



English & Associates

Attorneys at Law
Intellectual Property
Patent Trademark Copyright
Prosecution Licensing Litigation

VENTURA COUNTY OFFICE
County Square Professional Offices
674 County Square Drive, Suite 101
Ventura, CA 93003
805-642-2025
805-642-0703 fax
800-500-9705
wdenglishesq@yahoo.com

W.D.English, Esq. P.C.
Professional Corporation
dba English & Associates

14 October 2009

United States Patent &
Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Subj: NITE LIFE CAR CLUB
Opposition No, 91188462

Copy

Dear Sir or Madam:

Attached is our submission of Applicant's Second Set of Responses to Interrogatories for the above Opposition.

Please feel free to contact us if you have any questions.

Very truly yours,

Lisa Laughlin
Lisa Laughlin
Legal Assistant



10-19-2009

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

5 Nitelife of Santa Barbara,)
)
 Opposer)
)
 v.)
 10 Nite Life Car Club Association,)
)
 Applicant)
)
 15 _____)

Opposition 91188462

APPLICANTS'S SECOND SET OF RESPONSES TO INTERROGATORIES

20

Nitelife Car Club Association, hereinafter "Applicant," hereby provides the following responses to interrogatories of Nite Life of Santa Barbara, hereinafter "Opposer," pursuant to 37 C.F.R. Section 2.210 and Rule 33 of the Federal Rules of Civil Procedure, answered by Applicant under oath.

No individual identification or description of documents, things, copies, or photos earlier furnished in mass was made or is available or listed by title, identifying number, date, full names, addresses, or titles of persons originating said item or to whom said item was directed other than that earlier provided in Discovery herein and heretofore.

The term Applicant's "TradeMark and/or ServiceMark" shall mean the TradeMark and/or ServiceMark which is the subject of Application Serial No.78-864,321 and/or Amendment thereto.

The term "Applicant's Goods" shall mean the following items as set forth in Application Serial No.78-864,321: "blazers, denim jackets, fur coats and jackets, fur hats, hat bands, hats, jackets, leather jackets, light-reflecting jackets, and T-shirts."

The term "Applicant's Services" shall mean the events as set forth in Applicant's
 5 Amendment to Application Serial No. 78-864,321: namely auto shows, public dances, festivities, and events to generate donations and assistance for needs in the local communities

INTERROGATORY NO. 1

Identify the items in Applicant's Responsive Discovery Disclosures that demonstrate the dates of first use and of first use in commerce of Applicant's Trademark for each item of
 10 Applicant's Goods.

RESPONSE NO. 1

All items of Applicant's Goods and Services provided in Applicant's Responsive Discovery Disclosures with dates thereon inherently demonstrate a date of first use and of first use in commerce of Applicant's TradeMark and/or concomitant ServiceMark

15 **INTERROGATORY NO. 2**

Identify the items in Applicant's Responsive Discovery Disclosures that demonstrate the dates of first use and of first use in commerce, if any, of the design only portion of Applicant's Trademark in connection with Applicant's Goods.

RESPONSE NO. 2

20 All items of Applicant's Responsive Discovery Disclosures with dates thereon inherently demonstrate a date of first use and of first use in commerce wherein the design only portion of Applicant's TradeMark and concomitant ServiceMark is displayed in connection with Applicant's Goods and/or concomitant Services.

INTERROGATORY NO. 3

Applicant stated in response to Interrogatory 4 of Opposer's First Set of Interrogatories that "recently" Applicant has sold "relatively little" of goods bearing the mark. Describe the length of time and reasons for Applicant's nonuse of its mark on Applicant's goods.

5 **RESPONSE NO. 3**

Applicant cannot provide a more exacting definition of "recently" to define a definite length of time, and there is no explanation for "relatively little" sale of Goods other than Applicant has exerted greater effort in the promotion of its Services more so than its concomitant sale of Goods

10 **INTERROGATORY NO. 4**

Identify and furnish copies of labels that demonstrate Applicant has used Applicant's Trademark on or in connection with all of Applicant's Goods.

RESPONSE NO. 4

15 Applicant has already identified and furnished copies of labels that demonstrate Applicant has used Applicant's TradeMark on or in connection with all of Applicant's Goods as well as items indicating Applicant's ServiceMark in connection with all of Applicant's Services.

INTERROGATORY NO. 5

20 Applicant's response to Interrogatory 10 of Opposer's First Set of Interrogatories ("Describe the circumstances and identify the documents that show interstate usage of Applicant's Trademark on Applicant's Goods for each year since the date of first use set forth in Application Serial No.78-864,321") was: "Sales made and negotiation for satellite association in Colorado with John Herecia, and in Oregon with mark Arredondo." Identify and furnish copies of documents,

labeling or other evidence showing interstate usage of Applicant's Trademark on Applicant's Goods that occurred pursuant to said "sales" and "negotiations."

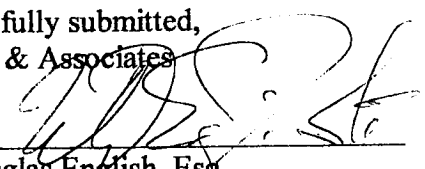
RESPONSE NO. 5

Applicant is not presently aware of copies of any documents, letters, memos, phone call lists, emails or other written correspondence, other than that which has been submitted in prior discovery, evidencing Applicant's usage of Applicant's TradeMark in the sale of Applicant's Goods or ServiceMark in the promotion of Applicant's Services that occurred pursuant to any sale and/or negotiations for opening a new out of state organization/association. All said negotiations for another new in state or out of state group have been oral.

The foregoing statements made by the undersigned are made on information or belief of Applicant and are made under penalty of perjury to the best of the undersigned's present knowledge, awareness, and understanding of the matters and issues addressed herein.

Respectfully submitted,
English & Associates

Dated: 12 Oct 2009

By 
W. Douglas English, Esq
Attorney for Applicant
674 County Square Drive, Suite 101
Ventura, CA 93003
Tel. 805.642.2025 / Fax. 805.805.642.0703
Email: wdenglishesq@yahoo.com

CERTIFICATE OF SERVICE

The undersigned Attorney for Applicant, hereby certifies that a copy of the foregoing APPLICANT'S SECOND SET OF RESPONSES TO INTERROGATORIES OF OPPOSER was served upon Opposer by mailing a copy thereof, first class mail, postage prepaid to counsel for Applicant, Victoria A. Carver, at P.O. Box 2425, Champlain, NY 12919 on OCTOBER 12, 2009.

By 
W. Douglas English, Esq

14