

# **EXHIBITS**

**Proceeding/Serial No:** 91175189

**Filed:** 04-26-2007

**Title:** Defendant's Responses to Plaintiff's  
Amended First Set of Interrogatories

**Document contains CD-Rom pertaining to  
proceeding.**

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

DEFENDANT'S RESPONSES TO PLAINTIFF'S AMENDED FIRST SET OF  
INTERROGATORIES

Opposition No. 91175189  
Serial No. 78656474  
Mark: MAXIMO

Sakar International, Inc.,  
Plaintiff-Opponent

v.

Maximo Products LLC,  
Defendant-Applicant



04-26-2007

U.S. Patent & TMO/TM Mail Rept Dt. #11

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INTERROGATORY NO. 1:

Identify (by name, title, employer, business address, and business phone and fax numbers) all persons known or reasonably known or believed by Defendant to have knowledge or information pertaining to the subject matter of this Opposition including, but not limited to, any alleged facts set forth in Defendant's Answer and Counterclaim and in Plaintiff-Opponent's Notice of Opposition.

RESPONSE:

Andrew T. Houston  
General Manager  
Maximo Products LLC  
4707 NE Minnehaha St., #305  
Vancouver, WA 98661  
(360) 576-8047 (tel)  
(360) 838-7779 (fax)

Jimmy Y. Yau  
Executive Director  
Maximo Products LLC  
4707 NE Minnehaha St., #305  
Vancouver, WA 98661  
(360) 859-2089 (tel)  
(360) 838-7779 (fax)

Andrew Kerr  
Art Director  
Mindlightning Design Group  
1800 F St., #101  
Vancouver, WA 98663  
(360) 326-8533 (tel)  
(866) 303-6049 (fax)

INTERROGATORY NO. 2:

Describe in complete detail the manner by which Defendant created, selected, or adopted the designation MAXIMO, including the date it was created, selected, or adopted, the reasons it was created, selected, or adopted, its meaning in English or any foreign language, and the identity (by name, title, employer, business address, and business phone and fax numbers) of each person known or reasonably believed by you to have knowledge or information pertaining to its creation, selection, or adoption.

RESPONSE:

The designation MAXIMO was selected by the Defendant as an effective and appropriate product brand name for the Defendant's planned line of premium computer cables and accessories. The designation MAXIMO was adopted by the Defendant on February 5, 2003. The name comes from Latin, meaning "greatest". People with knowledge pertaining to its adoption are:

Andrew T. Houston  
General Manager  
Maximo Products LLC  
4707 NE Minnehaha St., #305  
Vancouver, WA 98661  
(360) 576-8047 (tel)  
(360) 838-7779 (fax)

Jimmy Y. Yau  
Executive Director  
Maximo Products LLC

4707 NE Minnehaha St., #305  
Vancouver, WA 98661  
(360) 859-2089 (tel)  
(360) 838-7779 (fax)

INTERROGATORY NO. 3:

Describe in complete detail the first use by Defendant of the designation MAXIMO, including the date of the first use, the manner in which it was used, the identity of the goods or services in connection with which it was used, the geographical location where it was used, and the identity (by name, title, employer, business address, and business phone and fax numbers) of each and every person known or reasonably believed by you to have knowledge or information pertaining to such use.

RESPONSE:

Following is a timeline of use of the designation MAXIMO by the Defendant:

01/05/03 - MAXIMO trademark researched  
02/05/03 - MAXIMO name adopted  
04/04/03 - MAXIMO logo order placed to design firm  
04/08/03 - MAXIMO logo created  
10/28/03 - Maximo Products LLC established in the state of Washington  
11/23/03 - MAXIMO logo artwork provided to manufacturer  
12/16/03 - MAXIMO sign installed at Defendant's office  
03/16/04 - MAXIMO-branded product first produced  
12/03/04 - MAXIMO logo published on www.maximoproducts.com web site

The goods or services in connection with which the designation MAXIMO was first used were computer cables.

People with knowledge pertaining to its use are:

Andrew T. Houston  
General Manager  
Maximo Products LLC  
4707 NE Minnehaha St., #305  
Vancouver, WA 98661  
(360) 576-8047 (tel)  
(360) 838-7779 (fax)

Jimmy Y. Yau  
Executive Director  
Maximo Products LLC

4707 NE Minnehaha St., #305  
Vancouver, WA 98661  
(360) 859-2089 (tel)  
(360) 838-7779 (fax)

Steve K. Pang  
President  
Glory Mark Electronic Limited  
3F, No. 6, Lane 148, Li Der St.  
Chung Ho City  
Taipei 235, Taiwan

Andrew Kerr  
Art Director  
Mindlightning Design Group  
1800 F St., #101  
Vancouver, WA 98663  
(360) 326-8533 (tel)  
(866) 303-6049 (fax)

INTERROGATORY NO. 4:

Describe in complete detail any and all trademark searches, investigations, or surveys conducted by or on behalf of Defendant relating to the designation MAXIMO, including the date(s) of the search, investigation, or survey and the identity (by name, title, employer, business address, and business phone and fax numbers) of each person known or reasonably believed by you to have knowledge or information pertaining to each such search, investigation, or survey, and explain the results of such search, investigation, or survey.

RESPONSE:

Trademark searches, investigations, or surveys relating to the designation MAXIMO were conducted by or on behalf of the Defendant on January 5, 2003. People with knowledge or information pertaining to the searches, investigations, or surveys are:

Jimmy Y. Yau  
Executive Director  
Maximo Products LLC  
4707 NE Minnehaha St., #305  
Vancouver, WA 98661  
(360) 859-2089 (tel)  
(360) 838-7779 (fax)

Andrew T. Houston  
General Manager  
Maximo Products LLC  
4707 NE Minnehaha St., #305  
Vancouver, WA 98661  
(360) 576-8047 (tel)  
(360) 838-7779 (fax)

The results of such search, investigation, or survey were that the designation MAXIMO appeared to be original, unique, and available for use as a mark by the Defendant.

INTERROGATORY NO. 5:

Describe in complete detail any and all trademark searches, investigations, or surveys conducted by or on behalf of Defendant relating to the designation MAXIMO CONCEPTS, including the date(s) of the search, investigation, or survey and the identity (by name, title, employer, business address, and business phone and fax numbers) of each person known or reasonably believed by you to have knowledge or information pertaining to each such search, investigation, or survey, and explain the results of such search, investigation, or survey.

RESPONSE:

There have been no trademark searches, investigations, or surveys conducted by or on behalf of Defendant relating to the designation MAXIMO CONCEPTS.

INTERROGATORY NO. 6:

Identify (by name, title, employer, business address, and business phone and fax numbers) an individual upon whom Defendant intends to rely as an expert in this case.

RESPONSE:

The Defendant does not intend to rely upon an expert in this case.

INTERROGATORY NO. 7:

Identify (by name, title, employer, business address, and business phone and fax numbers) the company or individual that filed, on January 16, 2007, a notice of Extension of Time to Oppose Defendant's Trademark Application No 78656474 for "MAXIMO,"

and describe any discussions or conclusion of the matter as between Defendant and said potential opposer.

RESPONSE:

The company that filed, on January 16, 2007, a notice of Extension of Time to Oppose Defendant's Trademark Application No. 78656474 for 'MAXIMO' is Masimo Corporation. Defendant was provided no specific contact information. There has been no discussion or conclusion between Defendant and potential opposer Masimo Corporation.

INTERROGATORY NO. 8:

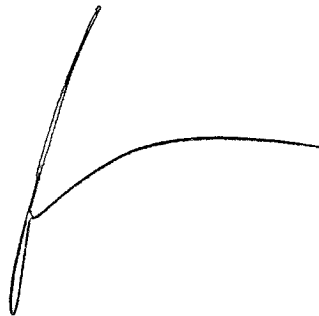
State the number of retail or other customer outlets that have purchased Defendant's goods bearing the designation MAXIMO.

RESPONSE:

The Defendant's goods bearing the designation MAXIMO have been purchased by several retail or other customer outlets, including Amazon.com, Bottom Line Telecommunications, Buy.com, Chumbo.com, Computers 4 Sure, Gateway, Provantage, Newegg.com, Rhapsody Music Store, Sparco.com, TechDepot, and TheNerds.net.

Respectfully Submitted,

          / Andrew T. Houston /  
Andrew T. Houston  
Partner of Defendant  
Maximo Products LLC



Dated: April 26, 2007

Maximo Products LLC  
4707 NE Minnehaha Street, Ste. 305  
Vancouver, WA 98661  
(tel) 360-576-8047  
(fax) 360-838-7779  
andrew.houston@maximoproducts.com

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

DEFENDANT'S RESPONSES TO PLAINTIFF'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS

Opposition No. 91175189  
Serial No. 78656474  
Mark: MAXIMO

Sakar International, Inc.,  
Plaintiff-Opponent

v.

Maximo Products LLC,  
Defendant-Applicant



04-26-2007

U.S. Patent & TMO/TM Mail Rcpt Ct. #11

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REQUEST NO. 1: Any and all documents pertaining to the subject matter in  
Interrogatory No. 1 as served upon Defendant on even date:

"INTERROGATORY NO. 1: Identify (by name, title, employer, business address, and  
business phone and fax numbers) all persons known or reasonably known or believed by  
Defendant to have knowledge or information pertaining to the subject matter of this  
Opposition including, but not limited to, any alleged facts set forth in Defendant's  
Answer and Counterclaim and in Plaintiff-Opponent's Notice of Opposition."

RESPONSE:

Please refer to the following folder on enclosed data CD:  
Opposition

REQUEST NO. 2: Any and all documents pertaining to the subject matter in  
Interrogatory No. 2 as served upon Defendant on even date:



“INTERROGATORY NO. 2: Describe in complete detail the manner by which Defendant created, selected, or adopted the designation MAXIMO, including the date it was created, selected, or adopted, the reasons it was created, selected, or adopted, its meaning in English or any foreign language, and the identity (by name, title, employer, business address, and business phone and fax numbers) of each person known or reasonably believed by you to have knowledge or information pertaining to its creation, selection, or adoption.”

RESPONSE:

Please refer to the following folder on enclosed data CD:  
Maximo Naming

REQUEST NO. 3: Any and all documents pertaining to the subject matter in Interrogatory No. 3 as served upon Defendant on even date:

“INTERROGATORY NO. 3: Describe in complete detail the first use by Defendant of the designation MAXIMO, including the date of the first use, the manner in which it was used, the identity of the goods or services in connection with which it was used, the geographical location where it was used, and the identity (by name, title, employer, business address, and business phone and fax numbers) of each and every person known or reasonably believed by you to have knowledge or information pertaining to such use.”

RESPONSE:

Please refer to the following folders on enclosed data CD:  
Maximo Naming  
Logo Ordered Created  
Logo Artwork to Manufacturer  
Old Black Site

REQUEST NO. 4: Any and all documents pertaining to the subject matter in Interrogatory No. 4 as served upon Defendant on even date:

“INTERROGATORY NO. 4: Describe in complete detail any and all trademark searches, investigations, or surveys conducted by or on behalf of Defendant relating to the designation MAXIMO, including the date(s) of the search, investigation, or survey and the identity (by name, title, employer, business address, and business phone and fax numbers) of each person known or reasonably believed by you to have knowledge or information pertaining to each such search, investigation, or survey, and explain the results of such search, investigation, or survey.”

RESPONSE:

Please refer to the following folder on enclosed data CD:  
Maximo Naming

REQUEST NO. 5: Any and all documents pertaining to the subject matter in Interrogatory No. 5 as served upon Defendant on even date:

“INTERROGATORY NO. 5: Describe in complete detail any and all trademark searches, investigations, or surveys conducted by or on behalf of Defendant relating to the designation MAXIMO CONCEPTS, including the date(s) of the search, investigation, or survey and the identity (by name, title, employer, business address, and business phone and fax numbers) of each person known or reasonably believed by you to have knowledge or information pertaining to each such search, investigation, or survey, and explain the results of such search, investigation, or survey.”

RESPONSE:

Not applicable.

REQUEST NO. 6: Any and all documents pertaining to the subject matter in Interrogatory No. 6 as served upon Defendant on even date:

“INTERROGATORY NO. 6: Identify (by name, title, employer, business address, and business phone and fax numbers) an individual upon whom Defendant intends to rely as an expert in this case.”

RESPONSE:

Not applicable.

REQUEST NO. 7: Any and all documents pertaining to the subject matter in Interrogatory No. 7 as served upon Defendant on even date:

“INTERROGATORY NO. 7: Identify (by name, title, employer, business address, and business phone and fax numbers) the company or individual that filed, on January 16, 2007, a notice of Extension of Time to Oppose Defendant’s Trademark Application No 78656474 for “MAXIMO,” and describe any discussions or conclusion of the matter as between Defendant and said potential opposer.”

RESPONSE:

Please refer to the following folder on enclosed data CD:

Extension

REQUEST NO. 8: Any and all documents pertaining to the subject matter in Interrogatory No. 8 as served upon Defendant on even date:

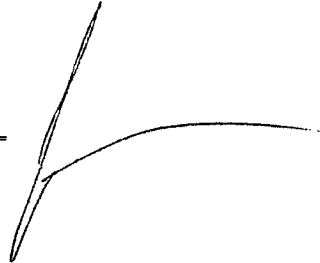
"INTERROGATORY NO. 8: State the number of retail or other customer outlets that have purchased Defendant's goods bearing the designation MAXIMO.'

RESPONSE:

Please refer to the following "WHERE TO BUY" page on Defendant's website:  
[www.maximoproducts.com/sansa/buy.html](http://www.maximoproducts.com/sansa/buy.html)

Respectfully Submitted,

/ Andrew T. Houston /  
Andrew T. Houston  
Partner of Defendant  
Maximo Products LLC



Dated: April 26, 2007

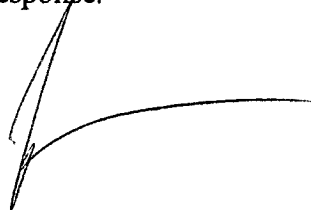
Maximo Products LLC  
4707 NE Minnehaha Street, Ste. 305  
Vancouver, WA 98661  
(tel) 360-576-8047  
(fax) 360-838-7779  
[andrew.houston@maximoproducts.com](mailto:andrew.houston@maximoproducts.com)

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the following were served upon James C. Tuttle, Tuttle Law Offices, 82 Wall Street, Ste. 1105, New York, NY 10005 by USPS overnight on this 26<sup>th</sup> day of April 2007:

- (1.) Defendant's Responses to Plaintiff's Amended First Set of Interrogatories, and
- (2.) Defendant's Responses to Plaintiff's Amended First Set of Requests for Production of Documents, and
- (3.) Data CD labeled Maximo Response.

          / Andrew T. Houston /            
Andrew T. Houston  
Partner of Defendant  
Maximo Products LLC



Dated: April 26, 2007

Maximo Products LLC  
4707 NE Minnehaha Street, Ste. 305  
Vancouver, WA 98661  
(tel) 360-576-8047  
(fax) 360-838-7779  
andrew.houston@maximoproducts.com

