§ 411.02.

outstanding interrogatories and document requests. When no response was received by the stated deadline of October 6, 2005, Opposer's counsel called Applicant's counsel and left a voice mail message inquiring about the discovery responses. Applicant's counsel has never returned that call. Doyle Decl. ¶ 8.

By motion dated October 10, 2005, Opposer moved to compel the Applicant's responses to Opposer's discovery requests. Doyle Decl. ¶ 9.

By Order dated April 19, 2006, the Board granted Opposer's motion to compel and ordered Applicant to respond to Opposer's discovery request by May 9, 2006. Doyle Decl. ¶ 10; Exh. 3.

May 9, 2006 passed, and no responses were received.

ARGUMENT

A motion for sanctions should be granted where a party fails to comply with an order of the Board relating to discovery and such sanctions may include, inter alia, judgment by default. 37 C.F.R. §2.120(g); TBMP 527.01; Caterpillar Tractor Co. v. Catfish Anglers Together, Inc., 194 U.S.P.Q. 99 (T.T.A.B. 1976)(granting default judgment against applicant where applicant failed to comply with Board order to answer interrogatories). Unicut v. Unicut, Inc., 222 U.S.P.Q. 341 (TTAB 1984) (same).

Applicant has completely ignored this Board's Order and has repeatedly failed to respond in any way to Opposer's discovery requests.

Should the Board not grant a default judgment, however, Opposer requests that the Board reset the current pending testimony periods so that Opposer may present its case.

CONCLUSION

For the foregoing reasons, Opposer's Motion for sanctions should be granted, and the Board should strike Applicant's answer, preclude Applicant from supporting its defenses, and enter judgment in favor of Opposer.

Dated: New York, New York
May 12, 2006

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Kieran G. Doyle/
Mary L. Kevlin
Kieran G. Doyle
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of Opposer's Motion for Sanctions, Declaration of Kieran G. Doyle, Esq., and Exhibits attached thereto, were served on applicant by depositing same by first class mail, postage prepaid addressed to Morton J. Rosenberg, Esq., Rosenberg, Klein & Lee, 3458 Ellicott Center Drive, Suite 101, Ellicott City, Maryland 21043 on May 12, 2006.

/Kieran G. Doyle/ _____
Kieran G. Doyle

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
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Applicant. :
-----X

Opposition No. 91163881

DECLARATION OF KIERAN G. DOYLE, ESQ.

KIERAN G. DOYLE, ESQ., pursuant to 28 U.S.C. § 1746, declares:

1. I am counsel with the firm of Cowan, Liebowitz & Latman, P.C., counsel to Opposer Chicago National League Ball Club, Inc. ("Opposer"), and make this declaration in support of Opposer's Motion for Sanctions.

Opposer's Failure to Respond to Discovery Requests

2. On August 12, 2005, Opposer served Applicant (by first class mail) with Opposer's First Set of Interrogatories, Request for Production of Documents and Things with an accompanying certificate of service, attached hereto as Exhibit 1.

3. Applicant's responses to the written discovery requests were due by September 16, 2005. No responses were received by September 16, 2005 or thereafter.

4. On September 27, 2005, I called Applicant's counsel, Morton J. Rosenberg, to inquire about Applicant's responses to Opposer's discovery requests. During this call, Mr. Rosenberg told me he would look into the status of Applicant's discovery responses and call me back.

5. On September 28, 2005, I called Mr. Rosenberg to follow up, but he was not available, so I left a voice mail message for him.

6. On September 29, 2005, Mr. Rosenberg and I exchanged voice mail messages in the morning. That afternoon, Mr. Rosenberg and I spoke and he explained that he had sent Opposer's discovery requests to Applicant with his instructions, but that Applicant had not responded. I explained that if Applicant did not respond to Opposer's discovery requests, Opposer would be forced to file a motion to compel.

7. On October 3, 2005, I sent a letter to Mr. Rosenberg by Federal Express, attached hereto as Exhibit 2. In this letter, I noted that Applicant's responses to Opposer's First Set of Interrogatories and Requests for Production of Documents and Things had not yet been served and were past due. I recounted our September 29, 2005 telephone conversation and asked Mr. Rosenberg to let me know by October 6, 2005 whether and when Applicant would be responding to Opposer's discovery requests. Mr. Rosenberg did not respond to this letter. Applicant did not produce discovery responses and did not in any other way respond to my October 3 letter.

8. On October 6, 2005, I telephoned Mr. Rosenberg to follow up on my October 3 letter. Mr. Rosenberg was unavailable, and I left a voice mail message. He did not call back.

9. By motion dated October 10, 2005 Opposer moved to compel the Applicant's responses to Opposer's discovery requests.

10. By Order dated April 9, 2006, the Board granted Opposer's motion to compel and ordered Applicant to respond to Opposer's discovery requests by May 9, 2006. The Order is attached hereto as Exhibit 3.

11. May 9, 2006 passed and no responses were received.

12. For the foregoing reasons, Opposer's Motion for Sanctions should be granted.

I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED IN NEW YORK, NEW YORK ON MAY 12, 2006.

/Kieran G. Doyle/
KIERAN G. DOYLE

EXHIBIT 1

Ref. No. 21307-011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
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CHICAGO NATIONAL LEAGUE	:	Opposition No. 91163881
BALL CLUB, INC.,	:	
	:	
Opposer,	:	
v.	:	OPPOSER'S FIRST SET OF
	:	INTERROGATORIES AND
	:	REQUEST FOR PRODUCTION
CHIANG DING SHENG	:	<u>OF DOCUMENTS AND THINGS</u>
INDUSTRIAL CO., LTD.	:	
	:	
	:	
Applicant.	:	
-----X		

Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Opposer Chicago National League Ball Club, Inc. ("Opposer") requests that Applicant Chiang Ding Sheng Industrial Co., Ltd. ("Applicant") answer under oath the following interrogatories and produce the following documents and things for inspection and copying at the offices of Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036 within 30 days after service hereof. These requests are deemed to be continuing, so as to require prompt production of additional documents and supplemental interrogatory answers should Applicant obtain additional responsive information or documents between the time the answers are served and the time of the final hearing of this opposition proceeding.

DEFINITIONS AND INSTRUCTIONS

A. The term "Applicant" means Chiang Ding Sheng Industrial Co., Ltd. and all parent, subsidiary, related, predecessor and/or successor entities, partners, divisions, employees, agents and/or representatives thereof.

B. The term "Opposer" means Opposer Chicago National League Ball Club, Inc., and all parent, subsidiary, related, predecessor and/or successor entities, partners, divisions, employees, agents and/or representatives thereof.

C. The term "Applicant's Mark" shall refer to the CDS and Design mark () ("Applicant's CDS Stylized Mark") as represented in Application Serial No. 76/364,162 and herein opposed.

D. The term "Opposer's Marks" shall refer to the stylized C trademark depicted in the registered marks set forth in paragraph 3 of the Notice of Opposition in this proceeding, alone or in combination with other words or designs, including, but not limited to, the various registered marks set forth in paragraph 3 of the Notice of Opposition in this proceeding.

E. The term "commerce" means commerce subject to regulation by Congress, as defined in 15 U.S.C. §1127.

F. As used herein, the terms "entity" and "person" include natural persons, governmental entities, organizations, corporations, partnerships, associations, joint ventures and any other individual or group of individuals that has the purpose of conducting or, in fact, conducts business.

G. The term "document" shall be given the broadest possible scope under Fed. R. Civ. P. 34 and includes, but is not limited to, all writings, correspondence, memoranda, handwritten notes, drafts, invoices, contracts, purchase orders, letters, checks, receipts, books,

pamphlets, publications, stickers, posters, catalogs, labels, displays, photographs, slides, videotapes, films, artwork, drawings, sketches, illustrative materials, layouts, tear sheets, magnetic recording tapes, microfilms, computer printouts, e-mail, work sheets, and files from any personal computer, notebook or laptop computer, file server, minicomputer, mainframe computer or any other storage means by which information is retained in retrievable form, including files that are still on any storage media, but that are identified as “erased but recoverable,” and all other materials, whether printed, typewritten, handwritten, recorded or reproduced by a mechanical or electronic process.

H. The term “identify,” when used in connection with a natural person or persons, requires you to state the person’s full name and last known business and residential addresses, telephone number and e-mail address.

I. The term “identify” when used in connection with a document, requires Applicant to:

(i) Furnish the name or title, date and general description (e.g., letter, memorandum, etc.) of the document, the name and address of the person from whom the document originated, the name and address of the persons to whom the document was addressed or delivered, and the names and addresses of all persons to whom copies of the document were sent; and

(ii) State whether Applicant is in possession of the original of the document or a copy thereof and, if Applicant is not in possession of the original or a copy, furnish the name and address of the custodian of the original or a copy; and

(iii) Furnish a general description of the subject matter to which the document(s) pertains.

J. The term “identify,” when used in connection with a company, organization or other business entity, requires Applicant to state the name and address of the company, organization or other business entity.

K. The term "concerning" means referring to, relating to, embodying, connected with, commenting on, responding to, showing, describing, analyzing or constituting.

L. The singular and plural forms are used herein interchangeably, as are the masculine and feminine forms and the present and past tenses, and such terms should be construed as necessary to bring within the scope of the interrogatory/document request all documents and information which might otherwise be construed to be outside its scope.

M. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the interrogatory/document request all documents and information which might otherwise be construed to be outside its scope.

N. If any information or document called for in any interrogatory or request is withheld in whole or in part by reason of a claim of attorney-client privilege or any other claim of immunity from discovery, then, at the time the information or document is to be produced, a list is to be furnished identifying any such information or document withheld together with the following information: date and title of the document; name and job title of each author, writer or sender of the document; name and job title of each recipient, addressee or other person to whom the original or any copy of the document was sent or furnished; if you contend that an author or recipient of the document is an attorney for purposes of claiming privilege or immunity from discovery, identify the Bar of which he or she was a member at the time of the communication in question; the general subject matter of the information or document withheld; the basis for the

claim of privilege or immunity from discovery; and the interrogatory or request to which the information or document is responsive.

O. In the event that any document called for by this request has been destroyed, lost, discarded or otherwise disposed of, identify any such document as completely as possible, including, without limitation, the date of disposal, manner of disposal, reason for disposal, person authorizing the disposal and person disposing of the document.

P. Documents shall be produced as they are kept in the ordinary course of business or shall be organized and labeled to correspond to the document request to which they are responsive.

Q. The term “Applicant’s Goods” shall refer to all goods listed in United States Application Serial No. 76/364,162.

INTERROGATORIES

Interrogatory No. 1

State the date when Applicant first selected Applicant's Mark for use or intended use in connection with any goods or services, describe in detail the reason(s) for and circumstances of such selection, and identify all persons or entities who participated in or were consulted in such selection, including a description of the nature of their participation or consultation.

Interrogatory No. 2

State the date when Applicant decided to use Applicant’s Mark in the United States or in commerce with the United States.

Interrogatory No. 3

Identify any searches, opinions, investigations, analyses or studies related to the selection, adoption or clearance of Applicant’s Mark in China and/or the United States, including without limitation the persons involved, the date(s), and the data or results of those searches, opinions, investigations, analyses or studies.

Interrogatory No. 4

Identify each product or service on or in connection with which Applicant (or any person or entity authorized by Applicant) has used, is using or intends to use Applicant's Mark in the United States or in commerce with the United States, and for each such product or service for which use has been made, identify:

- (a) The date of first use of Applicant's Mark on such products or services;
- (b) The date of first use of Applicant's Mark on such products or services in commerce;
- (c) The period of time during which such products or services were or are being distributed or sold;
- (d) The geographic area(s) in which such products or services were or are being distributed or sold;
- (e) The annual volume of sales for each year to the present, both by dollar amount and unit amount, for such products or services;
- (f) Any other revenues, including but not limited to any licensing revenues that Applicant has received in connection with such products or services;
- (g) The retail and wholesale price for such products or services for each year to the present;
- (h) The channels of trade (e.g., types of retail stores, catalogs, mail order, Internet, promotional sales, private sales, etc.) through which such products or services were or are being distributed or sold to the ultimate purchaser, consumer or user; and
The type of customers to which such products or services are or were being marketed.

Interrogatory No. 5

Identify with specificity all goods sold in commerce in the United States or in commerce with the United States into which Applicant's Goods (a) are intended to be incorporated; (b) are likely to be incorporated; and (c) have been incorporated.

Interrogatory No. 6

Identify all entities to which Applicant has sold products bearing Applicant's Mark and describe the nature of such entities' business and the type of products sold by such entities.

Interrogatory No. 7

Identify all entities to which Applicant has sold Applicant's Goods and describe the nature of such entities' business and the type of products sold by such entities.

Interrogatory No. 8

State whether Applicant has ever displayed or offered Applicant's Goods at any trade shows, conventions, expositions or conferences, or circulated promotional materials (including, but not limited to, inventory lists, line lists, style sheets, price sheets and catalogs) concerning Applicant's Goods to the public, retailers, distributors or wholesalers in the United States or in commerce with the United States, and, if so, identify:

- (a) The date, location and name of each such show;
- (b) The nature of such promotional materials; and
- (c) The recipients and date of receipt of such promotional materials.

Interrogatory No. 9

State whether Applicant has ever displayed or offered products bearing Applicant's Mark at any trade shows, conventions, expositions or conferences, or circulated promotional materials (including, but not limited to, inventory lists, line lists, style sheets, price sheets and catalogs) concerning products bearing Applicant's Mark to the public, retailers, distributors or wholesalers in the United States or in commerce with the United States, and, if so, identify:

- (a) The date, location and name of each such show;
- (b) The nature of such promotional materials; and
- (c) The recipients and date of receipt of such promotional materials.

Interrogatory No. 10

Identify any persons or entities that have ever authorized, licensed, granted or otherwise conveyed to Applicant the right to use Applicant's Mark in the United States or in commerce with the United States, and for each such person or entity, identify:

(a) The date when such right was authorized, licensed, granted or otherwise conveyed;

(b) Whether such authorization, license, grant or conveyance was in writing or oral;

and

(c) The material terms under which such authorization, license, grant or conveyance were made, including, but not limited to, the details of the grant of rights to use Applicant's Mark and financial terms governing such transaction.

Interrogatory No. 11

Identify any persons or entities Applicant has authorized, licensed, granted or otherwise conveyed the right to sell goods or render services under Applicant's Mark in the United States or in commerce with the United States, and for each such person or entity, identify:

(a) The date when such right was authorized, licensed, granted or otherwise conveyed;

(b) Whether such authorization, license, grant or conveyance was in writing or oral; and

(c) The material terms under which such authorization, license, grant or conveyance were made, including, but not limited to, the financial terms governing such transaction.

Interrogatory No. 12

Identify any claims, conflicts, objections, cease and desist demands, trademark opposition and/or cancellation proceedings, other *inter partes* proceedings and/or litigations in which Applicant has been involved in the United States, either as a party or a witness, concerning Applicant's Mark or goods sold or services rendered under Applicant's Mark, including, but not limited to, the parties involved, the court or other tribunal of such action or proceeding, and the current status and/or final outcome of such matter.

Interrogatory No. 13

Identify each kind of sales and other promotional materials, including, without limitation, catalogs, brochures, flyers, sales sheets, on-line ads or price lists that have been used or are intended to be used in the United States or United States commerce in connection with Applicant's Mark.

Interrogatory No. 14

For each year that Applicant's Mark has been used in the United States or in commerce with the United States, identify all advertisements or promotional pieces concerning Applicant's Mark, or goods or services offered under Applicant's Mark, and for each such advertisement or promotional piece, identify:

(a) The date(s) on which it was published, broadcast, distributed or displayed;

(b) The geographic areas in which it was published, broadcast, distributed, or displayed;

(c) The media, publication or other venue in which it was published, broadcast, distributed or displayed; and

(d) Any outside companies, agencies or individuals involved in creating or distributing such advertising or promotional piece.

Interrogatory No. 15

Separately for each year in which advertising, marketing, or promotion of Applicant's Mark has occurred in the United States or United States commerce, state the annual expenditures for such advertising, marketing or promotion.

Interrogatory No. 16

State whether, prior to January 7, 2002, Applicant was aware of:

(a) Opposer's CUBS Major League Baseball club;

(b) Opposer's Marks; or

(c) Goods or services marketed, manufactured, distributed, sold or licensed by

Opposer.

Interrogatory No. 17

(a) Describe each instance where any person has by word or deed or otherwise -- including, but not limited to, by misdirected mail, e-mail or telephone calls -- suggested or reflected a belief that Applicant is licensed, endorsed or sponsored by or associated or related in any way with or to Opposer, or that the products or services sold or offered for sale, or intended to be sold or offered for sale, by Applicant under Applicant's Mark, are licensed, endorsed or sponsored by or associated or related in any way with or to Opposer and/or Opposer's Marks; and

(b) Identify all persons knowledgeable about any such instances and describe the nature of their knowledge.

Interrogatory No. 18

Identify all witnesses whose testimony Applicant intends or expects to rely on at trial in this proceeding.

Interrogatory No. 19

Identify each expert witness whom Applicant will call as a witness at trial, and with respect to each such expert witness:

- (a) describe his or her background and area of expertise, including credentials, qualifications and publications of such witness;
- (b) describe his or her background and area of expertise, including credentials, qualifications and publications of such witness;
- (c) identify all documents and things pertaining to his or her testimony, including all documents and things prepared, reviewed or relied upon by said witness or expected to be used at trial by said witness.

Interrogatory No. 20

State whether there are any periods of time between January 2002 and the present during which Applicant's Mark was not used by or on behalf of Applicant in the United States, and if so, identify the periods of such non-use and the reasons for such non-use.

Interrogatory No. 21

State whether products bearing Applicant's Mark or any other mark incorporating a stylized "C" similar to the stylized "C" contained in Applicant's Mark have been used in connection with or incorporated into any products or services having a sports theme or bearing any sports related depictions, indicia, marks or logos, and if so, identify all such products and services.

Interrogatory No. 22

State whether Applicant's Goods have been used in connection with or incorporated into any products or services having a sports theme or bearing any sports related depictions, indicia, marks or logos, and if so, identify all such products and services.

Interrogatory No. 23

Identify all persons who furnished any information used in responding to these Interrogatories and identify the relevant interrogatories to which their responses pertain.

DOCUMENT REQUESTS

Request No. 1

A specimen of each of Applicant's Goods.

Request No. 2

A specimen of each label, hangtag, tag, product package, package insert, sticker, package material or other device which bears Applicant's Mark, and which has been used or is intended to be used by Applicant and/or its licensees in the United States or in commerce with the United States.

Request No. 3

A specimen of each point-of-sale material, circular, flyer, sell sheet, leaflet, brochure, catalog, sign, on-line advertisement, price sheet or other advertising material or promotional item which bears Applicant's Mark, and which has been used or is intended to be used by Applicant and/or its licensees in the United States or in commerce with the United States.

Request No. 4

All documents concerning Applicant's conception, selection and adoption of Applicant's Mark.

Request No. 5

All documents concerning any trademark searches, investigations or opinion letters conducted or reviewed by or on behalf of Applicant concerning Applicant's Mark.

Request No. 6

Documents sufficient to identify: (a) the date of first use of Applicant's Mark; (b) the geographic scope of use of such mark; (c) any and all customers to which products bearing Applicant's Mark have been sold; (d) the products or services offered or sold under such mark; (e) the amount of sales (in dollars and units) made under such mark; and (f) any and all customers to which Applicant's Goods have been sold.

Request No. 7

Documents sufficient to identify any and all customers to which Applicant's Goods have been sold.

Request No. 8

All documents concerning the total annual volume of gross sales, by units and dollars, of products bearing Applicant's Mark in the United States or in commerce with the United States, from the date of first use of Applicant's Mark to the present.

Request No. 9

All documents concerning the total annual volume of gross sales, by units and dollars, of Applicant's Goods in the United States or in commerce with the United States, from 2000 to the present.

Request No. 10

All documents concerning the advertising, marketing or promotion of products or services offered or intended to be offered under Applicant's Mark in the United States or in commerce with the United States, including but not limited to, samples of each advertisement or promotional piece, any media plans, public relations materials, press kits and correspondence with advertising agencies, public relations firms, media planners, graphic designers, web site designers or any other such entities in the advertising and promotional field.

Request No. 11

Documents sufficient to identify the amount of money expended by Applicant in advertising and promoting Applicant's Mark or goods or services offered under Applicant's Mark in the United States or in commerce with the United States for each year from the date of first use to the present.

Request No. 12

All documents concerning any authorization, license, grant, conveyance or other transfer from any third party to Applicant concerning the right to use Applicant's Mark, or to sell goods or render services under Applicant's Mark in the United States or in commerce with the United States.

Request No. 13

All documents concerning each trade show, convention, exposition or conference at which Applicant's Goods have been displayed, advertised, promoted or offered for sale in the United States or in commerce with the United States.

Request No. 14

All documents concerning each trade show, convention, exposition or conference at which products bearing Applicant's Mark have been displayed, advertised, promoted or offered for sale in the United States or in commerce with the United States.

Request No. 15

All documents concerning Applicant's grant of authorization or license to use (or proposed authorization or license to use) Applicant's Mark in the United States or in commerce with the United States to any third party, including, but not limited to, all license agreements.

Request No. 16

All documents concerning any objections, claims, demands or actions lodged or filed against the use or proposed use of Applicant's Mark, including without limitation, cease and desist letters, complaints and Notices of Opposition.

Request No. 17

All documents concerning Opposer or Opposer's Marks or any goods or services marketed, manufactured, distributed, sold or licensed by Opposer.

Request No. 18

All documents concerning Applicant's knowledge prior to January 7, 2002 of Opposer, Opposer's Marks, or any goods or services marketed, manufactured, distributed, sold or licensed by Opposer.

Request No. 19

All documents concerning any market research, focus groups, surveys or other investigation made or commissioned by or on behalf of Applicant concerning Applicant's Mark or goods sold or services rendered under Applicant's Mark.

Request No. 20

All documents concerning any instances suggesting or reflecting a belief by any person that Applicant is licensed, endorsed or sponsored by or associated or related in any way with or to Opposer, or that the products or services sold or offered for sale, or intended to be sold or offered for sale, by Applicant under Applicant's Mark, are licensed, endorsed or sponsored by or associated or related in any way with or to Opposer and/or Opposer's Marks, including, but not limited to, documents referring to or evidencing misdirected mail, e-mails, telephone calls, orders or inquiries concerning any association between the parties.

Request No. 21

All documents otherwise reflecting or indicating any confusion on the part of any member of the public between Opposer and Applicant and/or their respective marks and goods or services.

Request No. 22

All documents concerning the actual or intended channels of trade for Applicant's Goods sold or intended to be sold to the ultimate purchaser.

Request No. 29

All documents concerning the use of Applicant's Goods in connection with or incorporated into warm up jackets, sports bags, gym bags or sweatshirts or any products or services having a sports theme or bearing any sports related depictions, indicia, marks or logos.

Request No. 30

All documents concerning the use of products bearing Applicant's Mark or any other mark incorporating the Stylized "C" contained in Applicant's Mark in connection with or incorporated into warm up jackets, sports bags, gym bags or sweatshirts or any products or services having a sports theme or bearing any sports related depictions, indicia, marks or logos.

Request No. 31

All documents and things pertaining to the testimony of any expert witness whom Applicant will call as a witness at trial, including a curriculum vitae, expert reports and all documents and things prepared, reviewed or relied upon by said witness or expected to be used at trial by said witness.

Request No. 32

All documents identified or otherwise relied on or referred to by Applicant in responding to Opposer's First Set of Interrogatories above.

Dated: New York, New York
August 12, 2005

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: 

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(212) 790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the foregoing Opposer's First Set of Interrogatories and Request for Production of Documents and Things was sent via U.S. Mail to Attorney for Applicant, Morton J. Rosenberg, Suite 101, 3458 Ellicott Center Drive, Ellicott City, MD 21043 on August 12, 2005.

By: _____

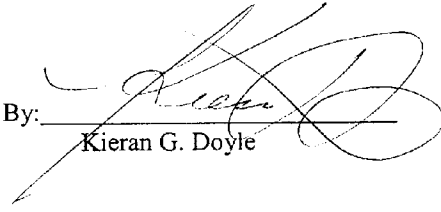

Kieran G. Doyle

Exhibit 2

Cowan, Liebowitz & Latman, P.C.

Law Offices

1133 Avenue of the Americas • New York, NY 10036-6799

(212) 790-9200 • www.cll.com • Fax (212) 575-0671

Kieran G. Doyle
Direct (212) 790-9261
kgd@cll.com

October 3, 2005

BY FEDERAL EXPRESS

Morton J. Rosenberg
Rosenberg, Klein & Lee
3458 Ellicott Center Drive, Suite 101
Ellicott City, Maryland 21043

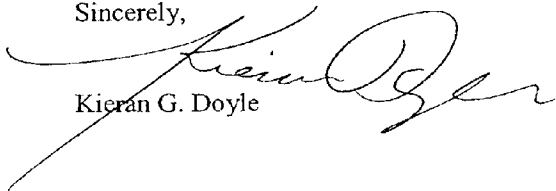
Re: Opposition Against Chiang Ding Sheng
Industrial Co. Ltd's Registration of CDS
and Design Serial No. 76/364,162,
Opposition No. 91,163,881

Dear Mr. Rosenberg:

On August 12, 2005, this office served you with Opposer's First Set of Interrogatories and Requests for Production of Documents. Your client's responses were due September 16, 2005. Two weeks have passed since that deadline and we have received no response whatsoever. When I spoke with you on September 29, 2005, you indicated that you had forwarded Opposer's discovery requests to Applicant with your instructions soon after you received them and that Applicant has not responded to you.

Please let us know by October 6, 2005 whether and when your client intends to respond. Our client reserves all its rights with respect to your client's failure to timely respond to outstanding discovery requests.

Sincerely,


Kieran G. Doyle

cc: Jennifer Hamilton, Esq.
Mary L. Kevlin, Esq.

JOHN F. KENNEDY INTERNATIONAL AIRPORT OFFICE • JAPAN AIRLINES BUILDING 14, SUITE 11B • (718) 244-8595

21307/011/630904.4

Exhibit 3

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313.1451

Mailed: April 9, 2006

Opposition No.: **91163881**

Chicago National League Ball Club, Inc.
v.

Chiang Ding Sheng Industrial Co., Ltd.

Jyll S. Taylor, Attorney:

Opposer's motion (filed October 10, 2005) to compel is hereby granted as uncontested.
See Trademark Rule 2.127(a).

In view thereof, applicant is hereby ordered to serve no later than **THIRTY DAYS** from the mailing date of this order its responses, without objection, to opposer's first set of interrogatories and first request for production of documents. *See Bison Corp' v. Perfecta Chemie B. V.*, 4 USPQ2d 1718, (TTAB 1987) .

In the event applicant fails to respond to opposer's discovery requests as ordered herein, opposer's remedy lies in a motion for judgment pursuant to Trademark Rule 2.120(g), 37 CFR Section 2.120(g).

Proceedings herein are resumed and trial dates are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE: CLOSED

30-day testimony period for party in position of plaintiff to close:	July 10, 2006
30-day testimony period for party in position of defendant to close:	September 8, 2006
15-day rebuttal testimony period to close:	October 23, 2006

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b).

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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