

ESTTA Tracking number: **ESTTA522403**

Filing date: **02/19/2013**

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

Proceeding	91202514
Party	Defendant Tommy Lee Jr. Brown
Correspondence Address	TOMMY LEE BROWN JR 204 CHOKE CHERRY S RICHLANDS, NC 28574 8291 UNITED STATES scholasticdreams@gmail.com
Submission	Other Motions/Papers
Filer's Name	TOMMY LEE BROWN JR
Filer's e-mail	SCHOLASTICDREAMS@GMAIL.COM
Signature	/TOMMY LEE BROWN JR/
Date	02/19/2013
Attachments	APPLICANT SUPPLEMENTAL PRE-TRIAL DISCLOSURES - (Serial No. 85260580).pdf (13 pages)(3492447 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P. O. Box 1451
Alexandria, VA 22313-1451

Date: February 19, 2013
Opposition No. 91202514
Serial No. 85260580

Scholastic Dreams – Life Is What You Make Of It
BROWN, TOMMY LEE JR.
BROWN, TOMMY LEE JR.
204 CHOKECHERRY SOUTH
RICHLANDS, NC 28574-8291
scholasticdreams@gmail.com

**Scholastic Dreams – Life Is What You Make Of It
(Applicant)**

v.

Scholastic Inc. (Opposer)

Mary Sotis
Frankfurt Kurnit Klein & Selz PC
488 Madison Avenue
New York, NY 10022

ESTTA44065B

APPLICANT’S SUPPLEMENTAL PRETRIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure (“FRCP”), Rule 401.02 of Trademark Manual of Board Procedure (“TMBP”), the Applicant, Scholastic Dreams, hereby provides the following information and supplements its supplemental disclosures for trial. In accordance with the FRCP and TMBP, the Applicant understands that a party is not obligated to disclose the name of every witness, document or thing that may have or contain discoverable information about its claim or defense, but merely the witnesses, documents and things having or containing discoverable information that the disclosing party may use to support its claims or

defenses, and reserves the right to supplement any portion of this disclosure statement with additional information.

Applicant's Supplemental Answers To Interrogatories Requested By Opposer

In response to emails and correspondence sent by the Opposer to the Applicant, the Applicant would like to address concerns addressed to the board in relation to timely response to the Opposer and USTPO board. The Applicant acknowledges the following:

1. The Applicant acknowledges receipt of Opposer's emails to Scholastic Dreams secure Gmail email account, but was unable to access secure emails because the company computer needed repair.. The Applicant acknowledges that Applicant had limited to no access to secure company emails from Opposer from December 25, 2012 to January 13, 2013. The Applicant primary contact with the Opposer was via U.S. Mail, and access to electronic files related to Trademark Application was limited. On or about January 13, 2013, the Applicant reestablished email access to secure emails and has made proactive efforts to comply with the USTPO deadlines (Exhibit A).

2. Answering Opposer's Interrogatory 1 to Applicant, the Applicant identified the documents business cards, Scholastic Dreams website, Scholastic Dreams Facebook website, and scholarship information requested by client. The business card and websites are identified on (Exhibit B & Exhibit E).

3. Answering Opposer's Interrogatory 2 to Applicant, documents which Applicant will rely to establish the date of first official use of Applicant's Mark business cards, Scholastic Dreams website, and Scholastic Dreams Facebook website was developed overtime from the inception of the company on May 2008. Applicant's websites and business cards were developed from date of inception. Items listed below were previously submitted to the Opposer and USTPO board as "Additional Material on Initial Disclosure" filed on April 14, 2012:

Pursuant to Trademark Rule 401.02 (b), Scholastic Dreams (Applicant) is providing the a description by category and location of all documents electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defense. The information is categorized below:

Scholastic Dreams Documentation

- SCHOLASTIC DREAMS CLIENT DATA SHEET – Electronic data sheets are stored in secured Google GMAIL account, business computer, and posted on the Scholastic Dreams website. Copies of data sheets are stored in a secured black file cabinet at address of Scholastic Dreams (Applicant).
- SCHOLASTIC DREAMS CLIENT ACCOUNTABILITY ROSTER – Scholastic Dreams Client Accountability Roster is maintained on the business computer.
- GMAIL Emails - Electronic emails are stored in a secured Google GMAIL account. Copies of emails are stored in a secured black file cabinet at address of Scholastic Dreams (Applicant). Hosted on the Google website, GMAIL “IS SET TO USE THE ‘ALWAYS USE HTTPS’ SETTING BY DEFAULT’ to prevent non-secure Internet connection or hijacking.
- Payments For Services – The Applicant uses credit card services through “PAYPAL”, a reputable, leading global online payment company used to provide secure payment of Applicant services and products. Taxes information is filed electronically and mailed via instruction from the NC IRS website and IRS.
- Scholastic Dreams Brochures & Business Cards – Electronic version of Scholastic Dreams Brochures and Business Cards are stored in secured Google GMAIL account, business computer, and posted on the Scholastic Dreams website. Copies of data sheets are stored on the bookshelf at address of Scholastic Dreams (Applicant).

Custody and Control of Sensitive Documentation

- Scholastic Dreams Webpage – Access to Scholastic Dreams is limited only to the owner and founder of Scholastic Dreams (Applicant).
- SCHOLASTIC DREAMS CLIENT ACCOUNTABILITY ROSTER – Access to Scholastic Dreams Client Accountability Roster is limited only to the owner and founder of Scholastic Dreams (Applicant).
- Business Computer – Access to Business Computer is limited only to the owner and founder of Scholastic Dreams (Applicant). The Business Computer is located at the address of Scholastic Dreams (Applicant).

- Black File Cabinet – Access to black file cabinet is limited only to the owner and founder of Scholastic Dreams (Applicant). The key to Black File Cabinet is maintained in the safe. Access to the safe is limited only to the owner and founder of Scholastic Dreams (Applicant).
- GMAIL Emails – Access to GMAIL Emails is limited only to the owner and founder of Scholastic Dreams (Applicant). Hosted on the Google website, GMAIL “IS SET TO USE THE ‘ALWAYS USE HTTPS’ SETTING BY DEFAULT” to prevent non-secure Internet connection or hijacking.
- PAYPAL Account - Access to PAYPAL account is limited only to the owner and founder of Scholastic Dreams (Applicant). PAYPAL is a reputable, leading global online payment company used to provide secure payment of Applicant services and products.
- Destruction of Copy Files – Electronic files are maintained permanently. Copies of electronic files maintained in secure black file cabinets are retained for (3) years, then destroyed with a level 4 cross-cut shredder.

4. Answering Opposer’s Interrogatory 3 to Applicant, the Applicant stated that Scholastic is aware of the use of the “SCHOLASTIC” by the Opposer Scholastic Inc. The Applicant had no awareness that the mark Scholastic Dreams – Life Is What You Make Of It” was used by any organization or entity. Trademark Disclaimer is posted on the Scholastic Dreams website and Scholastic Dreams Facebook website for consumers to avoid misleading or confusion as to the service provided by the Applicant.

5. Answering Opposer’s Interrogatory 9 to Applicant, the Applicant acknowledges request for each party to make communication, persons in each communication, and identify of persons of each communication, and substance between the Opposer and Applicant will be discussed during the USPTO trial proceedings. The reason for this request is just in that both parties fail to find a resolution to resolve any issue. The Opposer has made an accusation the Applicant purpose is to deceive the company. It is the duty of the CEO and founder of Scholastic Dreams, Applicant, to defend such claims and proceed with this case. The Applicant notifies the

USTPO board that Applicant has limited resources and is unable to receive legal counsel in the similar position as of the Opposer. The Applicant has chosen to represent itself in this case.

6. Answering Opposer's Interrogatory 10(b) to Applicant, refused to list the total sales of persons serviced by the Applicant to protect the name, class, location, or identity of cliental serviced by Applicant. The Applicant stated the following in Interrogatory (10): "Applicant will not disclose any information that identifies the name, class, location, or identity of cliental who request the services of Scholastic Dreams. Scholastic Dreams protects and respects the rights of cliental, and has contractual agreement with each client which supports this face. The Applicant will disclose the following services offered or provided by Applicant in commerce in the United States under Applicant's mark, and for each product or service state:" b. On the Scholastic Dreams company and Facebook websites, we post the following statement. "YOU PAY NOTHING UPFRONT! We locate the scholarships! You only pay for the scholarships that match your profile! That's all!" Scholastic Dreams will not provide individual sales and identity of cliental to remain in compliance with the privacy agreement made with cliental. Scholastic Dreams will disclose the cost of services posted on the Scholastic Dreams company website:

PLAN "A" - (TRAIN CLIENT TO BECOME SELF-RELIANT IN FINDING SCHOLARSHIPS) \$25.00

PLAN "B" - (RESEARCH AND LOCATES 10 QUALIFIED SCHOLARSHIPS FOR CLIENT) \$100.00

PLAN "C" - (RESEARCH AND LOCATES 20 QUALIFIED SCHOLARSHIPS FOR CLIENT) \$150.00

PLAN "D" - (RESEARCH AND LOCATES 30 QUALIFIED SCHOLARSHIPS FOR CLIENT) \$200.00

7. Answering Opposer's Interrogatory 10(d) to Applicant, the Applicant acknowledges that service is provided to all cliental who wish to received assistance. The Applicant acknowledges that "Free Services" were provided to cliental from 2008 to 2010. The Applicant acknowledges that from 2011 to present, services have been provided to cliental who reside in the United States.

8. Answering Opposer's Interrogatory 12 to Applicant, the Applicant wants to "clearly" acknowledge that the Applicant was unaware that the Opposer had jurisdiction of the word "Scholastic" to include anything outside of the words "Scholastic Inc." The Applicant "clearly" acknowledges that the Applicant was unaware the Opposer "Scholastic Inc." had ownership to the word "Scholastic" to include any literature that included the word in a slogan, phrase, motto, or alternative literature. The Applicant is only aware of the existence of the Opposer "Scholastic Inc." and its ownership to the Opposer's namesake.

9. Answering Opposer's Interrogatory 20 to Applicant, the Applicant acknowledges that the expert witness to testify is the Applicant. In this correspondence, the Applicant previously acknowledged in "Line 5 of the Applicant Supplemental Pretrial Disclosures to Opposer" that the Applicant "has limited resources and is unable to receive legal counsel in the similar position as of the Opposer. The Applicant has chosen to represent itself in this case." The reason the Applicant has chosen himself to represent this case is because the "expert witness" is familiar with all operations relative to the organization of the Applicant's organization, Scholastic Dreams.

10. Answering Opposer's Interrogatory 22 to Applicant, the Applicant "clearly" acknowledged in "Line 22 Answering Opposer's Interrogatory 22 to Applicant" that "the Applicant is the individual who prepared the answers given in response to the Interrogatories. The Applicant has relied solely on references provided by the USPTO website, and documentation presented in correspondence to the Applicant.

Conclusion

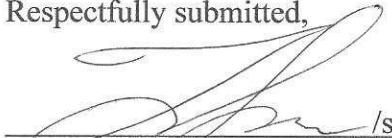
In respect to these proceedings, the Applicant has made a conscious effort to provide necessary documentation for USPTO and board proceedings. The Applicant has made a good faith effort to resolve this issue to allow the Applicant's organization to serve the community in a

fair and just manner. The request the board maintain board proceedings to resolve issues related to this case between the Applicant and Opposer.

In response to correspondence from the board, correspondence from Scholastic Inc (Opposer), and pursuant to Trademark Rule 2.119 (a), Scholastic Dreams (Applicant) certify that proof of service will be forward to Scholastic Inc. (Opposer).

WHEREFORE, in consideration of the foregoing, the respectfully request that this Court dismiss both the suspension of proceedings and opposition filed by the Scholastic Inc. (Opposer), and that the Applicant's mark, Scholastic Dreams – Life Is What You Make Of It, be registered as requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tommy Lee Brown Jr.', written over a horizontal line. To the right of the signature is a small handwritten mark that looks like '/s/'.


Tommy Lee Brown Jr.
CEO & Founder
Scholastic Dreams
"Life Is What You Make Of It"
204 Chokecherry South
Richlands, North Carolina 28574-8291

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February, 2013, I caused a copy of the foregoing submission to be served, by the means indicated below, upon:

VIA FIRST CLASS MAIL

Mary Sotis
Frankfurt Kurnit Klein & Selz PC
488 Madison Avenue
New York, NY 10022


Tommy Brown/
Tommy Brown

Transaction Detail

Account Number: ####-####-####-0117 (BROWN8675309)

HELP **PRINT**

Cardholder: TOMMY L BROWN JR

[Return to Transaction List](#)[Dispute this Transaction](#)**Merchant Information**

Merchant Name: ONSITE COMPUTER SERV INC

City, State/Province: [REDACTED]

Post Date	Trans. Date	Reference #	MCC Code	MCC Description	Amount
01/13/2013	01/12/2013	[REDACTED]	5732	Electronics Sales	\$317.60

Transaction Type: Purchase

Original Account #: [REDACTED]

Expense Category: Household

Memo:

Change Expense Category: Household

Add/Change Memo:

Memo is limited to 64 characters

(Exhibit A)

Tommy Brown
Scholarship & Education Consultant
Doctoral Studies, University of Phoenix

SCHOLASTIC DREAMS
"Life Is What You Make Of It"



Phone: (910) 934-2354 (cell)
scholasticdreams@gmail.com
Facebook: Scholastic Dreams
<https://sites.google.com/site/scholasticdreams>

Exhibit B

Scholastic Dreams website

<http://www.scholasticdreams.net/>

Scholastic Dreams Facebook website

<http://www.facebook.com/ttone8675309#!/pages/Scholastic-Dreams/102741869791540>

EXHIBIT C

http://www.scholasticdreams.net/ Tommy Brown scholasticdreams.net

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Search

Scholastic Dreams

- Consultation
- Products & Services
- The Founder's Bio
- Areas of Expertise
- Lifelong Learning
- Mentorship & Seminars
- Pell Grants & Scholarships
- State Resources
- Contact Us
- How Does The Program Work?
- Make A Payment
- Organizations We Support
- Our Goal!!!
- Virtual Documents
- Sitemap
- Recent site activity

Scholastic Dreams

scholasticdreams.net provides college scholarship & educational assistance for students with a promising future.

"YOU PAY NOTHING UPFRONT!"

We locate the scholarships!

You can't pay for the scholarships that match your profile!

That's all!

Welcome to Scholastic Dreams!

The community site designed to improve the quality of life for everyone!

Mission Statement

Mission is to provide scholarly assistance & education consultation to undergraduate and graduate students pursuing a degree or certificate of higher learning.

Vision Statement

Vision is to improve the quality of life for everyone!

Find us on Facebook

Click on the words: **Scholastic Dreams**

Member of North Carolina Sheriff's Association
&
Member of Jacksonville-Onslow Chamber of Commerce

Right Perspective is Key to Good Decision Making

Tommy Brown
Founder of Scholastic Dreams

Jacksonville - Onslow
CHAMBER OF COMMERCE
MEMBER 2011-12

TRADEMARK DISCLAIMER

Scholastic Dreams® is a registered trademark of Tommy Brown. All other trademarks are the property of their respective owners. Scholastic Dreams® is not affiliated with, nor does it endorse, any specific educational institution or program. Scholastic Dreams® is not responsible for any actions taken by users of the website. Scholastic Dreams® is not responsible for any actions taken by users of the website. Scholastic Dreams® is not responsible for any actions taken by users of the website.

Windows taskbar: scholasticdreams.n... 5 Microsoft Offic... Documents PRE-TRIAL DISCLO... Finance

EXHIBIT D

Search for people, places and things

Tommy Brown Voice Home

You are posting, commenting, and liking as Scholastic Dreams — Change to Tommy Brown



ads not by this site

Create Page

See Your Ad Here

Scholastic Dreams



SCHOLASTIC DREAMS - "Life Is What You Make Of It!" We specialize in providing scholarship assi...

Like · Tommy Brown likes this.

Get More Likes

About

SCHOLASTIC DREAMS - "Life Is What You Make Of It!" We specialize in providing scholarship assistance & education consultation to undergraduate and graduate learners pursuing a degree at an institution of higher learning. Contact us now!!!

Mission

Mission statement is to provide scholarship assistance & education consultation to undergraduate and graduate learners pursuing a degree at an institution of higher learning.

Company Overview

scholasticdreams@gmail.com

Tommy Brown - Scholarship & Education Consultant

Welcome to the Scholastic Dreams Facebook Page - a community designed to improve the quality of life for everyone!

Scholastic Dreams was founded by Tommy Brown, a native of Sweetwater, Texas. Doctoral Studies and 23 year veteran of the United States Marine Corps, Tommy Brown focused his strengths toward helping others obtain a scholarship to attend an institution of higher learning.

Description

How does the Scholastic Dreams Program Work? It's simple!!

"YOU PAY NOTHING UPFRONT! "

We locate the scholarships! You pay only for the scholarships matching your profile! That's all!

Member of Jacksonville-Onslow Chamber of Commerce.

TRADEMARK DISCLAIMER

Scholastic Dreams (™) is a privately-owned company, and is not affiliated with any organization(s) using Scholastic in the organization name, or subsidiary company affiliated with products and services with Scholastic. Scholastic Dreams retains a nonexclusive, right to publish or reproduce documents for Scholastic Dreams purpose. Individual documents on this server may have different copyright conditions, and that will be noted in those documents.

Basic Info

Founded May 2008

Products Scholastic Dreams provides consultation on the following topics:

- **Scholarships
- **Pell Grants
- **Lifelong Learning
- **State Resources

Contact Info

Email scholasticdreams@gmail.com

Website http://www.scholasticdreams.net/

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ads not by this site

Exhibit E

Chat (Off)