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

Proceeding	91224580
Party	Plaintiff Andre Young
Correspondence Address	JAMES D WEINBERGER Fross Zelnick Lehrman & Zissu, P.C. 4 Times Square, 17th Floor New York, NY 10017 UNITED STATES jweinberger@fzlz.com, eweiss@fzlz.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	James D. Weinberger
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Signature	/s/ James D. Weinberger
Date	05/01/2017
Attachments	Opposers Notice of Reliance on Discovery Responses and exhibit DR8.PDF(424619 bytes )

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

ANDRE YOUNG,

Opposer,

-against-

DRAION M. BURCH DO, LLC,

Applicant.

Consolidated Proceedings

Opposition No. 91224580

Opposition No. 91226572

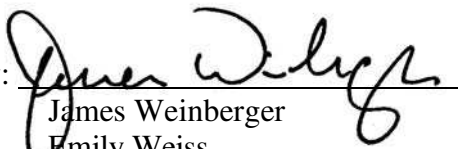
**OPPOSER'S NOTICE OF RELIANCE ON DISCOVERY RESPONSES**

Pursuant to Rule 2.120(k) of the Trademark Rules of Practice and Section 704.10 of the Trademark Trial and Appeal Board Manual of Procedure, Opposer Andre Young ("Opposer") hereby makes of record and notifies Applicant Draion M. Burch Do, LLC ("Applicant") of his reliance on Applicant's responses to Opposer's Interrogatory Nos. 1, 6, 8, 13, and 22, dated September 19, 2016, a true and correct copy of which is attached hereto as **Exhibit DR8**.

Dated: New York, New York  
May 1, 2017

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By:



James Weinberger  
Emily Weiss

4 Times Square, 17th Floor  
New York, New York 10036  
(212) 813-5900

*Attorneys for Opposer*

# **EXHIBIT DR8**

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

Andre Young,	§	
	§	
Opposer,	§	Opposition No. 91/224,580
	§	Opposition No. 91/226,572
v.	§	
	§	
Draion M. Burch DO,	§	
	§	
Applicant.	§	

**APPLICANT DRAION M. BURCH DO'S RESPONSES TO OPPOSER ANDRE YOUNG'S  
FIRST SET OF INTERROGATORIES**

Draion M. Burch DO ("Applicant") hereby responds to Opposer Andre Young's First Set of Interrogatories.

Applicant incorporates the general objections set forth in its Response to Opposer's First Request for Production of Documents.

**RESPONSES**

1. Describe in detail the development and selection of Applicant's Marks, including, but not limited to, Applicant's reason(s) for selecting Applicant's Marks, and the derivation and any meaning of Applicant's Marks.

**Response:**

Applicant objects to this Interrogatory as being overly burdensome to describe in detail the development and selection of Applicant's Marks. Notwithstanding the above objection, Applicant's Marks incorporate a shortened version of his name with his title that indicates his medical degree.

6. Identify in detail the geographical locations (e.g. states, cities) within the United States where goods and services in connection with Applicant's Marks are offered for sale or marketed, or where Applicant plans to offer them for sale or market them in the future.

**Response:**

Applicant's products and services are accessible nationwide and worldwide.

8. For each separate product or service in connection with which Applicant has used Applicant's Marks, describe in detail how Applicant has publicized Applicant's Marks in the United States, including, but not limited to, advertising, marketing, and promotional activities. Where, applicable, the response should include each type of media (e.g., newspapers, television) and media outlet (e.g., The New York Times, CBS) through which such activity has been conducted.

**Response:**

Applicant objects to this Interrogatory in that it is overly burdensome to describe in detail Applicant's marketing efforts. Notwithstanding the above objection, Applicant has promoted his mark by social media marketing and social media ads, media such as television, radio and print media outlets.

13.

(a) Identify all opinions, search reports, or other communications concerning your right to register Applicant's Marks or the existing of possible conflicting marks; and

(b) Set forth all opinions concerning your right to register Applicant's Marks or the existence of possible conflicting marks.

**Response:**

Applicant objects to this Interrogatory as these communications are protected by attorney client privilege. Notwithstanding this objection, there are no such reports or opinions.

22. When did you decide to use DR. DRAI as a name for a media personality?

**Response:**

Applicant objects to this Interrogatory in that it is vague as to the nature of the word “use” and “decide” and calls for a legal conclusion regarding the trademark definition of “use” and “decide.” Notwithstanding the above objections, Applicant’s Marks incorporate a shortened version of his name or his nickname with his title that indicates his medical degree as applicant notes that media doctors such as Dr. Phil and Dr. Travis use their first name or an abbreviation of their first name.



CERTIFICATION

I, Dr. Draion Burch, hereby certify that the above answers to interrogatories are true and correct to the best of my knowledge and belief. The legal objections and legal contentions stated in response to the above interrogatories have been provided by my attorneys.

Date: 09/19/2016

By: *Dr. Draion Burch (Dr. Dra)*

AS TO OBJECTIONS:

Date: September 19, 2016

By:

/ahc/  
Andrea H. Evans, Esq.  
14625 Baltimore Avenue , #853  
Laurel, Maryland 20707  
Attorneys for Applicant

ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Response to Opposer's Interrogatories to Applicant was served on the counsel of record for Opposer this \_\_19th\_\_ day of \_\_September\_\_ 2016:

James D. Weinberger, Esq.  
Emily Weiss, Esq.  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza  
New York, New York 10017

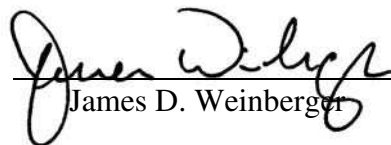
By:

\_\_\_\_\_/ahe/\_\_\_\_\_  
Andrea H. Evans, Esq.  
14625 Baltimore Avenue , #853  
Laurel, Maryland 20707  
Attorneys for Applicant

ATTORNEYS FOR APPLICANT

**CERTIFICATE OF SERVICE**

I hereby certify that on May 1, 2017, a copy of the foregoing **OPPOSER'S NOTICE OF RELIANCE ON DISCOVERY RESPONSES** was sent by email to counsel for Applicant, Andrea H. Evans, at [andrea.evans@evansiplaw.com](mailto:andrea.evans@evansiplaw.com).

  
James D. Weinberger