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

Proceeding	91200223
Party	Plaintiff Flame & Wax, Inc.
Correspondence Address	AMANDA J MOONEY GOODMAN MOONEY BERSTEIN LLP 8001 IRVINE CENTER DR STE 1170 IRVINE, CA 92618 UNITED STATES david@goodmanmooney.com, litigation@goodmanmooney.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Eric Goodman
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Signature	/Eric Goodman/
Date	11/16/2012
Attachments	Notice of Reliance on Discovery Responses E_Page_01.tiff (1 page)(0 bytes) Notice of Reliance on Discovery Responses E_Page_02.tiff (1 page)(0 bytes) Notice of Reliance on Discovery Responses E_Page_03.tiff (1 page)(0 bytes) Notice of Reliance on Discovery Responses E_Page_04.tiff (1 page)(0 bytes) Notice of Reliance on Discovery Responses E_Page_05.tiff (1 page)(0 bytes) Notice of Reliance on Discovery Responses E_Page_06.tiff (1 page)(0 bytes) Notice of Reliance on Discovery Responses E_Page_07.tiff (1 page)(0 bytes) Notice of Reliance on Discovery Responses E_Page_08.tiff (1 page)(0 bytes) Notice of Reliance on Discovery Responses E_Page_09.tiff (1 page)(0 bytes) Notice of Reliance on Discovery Responses E_Page_10.tiff (1 page)(0 bytes) Notice of Reliance on Discovery Responses E_Page_11.tiff (1 page)(0 bytes) Notice of Reliance on Discovery Responses E_Page_12.tiff (1 page)(0 bytes) Notice of Reliance on Discovery Responses E_Page_13.tiff (1 page)(0 bytes) Notice of Reliance on Discovery Responses E_Page_14.tiff (1 page)(0 bytes) Notice of Reliance on Discovery Responses E_Page_15.tiff (1 page)(0 bytes)

Exhibit E

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

FLAME & WAX, INC.)	Opposition No.91200223
)	Serial No.: 85/137,006
v. Opposer,)	APPLICANT LAGUNA CANDLES'
)	RESPONSE TO OPPOSER FLAME &
LAGUNA CANDLES,)	WAX, INC.'S FIRST SET OF
)	INTERROGATORIES
Applicant.)	

PROPOUNDING PARTY: Opposer Flame & Wax, Inc. ("Opposer")

RESPONDING PARTY: Applicant Laguna Candles ("Applicant")

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and 37 CFR § 1.120, Applicant Laguna Candles hereby responds to Opposer Flame & Wax, Inc.'s First Set of Interrogatories ("Interrogatories").

GENERAL OBJECTIONS

The following general objections apply to each of the particular Interrogatory propounded by Flame & Wax, Inc., and are hereby incorporated within each response set forth below. No specific objection is intended to constitute, and should not be construed as constituting, a waiver of any general objection.

1. Laguna Candles objects and responds to the Interrogatories on behalf of itself alone and not on behalf of his agents, persons or entities acting on its behalf, or on behalf of any such division or subsidiary, whether individually or collectively and/or all persons or entities in concert with it or under its direction and control.

2. Laguna Candles objects to the Interrogatory to the extent that they seek to impose obligations different from, or in excess of, those created by the Federal Rules of Civil Procedure

and the Trademark Trial and Appeal Board Rules. Laguna Candles' responses are made pursuant to, and as limited by, the Federal Rules of Civil Procedure and the Trademark Trial and Appeal Board Rules.

3. Laguna Candles objects to the Interrogatories to the extent that they seek information protected by the attorney-client privilege, the joint defense or common interest privilege, the attorney work product doctrine, and/or any other privileges, protections or doctrines of similar effect. To the extent that Laguna Candles inadvertently produces any information protected by the attorney-client privilege, the joint defense or common interest privilege, the attorney work product doctrine or any other privilege or protection, such production is not intended to be, and shall not operate as, a waiver of any applicable privilege with respect to that information, or any other information. Laguna Candles reserves the right to demand that Flame & Wax, Inc.'s return any inadvertently produced information and copies thereof. Insofar as the production of any information by Laguna Candles in response to these Interrogatories may be deemed to be a waiver of any privilege or right, such waiver shall be deemed to be a limited waiver with respect to that particular information only.

4. Laguna Candles' responses to Interrogatories, do not in any way constitute an adoption of Flame & Wax, Inc.'s purported Definitions of words or phrases contained in the Requests. Laguna Candles objects to the Definitions, and to the purported instructions in such Definitions, to the extent they (i) are unclear, ambiguous, overly broad or unduly burdensome; (ii) are inconsistent with the ordinary and customary meaning of the words or phrases they purport to define; (iii) seek to impose obligations different from, or in excess of, those created by the Federal Rules of Civil Procedure and the Trademark Trial and Appeal Board Rules; (iv) include assertions of purported facts that are inaccurate, or at the very least are disputed by the parties to this action; and/or (v) incorporate other purported defined terms that suffer from such defects. Without limiting the breadth and general application of these objections, Laguna Candles further objects to the Definitions as follows:

a. Laguna Candles objects to the definitions of "YOU" and "YOUR" in paragraph 5 of the Definitions to the extent they purport to include "any of its employees, agents, persons or entities acting on behalf, or on behalf of any such division or subsidiary, whether individually or collectively and/or all persons or entities acting in concert with it or under its direction and control" on the grounds that: (1) the definition is vague and ambiguous; and (2) the definition is compound, overly broad, unduly burdensome, and beyond the scope of permissible discovery under the Federal Rules of Civil Procedure.

5. Laguna Candles' production of any information and/or documents is not a waiver of any of the objections set forth herein, or an admission or acknowledgement that such information and/or documents are relevant to the subject matter of this action. Further, these responses are without prejudice to, and not a waiver of: (a) Laguna Candles' right to contend at trial, or at any other proceeding in this action, that such information and/or documents are inadmissible, irrelevant, immaterial or not a proper basis for discovery; and (b) any objection by Laguna Candles to any future use of such information and/or documents that Flame & Wax, Inc. may attempt to make.

6. Laguna Candles' responses herein are based on facts presently known to Laguna Candles, and represent a diligent and good faith effort to comply with the Interrogatories. Laguna Candles' discovery and investigation into the matters specified is continuing. Accordingly, Laguna Candles reserves its right to supplement, alter or change its responses and objections to the Interrogatories, and to produce additional responsive information and/or documents, if any, that Laguna Candles had in its possession, custody or control at the time the Requests were propounded. Furthermore, Laguna Candles reserves the right at trial, or at any other proceeding in this action, to rely on documents, evidence and other matters in addition to the information and/or documents produced in response to these Interrogatories, whether or not such documents, evidence or other matters are newly discovered, or are now in existence but have not been located despite diligent and good faith efforts.

7. Laguna Candles objects to each and every Request to the extent that the Request requires disclosure of information and/or documents which were prepared, generated, or received in anticipation of or after the commencement of this litigation, or are protected from discovery under the attorney-client privilege and/or attorney work product doctrine. Without limitation, Laguna Candles will not produce and/or furnish any information reflecting, in any manner, the mental impressions, conclusions, opinions, legal theories or other work product of his counsel.

8. Laguna Candles objects to each and every Interrogatory to the extent that it calls for information which is irrelevant to the subject matter involved in the pending action and/or not reasonably calculated to lead to discovery of relevant evidence.

9. Laguna Candles, in responding, answering, or objecting to each and every Interrogatory, does not concede the relevancy and/or materiality of any of those items. Any response, answer, or objection by Laguna Candles is expressly subject to and does not waive:

(a) All objections concerning the competency, relevancy, materiality, confidentiality and/or admissibility as evidence for any purpose, of any of the responses given or documents provided, in any subsequent proceeding including the trial of this action or any other action;

(b) The right to object to any discovery proceeding involving or relating to the subject matter of the requests for admission; and

(c) The right, at any time, to amend, alter, revise, clarify, delete, withdraw, and/or supplement any of the responses, answers, and/or objections set forth herein.

RESPONSES TO DEFENDANT'S FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 1

[REDACTED]

RESPONSE TO INTERROGATORY NO. 1

[REDACTED]

[REDACTED]

INTERROGATORY NO. 2

[REDACTED]

RESPONSE TO INTERROGATORY NO. 2

[REDACTED]

INTERROGATORY NO. 3

[REDACTED]

RESPONSE TO INTERROGATORY NO. 3

[REDACTED]

INTERROGATORY NO. 4

[REDACTED]

RESPONSE TO INTERROGATORY NO. 4

[REDACTED]

INTERROGATORY NO. 5

State the wholesale, retail, and other channels of trade in the United States through which YOUR goods bearing YOUR LAGUNA CANDLES trademark are/were offered, distributed,

and/or sold, including without limitation the identity of all retail locations, from the date of claimed first use until the present.

RESPONSE TO INTERROGATORY NO. 5

Laguna Candles incorporates by reference each of its general objections listed above. Subject to and without waiving such objections Laguna Candles responds as follow:

Complexion Day Spa
12201 Seal Beach Blvd
Seal Beach, CA 90704

California Style
23811 Aliso Creek Rd. #111
Laguna Niguel, CA 92677

Montage Resort
30801 South Coast Hwy.
Laguna Beach, CA 92651

Coast Hardware
Laguna Beach, CA 92651

Laguna Drugs
Broadway
Laguna Beach, CA 92651

Marriot Laguna
25135 Park Lantern
Dana Point, CA 92629

Marriot Renaissance Hotel
Aliso Viejo, CA 92656

Spa Gregory's LLC
200 Newport Center Drive
Suite #100
Newport Beach, CA 92660

The Grand Del Mar
5300 Grand Del Mar Court
San Diego, CA 92130

INTERROGATORY NO. 6

[REDACTED]

RESPONSE TO INTERROGATORY NO. 6

[REDACTED]

INTERROGATORY NO. 7

[REDACTED]

RESPONSE TO INTERROGATORY NO. 7

[REDACTED]

INTERROGATORY NO. 8

[REDACTED]

RESPONSE TO INTERROGATORY NO. 8

[REDACTED]

[REDACTED]

INTERROGATORY NO. 9

[REDACTED]

RESPONSE TO INTERROGATORY NO. 9

[REDACTED]

INTERROGATORY NO. 10

[REDACTED]

RESPONSE TO INTERROGATORY NO. 10

[REDACTED]

INTERROGATORY NO. 11

[REDACTED]

RESPONSE TO INTERROGATORY NO. 11

[REDACTED]

INTERROGATORY NO. 12

[REDACTED]

RESPONSE TO INTERROGATORY NO. 12

[REDACTED]

INTERROGATORY NO. 13

[REDACTED]

RESPONSE TO INTERROGATORY NO. 13

[REDACTED]

INTERROGATORY NO. 14

[REDACTED]

RESPONSE TO INTERROGATORY NO. 14

[REDACTED]

INTERROGATORY NO. 15

[REDACTED]

RESPONSE TO INTERROGATORY NO. 15

[REDACTED]

INTERROGATORY NO. 16

[REDACTED]

RESPONSE TO INTERROGATORY NO. 16

[REDACTED]

INTERROGATORY NO. 17

[REDACTED]

RESPONSE TO INTERROGATORY NO. 17

[REDACTED]

INTERROGATORY NO. 18

[REDACTED]

RESPONSE TO INTERROGATORY NO. 18

[REDACTED]

INTERROGATORY NO. 19

[REDACTED]

RESPONSE TO INTERROGATORY NO. 19

[REDACTED]

[REDACTED]

INTERROGATORY NO. 20

[REDACTED]

RESPONSE TO INTERROGATORY NO. 20

[REDACTED]

INTERROGATORY NO. 21

[REDACTED]

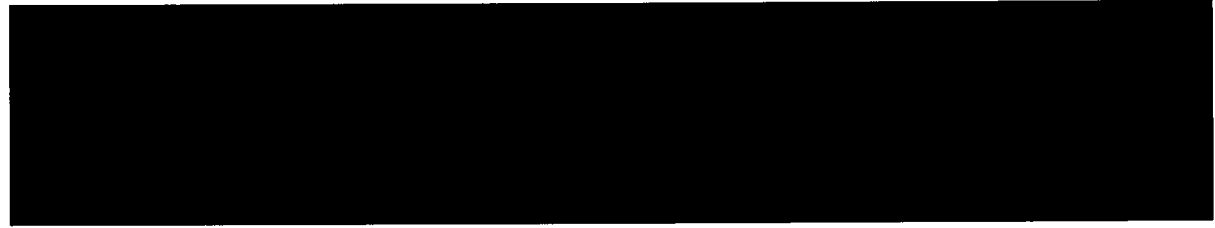
RESPONSE TO INTERROGATORY NO. 21

[REDACTED]

INTERROGATORY NO. 22



RESPONSE TO INTERROGATORY NO. 22



Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin M. Welch".

Dated: November 21, 2011

By: _____

Kevin M. Welch

THE LAW OFFICE OF KEVIN M. WELCH
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Hermosa Beach, CA 90254
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Attorney for Applicant
LAGUNA CANDLES

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the forgoing APPLICANT LAGUNA CANDLES' RESPONSE TO OPPOSER FLAME & WAX, INC.'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS have been served upon Opposer FLAME & WAS, INC., U.S. First Class Mail, postage prepaid, on November 21, 2011 at the following address:

Dated: November 21, 2011

By: _____



Kevin M. Welch

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LAGUNA CANDLES