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

Proceeding	91231050
Party	Plaintiff Globefill Incorporated
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Submission	Motion to Compel Discovery or Disclosure
Filer's Name	Jessica H. Watkins
Filer's email	jwatkins@bakerlaw.com, jweber@bakerlaw.com, bhipdocket@bakerlaw.com
Signature	/Jessica H. Watkins/
Date	12/11/2017
Attachments	Opposer Renewed Motion to Compel.pdf(227348 bytes ) Globefill Renewed Motion to Compel_ Exhibit A.pdf(712365 bytes ) Globefill Renewed Motion to Compel_ Exhibit B.pdf(763490 bytes ) Globefill Renewed Motion to Compel_ Exhibit C.pdf(779249 bytes )

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

Globefill Incorporated,

Opposer,

v.

David Hodge and Thomas Dominic Russo Jr.,

Applicants.

Opposition No.: **91231050**

Application Serial No.: **85560722**

Mark: Design

**OPPOSER'S RENEWED MOTION TO COMPEL DISCOVERY RESPONSES AND  
REOPEN OPPOSER'S DISCOVERY PERIOD**

Globefill Incorporated (“Opposer” or “Globefill”), by and through its undersigned attorneys, pursuant to Fed. R. Civ. P. 37(a) and 37 C.F.R. § 2.120(f), respectfully moves the Board to compel David Hodge and Thomas Dominic Russo Jr. (hereinafter, “Applicants”) to produce responses to Globefill’s First Set of Interrogatories and First Requests for Production of Documents, and to reopen the discovery period as to Globefill only, to allow Globefill the opportunity to conduct follow-up discovery.

Globefill served its First Set of Interrogatories, First Requests for Production of Documents, and First Set of Requests for Admission on September 19, 2017. Ex. A. Responses to Globefill’s discovery requests were due on October 19, 2017. Applicants provided no substantive responses. On October 30, 2017, counsel for Globefill wrote to counsel for Applicants, pointing out Applicant’s complete silence and seeking full responses. Ex. B. Counsel for Globefill made an attempt to amicably resolve the issue, inquiring as to whether there were any extenuating circumstances preventing Applicants from responding. *Id.* Counsel for Globefill did not receive a response to that email, nor any communications from counsel for Applicants. On December 6, 2017, counsel for Globefill again reached out to counsel for

Applicants, requesting responses to Globefill's discovery requests by the close of business on December 11, 2017. Ex. C. Counsel for Globefill did not receive a response to that communication, either. Counsel for Globefill has attempted to resolve this issue in good faith and without the Board's involvement, but has been met with Applicants' silence.

Based on the foregoing, Globefill respectfully requests an Order to Compel complete responses to its First Set of Interrogatories and First Requests for Production of Documents without objection, and reopening Globefill's discovery period.

Respectfully submitted,

**Globefill Incorporated**

Dated this 11<sup>th</sup> day of December 2017

By:

*/Jessica H. Watkins/*

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Jessica H. Watkins  
**BAKER HOSTETLER LLP**  
Washington Square  
1050 Connecticut Avenue, N.W. | Suite 1100  
Washington, DC 20036  
Tel: 202.861.1500  
Fax: 202.861.1783  
jweber@bakerlaw.com,  
jwatkins@bakerlaw.com  
bhipdocket@bakerlaw.com

*Attorneys for Opposer*

**Statement Pursuant to Fed. R. Civ. P. 37**

Undersigned counsel has made a good faith effort to resolve the matters set forth in this Motion, as shown by those communications sent to counsel for Applicants in Exhibits B and C.

Respectfully submitted,

**Globefill Incorporated**

Dated this 11<sup>th</sup> day of December 2017

By:

*/Jessica H. Watkins/*

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**BAKER HOSTETLER LLP**  
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*Attorneys for Opposer*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 11<sup>th</sup> day of December 2017, a true and correct copy of the foregoing OPPOSER'S RENEWED MOTION TO COMPEL DISCOVERY RESPONSES AND REOPEN OPPOSER'S DISCOVERY PERIOD was served on Applicants via email to:

Bradley K. DeSandro  
DESANDRO LAW GROUP PLLC  
9635 North Seventh Street, PO Box 26262  
Phoenix, AZ 85068-6262  
Tel: (602) 753-0323  
Email: brad@desandrolawgroup.com

*/Jessica H. Watkins/*  
\_\_\_\_\_  
Jessica H. Watkins

# EXHIBIT A

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

GLOBEFILL INCORPORATED,

Opposer,

v.

THOMAS RUSSO JR.

and

DAVID HODGE

Applicants.

Opposition No.: **91231050**

Application Serial No.: **85560722**

Mark: Miscellaneous Design

*Atty Dkt. No. 045275.020006*

**OPPOSER'S INTERROGATORIES TO APPLICANTS**

Globefill Incorporated (“Globefill” or “Opposer”), pursuant to Rule 26 and Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice hereby requests that Thomas Russo Jr. and David Hodge (collectively “Applicants”) answer the following interrogatories separately and fully in writing under oath by an officer or agent of Applicants. Each separately numbered or sub-part of each interrogatory requires a separate answer thereto. Furthermore, these Interrogatories shall be deemed to be continuing to the fullest extent permitted by the Federal Rules of Civil Procedure and Applicants shall provide Opposer with any supplemental answers and additional information that is requested herein which shall become available to Applicants at a later date.

## DEFINITIONS

1. "Opposer" shall mean Globefill, its licensees, and any subsidiaries, affiliates, predecessors, successors, parents, divisions, persons or entities acting for or on its behalf, whether in existence now or at any time.
2. "Applicants" shall mean Thomas Russo Jr. and David Hodge (either collectively or individually).
3. The term "Applicants' trade dress" refers to the design as applied for in U.S. Application Ser. No. 85560722.
4. The term "Opposer's trade dress" refers to the design as registered in U.S. Trademark Registration No. 4043730.
5. "Document" is defined to be synonymous in meaning and equal in scope to the usage of the term in Rule 34(a) of the Federal Rules of Civil Procedure and includes computer records in any format. By way of further explanation, "document(s)" shall mean all non-identical copies of material of every kind and description which are recorded by hand-writing, printing, typing, photographing, photostatting, graphic representation, mechanical, electronic, magnetic, or any other means of recording, any form of communication, information or representation, including letters, words or numbers or their equivalent, or data compilations of any sort whatsoever. The term "document(s)" is therefore defined to include, among other things, information stored on electronic media, videotapes, motion pictures, computer data, and any other electronic, mechanical or magnetic records or representations of any kind including without limitation all tapes, cassettes, magnetic, optical or other discs, magnetic cards, e-mail, and recordings. A draft or non-identical copy is a separate document



within the meaning of this term.

6. “Communication” or “communications” means any oral, written or electronic utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, any documents, correspondence, letters, facsimiles, e-mails, text messages, voice recordings, video recordings, voicemail, instant messages, conversations, dialogues, discussions, interviews, conferences, meetings, consultations, agreements, and other understandings or exchanges between or among two or more people.
7. “Person” as used herein means any natural person or any entity, including, without limitation, any individual, public company, private company, firm, corporation, limited liability company, joint venture, trust, proprietorship, tenancy, association, partnership, business, agency, department, governmental body, bureau, board, commission, or any other form of public or private entity. With respect to an entity, “person” shall include all subsidiaries and affiliates of the entity, as well as the present and former directors, officers, employees, attorneys, agents and anyone acting on behalf of, at the direction of, or under the control of, the entity or its subsidiaries or affiliates.
8. The terms “you” or “your” means Applicants (either collectively or individually).
9. “Relates to” or “relating to” means authorizing, concerning, constituting, comprising, containing, consisting of, connected with, describing, disclosing, discussing, evidencing, explaining, mentioning, pertaining to, proposing, reflecting, regarding, referring to, directly or indirectly, setting forth, showing, or summarizing.
10. Where appropriate:
  - a. use of the singular includes the plural, and vice versa;

- b. the past tense includes the present tense;
- c. the words “and” and “or” are both conjunctive and disjunctive;
- d. the words “all” and “any” mean “any and all”;
- e. the word “including” means “including without limitation”; and use of the masculine includes the feminine, and vice versa.

### **INSTRUCTIONS**

1. Unless otherwise specifically stated in each Interrogatory, the relevant time period shall be the period from January 1, 2012 to the present.
2. Any responsive information not disclosed by reason of a claim of privilege or other basis should be identified in writing by: (a) date; (b) author; (c) recipient; (d) a list of all other persons to whom the contents of the document or thing or the information was disclosed; (e) general subject matter; and (f) the basis upon which it is being withheld pursuant to Rule 26(b)(5).
3. Wherever in the following Interrogatories you are asked to identify documents, it is requested that the documents be identified by stating:
  - a. General type of document, i.e., letter, memorandum, report, etc.;
  - b. Date;
  - c. Author;
  - d. Organization, if any, with which author was connected;
  - e. Addressee or recipient;
  - f. Other distributes;
  - g. Organization, is any, with which the addressee, recipient, or distributes were connected;
  - h. General nature of the subject matter of the document;

- i. Present location of such document and each copy thereof known to you, including the title, index number and location, if any, of the file in which the document is kept by you or the file from which such document was removed for the purposes of this case, and the identity of all persons responsible for filing or other disposition of the document.
4. Wherever in the following Interrogatories you are asked to identify persons, it is requested that the persons be identified by stating:
  - a. Their full name, home and business addresses, if known;
  - b. Their employment, job title or description; and
  - c. If employed by you, their dates and regular places of employment and general duties.
5. Wherever in the following Interrogatories you are asked to identify companies or the response to an Interrogatory would require the identification of a company, it is requested that the company be identified by stating:
  - a. Its full corporate name;
  - b. A brief description of the general nature of its business;
  - c. Its state of incorporation
  - d. The address and principal place of business; and
  - e. The identity of the officers or other person having knowledge of the matter with respect to which the company has been identified.
6. Wherever in the following Interrogatories you are asked to identify a good or product, or the marking used in combination with the product, it is requested that the same be identified by stating the catalog, stock, model, or the like number or designation, the

trademark, name, type, grade, and any other designation customarily used by the party concerned to designate such products, or the like, and to distinguish it from others made by the same or a different producer.

### **INTERROGATORIES**

#### **Interrogatory No. 1:**

Fully describe the nature of Applicants' business or businesses that they operate or intend to operate in association with Applicants' trade dress, including the date on which Applicants first engaged in each such business.

#### **Interrogatory No. 2:**

Identify all steps Applicants have taken to secure a loan(s) from banks or other financial institutions for the purpose of funding or financing the business or business identified in Interrogatory No. 1.

#### **Interrogatory No. 3:**

Identify all steps Applicants have taken to acquire share capital from investors for the purpose of funding or financing the business or businesses identified in Interrogatory No. 1.

#### **Interrogatory No. 4:**

For the product "tequila" as identified in U.S. Application Ser. No. 85560722:

- a. Identify the first use date(s) or intended first use date of Applicants' trade dress in connection with the product;
- b. Identify and describe all sales channels used or intended to be used to sell the product, including the type of sales (e.g. wholesale, retail, direct mail, etc.), the type of retail outlets in which Applicants' tequila is or will be offered for sale to the public, and the names and addresses of any locations at which Applicants'

tequila will be available for purchase, and the state or geographic region where the product has been and/or is expected to be sold and/or advertised;

- c. Identify all means used or intended to be used to market, advertise, and/or promote the product from its first offering for sale through present, including, without limitation, all social media and the names of newspapers, magazines, trade journals, periodicals, or websites in which Applicants have advertised and/or intend to advertise their tequila under Applicants' trade dress;

**Interrogatory No. 5**

Identify each state or local government agency from which Applicants (or anyone acting on their behalf) have sought or intend to seek authorization relating to the distribution and/or sale of tequila in each state or geographic region identified in Interrogatory No. 4(b), and all documents exchanged between Applicants and each such state or local government agency.

**Interrogatory No. 6:**

Identify and fully describe each label considered for use by Applicants in connection with Applicant's trade dress, including the designer of each such label.

**Interrogatory No. 7:**

Identify and fully describe the dimensions and volume of each version of Applicants' trade dress.

**Interrogatory No. 8:**

Identify the manufacturer of Applicants' trade dress.

**Interrogatory No. 9:**

Identify the designer of Applicants' trade dress.

**Interrogatory No. 10:**

State whether Applicants have ever been denied an Alcohol and Tobacco Tax and Trade Bureau (TTB)-issued Certificate of Label Approval (COLA) for any bottle (including, but not limited to, Applicants' trade dress) and/or label intended to be used in connection with Applicants' tequila, and if so, state why.

**Interrogatory No. 11:**

State whether Applicants have ever been denied a Federal Basic Importer's Permit under the Federal Alcohol Administration Act, and if so, state why.

**Interrogatory No. 12:**

Identify all certificates of origin and/or certificates of age that Applicants have obtained from the Mexican Government in compliance with 27 C.F.R. 5.52(c) in order to import tequila into the United States, and if no such certificates have been obtained, state why not.

**Interrogatory No. 13:**

Identify any importers, wholesalers, distributors, retailers, and suppliers that Applicants have contacted and/or communicated with in any way relating to Applicants' trade dress.

**Interrogatory No. 14:**

Identify the location of all physical spaces owned or leased by Applicants and used and/or intended to be used in connection with Applicants' trade dress and/or tequila sold in connection with Applicants' trade dress.

**Interrogatory No. 15:**

Identify any inquiries, investigations, surveys, evaluations, and/or studies conducted by Applicants (or anyone acting on their behalf) with respect to Opposer's trade dress, including the date conducted; the name, address, and title of each person who conducted it; the purpose for

which it was conducted; the findings or conclusions made; and identify any documents which record, refer to, or relate to each such inquiry, investigation, survey, evaluation, or study.

**Interrogatory No. 16:**

Fully describe the circumstances under which Applicants first became aware of Opposer and/or Opposer's trade dress, including the date on which Applicants first became aware of each.

**Interrogatory No. 17:**

Identify any documents and set forth with specificity all facts regarding the selection of Applicants' trade dress including, without limitation, the name, position, and role of each person involved in the decision to adopt, register, and/or use Applicants' trade dress; the date on which Applicants decided to adopt, register, and/or use Applicants' trade dress; the circumstances and method by which Applicants decided to adopt, register, and/or use Applicants' trade dress; and the reasons why any proposed designs, if any, were rejected.

**Interrogatory No. 18:**

Identify by name and address any company, licensee, agent, franchisee, affiliated company, partner, joint venture, or any person or entity that is or is intended to be permitted by Applicants to use Applicants' trade dress in the United States.

**Interrogatory No. 19:**

Fully describe the experience of Applicants in their individual capacities in producing, manufacturing, selling, and/or offering to sell alcoholic beverages in United States commerce, including the names and locations of any breweries, wineries, and/or distilleries with which Applicants have worked, partnered, or collaborated.

**Interrogatory No. 20:**

State the post-high school educational background of Applicants.

**Interrogatory No. 21:**

Identify each person who participated in or supplied information used in answering any of the above Interrogatories and identify each Interrogatory that person participated in answering.

Respectfully submitted,

Globefill Incorporated

Dated this 19th day of September 2017

By:

/John H. Weber/

John H. Weber

BAKER HOSTETLER LLP

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jweber@bakerlaw.com

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*Attorney for Opposer*



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this nineteenth day of September 2017, a true and correct copy of the foregoing Opposer's Interrogatories was served on Applicants' counsel via email, as per the agreement between the parties, to:

Bradley K. DeSandro  
brad@desandrolawgroup.com

*/John H. Weber/*  
\_\_\_\_\_  
John H. Weber

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

GLOBEFILL INCORPORATED,

Opposer,

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THOMAS RUSSO JR.

and

DAVID HODGE

Applicants.

Opposition No.: **91231050**

Application Serial No.: **85560722**

Mark: Miscellaneous Design

*Atty Dkt. No. 045275.020006*

**OPPOSER’S REQUESTS FOR PRODUCTION OF DOCUMENTS TO APPLICANTS**

Globefill Incorporated (“Globefill” or “Opposer”), pursuant to Rule 26 and Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice hereby requests that Thomas Russo Jr. and David Hodge (collectively “Applicants”) produce for inspection and copying the following documents and other tangible things within the possession, custody, or control of Applicants.

**DEFINITIONS**

1. “Opposer” shall mean Globefill, its licensees, and any subsidiaries, affiliates, predecessors, successors, parents, divisions, persons or entities acting for or on its behalf, whether in existence now or at any time.
2. “Applicants” shall mean Thomas Russo Jr. and David Hodge (either collectively or individually).

3. The term "Applicants' trade dress" refers to the design as applied for in U.S. Application Ser. No. 85560722.
4. The term "Opposer's trade dress" refers to the design as registered in U.S. Trademark Registration No. 4043730.
5. "Document" is defined to be synonymous in meaning and equal in scope to the usage of the term in Rule 34(a) of the Federal Rules of Civil Procedure and includes computer records in any format. By way of further explanation, "document(s)" shall mean all non-identical copies of material of every kind and description which are recorded by hand-writing, printing, typing, photographing, photostatting, graphic representation, mechanical, electronic, magnetic, or any other means of recording, any form of communication, information or representation, including letters, words or numbers or their equivalent, or data compilations of any sort whatsoever. The term "document(s)" is therefore defined to include, among other things, information stored on electronic media, videotapes, motion pictures, computer data, and any other electronic, mechanical or magnetic records or representations of any kind including without limitation all tapes, cassettes, magnetic, optical or other discs, magnetic cards, e-mail, and recordings. A draft or non-identical copy is a separate document within the meaning of this term.
6. "Communication" or "communications" means any oral, written or electronic utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, any documents, correspondence, letters, facsimiles, e-mails, text messages, voice recordings, video recordings, voicemail, instant messages, conversations, dialogues, discussions, interviews, conferences, meetings, consultations,

agreements, and other understandings or exchanges between or among two or more people.

7. “Person” as used herein means any natural person or any entity, including, without limitation, any individual, public company, private company, firm, corporation, limited liability company, joint venture, trust, proprietorship, tenancy, association, partnership, business, agency, department, governmental body, bureau, board, commission, or any other form of public or private entity. With respect to an entity, “person” shall include all subsidiaries and affiliates of the entity, as well as the present and former directors, officers, employees, attorneys, agents and anyone acting on behalf of, at the direction of, or under the control of, the entity or its subsidiaries or affiliates.
8. The terms “you” or “your” means Applicants (either collectively or individually).
9. “Relates to” or “relating to” means authorizing, concerning, constituting, comprising, containing, consisting of, connected with, describing, disclosing, discussing, evidencing, explaining, mentioning, pertaining to, proposing, reflecting, regarding, referring to, directly or indirectly, setting forth, showing, or summarizing.
10. Where appropriate:
  - a. use of the singular includes the plural, and vice versa;
  - b. the past tense includes the present tense;
  - c. the words “and” and “or” are both conjunctive and disjunctive;
  - d. the words “all” and “any” mean “any and all”;
  - e. the word “including” means “including without limitation”; and
  - f. use of the masculine includes the feminine, and vice versa.

### **INSTRUCTIONS**

1. In response to these Requests for Production, you are required to furnish all information and documents that are, or have been, in your possession, custody, or control.
2. Any responsive information not disclosed by reason of a claim of privilege or other basis should be identified in writing by: (a) date; (b) author; (c) recipient; (d) a list of all other persons to whom the contents of the document or thing or the information was disclosed; (e) general subject matter; and (f) the basis upon which it is being withheld from production pursuant to Rule 26(b)(5).
3. Documents shall be produced as they are kept in the ordinary course of business pursuant to Rule 34(b)(2)(E), including (a) providing information maintained in the ordinary course of business that indicates the source of the documents, (b) providing file folders, tabs, labels, directories, etc. maintained in the ordinary course of business along with their respective documents, and (c) including attachments to documents as stored in the ordinary course of business.
4. ESI shall be produced electronically, either in (1) Native Format, or (2) as single-page, uniquely and sequentially numbered Group IV TIFF image files. For each ESI document, all metadata must remain intact and all parent/child document relationships must be maintained. All ESI shall be collected using methods that prevent the spoliation of data.
5. The production of ESI as described herein shall be made on an external hard drive, flash drive, CD or DVD (“Production Media”). The Production Media shall include a unique identifying label specifying: (a) your identity; (b) the date of the production of ESI; and (c) the case name and number.
6. If you contend that any ESI document responsive to this Request for Production is not reasonably accessible: (1) timely identify such ESI document with reasonable

particularity; and (2) provide the basis for declining to produce the ESI document, including, for example, any limitations on access, the likely costs that might be incurred in accessing and producing the ESI document, the method used for storage of the ESI document and all locations in which the ESI document is kept.

7. ESI produced as TIFF image files shall be produced as follows: (1) each production of TIFF image files shall be accompanied by a corresponding load file (“Image Load File”); (2) each TIFF image file must contain the same information and same physical representation as the Native Format file from which the TIFF image file was created; (3) each TIFF image file must not be less than 300 dpi resolution; (4) each TIFF image file shall be accompanied by an extracted text file containing the extracted text of the Native Format file from which the TIFF image file was created; (5) each extracted text file shall be named to match the endorsed number assigned to the first page of each corresponding TIFF image file; (6) the extracted text files shall be accompanied by a Control List File (“LST”); (7) each production of TIFF image files shall be accompanied by an image cross-reference load file, such as Opticon (“OPT”), which shall provide the beginning and ending endorsed number of each TIFF image file and the number of pages it includes; and (8) each production of TIFF image files must be accompanied by a data load file (“Data Load File” or “DAT”) that contains both the hash value and all available metadata of the Native Format files from which the TIFF image files were created.

Further, the following instructions apply to the production of TIFF image files:

- a. For each Native Format file that is converted to TIFF format: (1) all tracked changes shall be maintained so that all changes are visible; (2) OLE Embedded files shall not be extracted as separate documents; (3) author comments shall

remain or be made visible; (4) hidden columns, cells, rows, worksheets and other hidden data shall remain or be made visible; (5) presenter notes shall remain or be made visible; and (6) to the extent ESI in a foreign language is produced, processing of such ESI shall be unicode-compliant.

- b. If a Native Format file that is converted to TIFF format is more than one page, the unitization of the file and any attachments or affixed notes must be maintained as it existed when collected. If unitization cannot be maintained, the original unitization must be documented in the Data Load File or otherwise electronically tracked.
- c. If a Native Format file that is converted to TIFF format contains color, the TIFF image file need not be produced in color. However, Opposer reserves the right to make a request for a file to be produced in color.
- d. In the event that production of a Native Format file as a TIFF image would be impracticable, you shall produce such file in Native Format with all metadata intact. You shall provide a single page TIFF image placeholder referencing the title of the Native Format file not being produced as a TIFF image.
- e. All Microsoft Excel files, similar non-Microsoft spreadsheet files, and graphical compilations of spreadsheet data, shall be produced in Native Format with all cells, columns, rows and worksheets and other information unhidden and expanded.
- f. Opposer reserves the right to demand production in Native Format of any file produced by you as a TIFF image file.

8. Pursuant to Rule 34(b)(1) and (2), all Documents requested below shall be produced for inspection and copying at the offices of Baker & Hostetler LLP, Washington Square, Suite 1100, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036 within 30 days.

### **REQUESTS FOR PRODUCTION**

#### **Request for Production No. 1:**

Documents recording, referring, or relating to steps Applicants have taken to secure a loan(s) from banks or other financial institutions for the purpose of funding or financing the business or businesses identified in response to Interrogatory No. 1 from Opposer's Interrogatories to Applicants.

#### **Request for Production No. 2:**

Documents recording, referring, or relating to steps taken by Applicants to acquire share capital from investors for the purpose of funding or financing the business or businesses identified in response to Interrogatory No. 1 from Opposer's Interrogatories to Applicants.

#### **Request for Production No. 3:**

Documents supporting the responses to subparagraphs (a) through (c) from Interrogatory No. 4 from Opposer's Interrogatories to Applicants.

#### **Request for Production No. 4:**

Documents exchanged between Applicants and third parties relating to the authorization by state and/or local government of the distribution and/or sale of alcohol in each state or geographic region in which Applicants sell, offer to sell, intend to sell, and/or intend to offer to sell tequila.

#### **Request for Production No. 5:**



Samples of each version of Applicant's trade dress that is intended to be used or has been used at any time by Applicants in association with the sale, offer for sale, intended sale, or intended offer for sale of tequila.

**Request for Production No. 6:**

Samples of each label that is intended to be used or has been used at any time by Applicants in association with the sale, offer for sale, intended sale, or intended offer for sale of tequila.

**Request for Production No. 7:**

Any documents recording, referring, or relating to each label considered for use by Applicants in connection with Applicants' trade dress, including designs.

**Request for Production No. 8:**

Any documents recording, referring, or relating to the dimensions and volume of each version of Applicants' trade dress, including bottle designs.

**Request for Production No. 9:**

Photographs or other copies of all two-dimensional blueprints, sketches, and designs used or intended to be used in the development and manufacture of Applicants' trade dress.

**Request for Production No. 10:**

Photographs or other copies of all three-dimensional molds and mockups used or intended to be used in the design, development, and manufacture of Applicants' trade dress.

**Request for Production No. 11:**

Any documents reflecting communications between Applicants and the designers or intended designers of Applicant's trade dress, and any related documents.

**Request for Production No. 12:**

Any documents reflecting communications between Applicants and the designers or intended designers of all labels used or intended to be used with Applicants' trade dress, and any related documents.

**Request for Production No. 13:**

Any documents reflecting communications between Applicants and the manufacturers or intended manufacturers of Applicant's trade dress, and any related documents.

**Request for Production No. 14:**

Any documents reflecting communications between Applicants and the manufacturers or intended manufacturers of all labels used or intended to be used with Applicant's trade dress, and any related documents.

**Request for Production No. 15:**

Any documents and other materials submitted to the United States government by Applicants in order to obtain an Alcohol and Tobacco Tax and Trade Bureau (TTB)-issued Certificate of Label Approval (COLA) for any "distinctive liquor bottle" (as the phrase is used by COLA) used or intended to be used in connection with Applicants' trade dress.

**Request for Production No. 16:**

Any documents and other materials submitted to the United States government by Applicants in order to obtain TTB-issued COLA for any label used or intended to be used in connection with Applicants' trade dress.

**Request for Production No. 17:**

Copies of any TTB-issued COLAs for any "distinctive liquor bottle" used or intended to be used in connection with Applicants' trade dress.

**Request for Production No. 18:**

Copies of any TTB-issued COLAs for any label used or intended to be used in connection with Applicants' trade dress.

**Request for Production No. 19:**

Any documents comprising, referring, or relating to the denial of a TTB-issued COLA to Applicants for any "distinctive liquor bottle" used or intended to be used by Applicants in connection with the sale of tequila.

**Request for Production No. 20:**

Any documents comprising, referring, or relating to the denial of a TTB-issued COLA to Applicants for any label used or intended to be used by Applicants in connection with the sale of tequila.

**Request for Production No. 21:**

Any documents comprising, referring, or relating to the pre-COLA evaluation of tequila intended to be sold in connection with Applicants' trade dress.

**Request for Production No. 22:**

Any documents comprising, referring, or relating to application(s) filed by Applicants to obtain a Federal Basic Importer's Permit under the Federal Alcohol Administration Act.

**Request for Production No. 23:**

Copies of all Federal Basic Importer's Permits issued to Applicants in connection with tequila sold or intended to be sold in association with Applicant's trade dress.

**Request for Production No. 24:**

Any documents comprising, referring, or relating to the denial of a Federal Basic Importer's Permit to Applicants in connection with tequila sold or intended to be sold in association with Applicant's trade dress.

**Request for Production No. 25:**

Copies of all Prior Notice documents that Applicants have submitted to the Food and Drug Administration (FDA) before receiving a shipment of tequila at a port of arrival in the United States.

**Request for Production No. 26:**

Copies of all documents submitted by Applicants to the Mexican Government in order to obtain a certificate of origin and/or certificate of age in compliance with 27 C.F.R. 5.52(c) in order to import tequila into the United States.

**Request for Production No. 27:**

Copies of all certificates of origin and/or certificates of age that Applicants have obtained from the Mexican Government in compliance with 27 C.F.R. 5.52(c) in order to import tequila into the United States.

**Request for Production No. 28:**

Any documents reflecting communications between Applicants and any licensed importers, wholesalers, distributors, retailers, and suppliers that Applicants have contacted and/or communicated with in any way relating to Applicants' trade dress, and all related documents.

**Request for Production No. 29:**

Any documents referring or relating to any storerooms, warehouses, packaging plants, bottling plants, distilled spirits plants, or any other physical space owned or leased by Applicants and used or intended to be used in connection with Applicants' trade dress and/or tequila sold or intended to be sold in connection with Applicants' trade dress.

**Request for Production No. 30:**

Any documents comprising, referring, or relating to all inquiries, investigations, surveys, evaluations, and/or studies conducted by Applicants or anyone acting on their behalf with respect to Opposer's trade dress.

**Request for Production No. 31:**

Any documents referring or relating to the circumstances, including the date, under which Applicants first became aware of Opposer.

**Request for Production No. 32:**

Any documents referring or relating to the circumstances, including the date, under which Applicants first became aware of Opposer's trade dress.

**Request for Production No. 33:**

Any documents or other materials referring or relating to the types of media, including radio, television, print advertising, publications or Internet sites, through which tequila sold under Applicants' trade dress has been or is intended to be advertised or promoted in the United States.

**Request for Production No. 34:**

Any documents comprising, referring or relating to the production, creation, design, development or manufacture of any advertisements or other materials bearing Applicants' trade dress in the United States, including, without limitation, any correspondence, purchase orders or invoices sent to or received from any person involved in such creation, design, development or manufacture.

**Request for Production No. 35:**

Any documents referring or relating to Opposer.

**Request for Production No. 36:**

Any documents referring or relating to Opposer's trade dress.

**Request for Production No. 37:**

Any documents referring or relating to the use, registration, or intended use or registration of Applicants' trade dress in the United States.

**Request for Production No. 38:**

Any documents referring or relating to the use, registration, or intended use or registration by Applicants of any trademark or trade dress incorporating human head or skull imagery.

**Request for Production No. 39:**

Any documents comprising, referring, or relating to any press release, newspaper articles, or other publication that mentions Applicants, Applicants' trade dress, or tequila sold or intended to be sold in connection with Applicants' trade dress in the United States.

**Request for Production No. 40:**

Any documents referring or relating to the specific states or geographical area(s) in which Applicants' tequila has been or is intended to be sold in connection with Applicants' trade dress in the United States.

**Request for Production No. 41:**

Any documents comprising, referring, or relating to any survey, poll or research relating to Applicants' trade dress in the United States, or to the tequila sold or intended to be sold in connection with Applicants' trade dress in the United States.

**Request for Production No. 42:**

Any documents referring or relating to the channels of trade through which the tequila sold or intended to be sold in connection with Applicants' trade dress has been or is intended to be sold in the United States.

**Request for Production No. 43:**

Any documents that identify or analyze the market or class of consumers to which Applicants sell or intend to sell tequila in connection with Applicants' trade dress in the United States.

**Request for Production No. 44:**

Any documents comprising, referring, or relating to photographs of sites selling, stocking, or prescribing any tequila sold or intended to be sold in connection with Applicants' trade dress in the United States.

**Request for Production No. 45:**

Any documents evidencing end users of tequila sold or intended to be sold in connection with Applicants' trade dress in the United States.

**Request for Production No. 46:**

Documents sufficient to show every version of all websites owned, operated, or under the control of Applicants that use or are intended to use Applicants' trade dress or a similar design, since the website's creation.

**Request for Production No. 47:**

Documents sufficient to show each social media account owned, operated, or under the control of Applicants that uses or intends to use Applicants' trade dress or a similar design, since the account's creation.

**Request for Production No. 48:**

Any documents that record, refer to, or relate to the sales, if any, by Applicants of all tequila ever sold in connection with Applicants' trade dress, including, without limitation, all purchase orders, invoices, receipts, contracts, agreements, and/or sales summaries.

**Request for Production No. 49:**

Any documents that record, refer to, or relate to the sales, if any, by third parties to Applicants of any good or service used or intended to be used in connection with Applicants' trade dress, including, without limitation, all purchase orders, invoices, receipts, contracts, agreements, and/or sales summaries.

**Request for Production No. 50:**

Documents sufficient to show the first use date or the anticipated first use date of Applicants' trade dress in connection with tequila.

**Request for Production No. 51:**

Documents sufficient to show all marketing plans and strategies for tequila sold or intended to be sold in connection with Applicants' trade dress.

**Request for Production No. 52:**

Any documents that record, refer to, or relate to the target audience and intended market for the tequila marketed, advertised, and/or promoted or intended to be marketed, advertised, and/or promoted in connection with Applicants' trade dress.

**Request for Production No. 53:**

Any documents that record, refer, or relate to any instances of actual consumer confusion between Applicants and/or Applicants' trade dress and any third party and/or third party mark or trade dress designating alcoholic beverages.

**Request for Production No. 54:**

Any documents that record, refer, or relate to any instances of actual consumer confusion between Applicants and/or Applicants' trade dress and Opposer and/or Opposer's trade dress.

**Request for Production No. 55:**



Any documents reflecting communications received by Applicants that were intended for receipt by Opposer.

**Request for Production No. 56:**

Any documents that record, refer, or relate to Applicants' decision to adopt, register, and/or use Applicants' trade dress, including, without limitation, any investigation or search related to the availability for adoption and registration, licensing, use, intended use, exploitation, and/or intended exploitation of skull and/or human head designs, as well as samples of any names, designations, and/or marks considered and rejected.

**Request for Production No. 57:**

Any documents referring or relating to third parties using skull and/or human head imagery in the sale or offering for sale of alcoholic beverages.

**Request for Production No. 58:**

Any documents evidencing the experience of Applicants in their individual capacities in producing, manufacturing, selling, and/or offering to sell alcoholic beverages in United States commerce, including documents evidencing the names and locations of all breweries, wineries, and/or distilleries with which Applicants have worked, partnered, and/or collaborated.

**Request for Production No. 59:**

Any documents reflecting communications from Applicants to third parties referring or relating to the recipes, formulas, specifications, or treatment of any tequila sold or intended to be sold in connection with Applicants' trade dress.

**Request for Production No. 60:**

Any documents that record, refer, or relate to any licenses, assignments, agreements, contracts, and/or arrangements between Applicants and any third party that relate in any manner to

Applicants' trade dress and/or the manufacture, sale, or offering for sale, or intended manufacture, sale, or offering for sale, of tequila in connection with Applicants' trade dress.

**Request for Production No. 61:**

All documents identified in response to Opposer's Interrogatories to Applicants and not provided in response to the above requests.

**Request for Production No. 62:**

All documents and electronically stored information disclosed by you pursuant to Fed. R. Civ. P. 26(a)(1)(A)(ii) in your Initial Disclosures.

Respectfully submitted,

Globefill Incorporated

Dated this 19th day of September 2017

By:

/John H. Weber/

John H. Weber

BAKER HOSTETLER LLP

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bhipdocket@bakerlaw.com

*Attorney for Opposer*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this nineteenth day of September 2017, a true and correct copy of the foregoing Opposer's Requests for Production of Documents was served on Applicants' counsel via email, as per the agreement between the parties, to:

Bradley K. DeSandro  
brad@desandrolawgroup.com

*/John H. Weber/*  
\_\_\_\_\_  
John H. Weber

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

GLOBEFILL INCORPORATED,

Opposer,

v.

THOMAS RUSSO JR.

and

DAVID HODGE

Applicants.

Opposition No.: **91231050**

Application Serial No.: **85560722**

Mark: Miscellaneous Design

*Atty Dkt. No. 045275.020006*

**OPPOSER’S REQUESTS FOR ADMISSION TO APPLICANTS**

Globefill Incorporated (“Globefill” or “Opposer”), pursuant to Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice hereby requests that Thomas Russo Jr. and David Hodge (collectively “Applicants”) admit, for the purpose of the above proceeding, the truth of the statements contained herein.

**DEFINITIONS**

1. “Opposer” shall mean Globefill, its licensees, and any subsidiaries, affiliates, predecessors, successors, parents, divisions, persons or entities acting for or on its behalf, whether in existence now or at any time.
2. “Applicants” shall mean Thomas Russo Jr. and David Hodge (both collectively and in their individual capacities), their licensees, and any subsidiaries, affiliates, predecessors,

successors, parents, divisions, persons or entities acting for or on their behalf, whether in existence now or at any time.

3. The term "Applicants' trade dress" refers to the design as applied for in U.S. Application Ser. No. 85560722.
4. The term "Opposer's trade dress" refers to the design as registered in U.S. Trademark Registration No. 4043730.
5. "Document" is defined to be synonymous in meaning and equal in scope to the usage of the term in Rule 34(a) of the Federal Rules of Civil Procedure and includes computer records in any format. By way of further explanation, "document(s)" shall mean all non-identical copies of material of every kind and description which are recorded by hand-writing, printing, typing, photographing, photostatting, graphic representation, mechanical, electronic, magnetic, or any other means of recording, any form of communication, information or representation, including letters, words or numbers or their equivalent, or data compilations of any sort whatsoever. The term "document(s)" is therefore defined to include, among other things, information stored on electronic media, videotapes, motion pictures, computer data, and any other electronic, mechanical or magnetic records or representations of any kind including without limitation all tapes, cassettes, magnetic, optical or other discs, magnetic cards, e-mail, and recordings. A draft or non-identical copy is a separate document within the meaning of this term.
6. "Communication" or "communications" means any oral, written or electronic utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, any documents, correspondence, letters, facsimiles, e-mails, text

messages, voice recordings, video recordings, voicemail, instant messages, conversations, dialogues, discussions, interviews, conferences, meetings, consultations, agreements, and other understandings or exchanges between or among two or more people.

7. “Person” as used herein means any natural person or any entity, including, without limitation, any individual, public company, private company, firm, corporation, limited liability company, joint venture, trust, proprietorship, tenancy, association, partnership, business, agency, department, governmental body, bureau, board, commission, or any other form of public or private entity. With respect to an entity, “person” shall include all subsidiaries and affiliates of the entity, as well as the present and former directors, officers, employees, attorneys, agents and anyone acting on behalf of, at the direction of, or under the control of, the entity or its subsidiaries or affiliates.
8. The terms “you” or “your” means Applicants, including their respective officers, directors, parents, subsidiaries, divisions, affiliates, predecessors, successors, employees, accountants, agents, representatives and any other person acting under their control or on their behalf.
9. “Relates to” or “relating to” means authorizing, concerning, constituting, comprising, containing, consisting of, connected with, describing, disclosing, discussing, evidencing, explaining, mentioning, pertaining to, proposing, reflecting, regarding, referring to, directly or indirectly, setting forth, showing, or summarizing.
10. Where appropriate:
  - a. use of the singular includes the plural, and vice versa;
  - b. the past tense includes the present tense;

- c. the words “and” and “or” are both conjunctive and disjunctive;
- d. the words “all” and “any” mean “any and all”;
- e. the word “including” means “including without limitation”; and use of the masculine includes the feminine, and vice versa.

### **INSTRUCTIONS**

1. The Instructions set forth in Opposer’s Interrogatories to Applicant, served contemporaneously herewith, are hereby incorporated by reference as if fully set forth below.
2. If any objection is made to any request, the reason therefore shall be stated.
3. Any answer to a matter for which an admission is requested shall either admit the matter, specifically deny the matter, or set forth in detail the reasons why you cannot truthfully admit or deny the matter. If a denial is anything but unequivocal, fully set forth the reasons for your denial.
4. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you also state that you have made a reasonable inquiry and that the information readily obtainable by you is insufficient to enable you to admit or deny.

### **REQUESTS FOR ADMISSION**

1. Admit that Applicants have not applied for a loan or loans from any banks or other financial institutions for the purpose of funding or financing any business in connection with Applicants’ trade dress.
2. Admit that Applicants have not secured a loan or loans from any banks or other financial institutions for the purpose of funding or financing any business in connection with Applicants’ trade dress.

3. Admit that Applicants have not undertaken steps to acquire funds from investors in the form of share capital for the purpose of funding or financing any business in connection with Applicants' trade dress.
4. Admit that Applicants have not acquired funds from investors in the form of share capital for the purpose of funding or financing any business in connection with Applicants' trade dress.
5. Admit that Applicants, in your individual capacities, do not intend to sell tequila directly in United States commerce in connection with Applicants' trade dress.
6. Admit that Applicants have never sold tequila in connection with Applicant's trade dress.
7. Admit that Applicants do not intend to seek authorization from any state or local government relating to the distribution and/or sale of tequila in connection with Applicants' trade dress.
8. Admit that Applicants have never sought authorization from any state or local government relating to the distribution and/or sale of tequila in connection with Applicants' trade dress.
9. Admit that Applicants have never considered any labels for use in connection with Applicants' trade dress.
10. Admit that Applicants have not sought government approval to sell tequila in connection with Applicants' trade dress in each of the volumes listed in response to Interrogatory No. 7 from Opposer's Interrogatories to Applicants.



11. Admit that Applicants have never applied for an Alcohol and Tobacco Tax and Trade Bureau (TTB)-issued Certificate of Label Approval (COLA) for any “distinctive liquor bottle” intended to be used in connection with Applicants’ trade dress.
12. Admit that Applicants have never obtained a TTB-issued COLA for any “distinctive liquor bottle” intended to be used in connection with Applicants’ trade dress.
13. Admit that Applicants have never applied for a TTB-issued COLA for any label intended to be used in connection with Applicants’ trade dress.
14. Admit that Applicants have never obtained a TTB-issued COLA for any label intended to be used in connection with Applicants’ trade dress.
15. Admit that Applicants’ have never submitted to TTB for pre-COLA evaluation a sample of the tequila intended to be sold in connection with Applicants’ trade dress.
16. Admit that Applicants have never applied for a Federal Basic Importer’s Permit under the Federal Alcohol Administration Act to be used in connection with the importation of tequila.
17. Admit that Applicants have never obtained a Federal Basic Importer’s Permit under the Federal Alcohol Administration Act to be used in connection with the importation of tequila.
18. Admit that Applicants have never submitted Prior Notice to the Food and Drug Administration (FDA) before receiving a shipment of tequila at a port of arrival in the United States.

19. Admit that Applicants have never attempted to obtain certificates of origin and/or certificates of age from the Mexican Government in compliance with 27 C.F.R. 5.52(c) in order to import tequila into the United States.
20. Admit that Applicants have never obtained certificates of origin and/or certificates of age from the Mexican Government in compliance with 27 C.F.R. 5.52(c) in order to import tequila into the United States.
21. Admit that Applicants have never communicated with in any way any importers in connection with Applicants' trade dress.
22. Admit that Applicants have never communicated in any way with any wholesalers in connection with Applicants' trade dress.
23. Admit that Applicants have never communicated in any way with any distributors in connection with Applicants' trade dress.
24. Admit that Applicants have never communicated in any way with any retailers in connection with Applicants' trade dress.
25. Admit that Applicants have never communicated in any way with any suppliers in connection with Applicants' trade dress.
26. Admit that Applicants do not own any physical spaces used or intended to be used in connection with Applicants' trade dress.
27. Admit that Applicants do not own any physical spaces used or intended to be used in connection with tequila.

28. Admit that Applicants do not lease any physical spaces used or intended to be used in connection with Applicants' trade dress.
29. Admit that Applicants do not lease any physical spaces used or intended to be used in connection with tequila.
30. Admit that Applicants were aware of Opposer prior to filing U.S. Application Ser. No. 85560722 on March 5, 2012.
31. Admit that Applicants were aware of Opposer's U.S. Trademark Registration No. 4043730 prior to filing U.S. Application Ser. No. 85560722 on March 5, 2012.
32. Admit that there are currently no third parties permitted by Applicants to use Applicants' trade dress in the United States.
33. Admit that Applicants do not intend to permit any third party to use Applicants' trade dress in the United States.
34. Admit that Applicants have not entered into any license agreements in connection with Applicants' trade dress.
35. Admit that Applicants have not entered into any agreements with any manufacturers in connection with Applicants' trade dress.
36. Admit that Applicants have not contacted any manufacturers in connection with Applicants' trade dress.
37. Admit that Applicants have not entered into any agreements with any designers in connection with Applicants' trade dress.

38. Admit that Applicants have not contacted any designers in connection with Applicants' trade dress.
39. Admit that Applicants do not intend to enter into any agreements with any manufacturers in connection with Applicants' trade dress.
40. Admit that Applicants do not intend to enter into any agreements with any designers in connection with Applicants' trade dress.
41. Admit that Applicants in their individual capacities have no prior experience in the sale of alcoholic beverages.
42. Admit that Applicants are not currently making use in commerce (as defined in 15 U.S.C. § 1127) of Applicants' trade dress.
43. Admit that Applicants have never made use in commerce (as defined in 15 U.S.C. § 1127) of Applicants' trade dress.
44. Admit that Applicants do not intend to make use in commerce (as defined in 15 U.S.C. § 1127) of Applicants' trade dress.
45. Admit that Applicants' trade dress resembles a human head.
46. Admit that Opposer's trade dress resembles a human head.
47. Admit that Applicants' trade dress is visually similar to Opposer's trade dress.
48. Admit that consumers are likely to confuse Applicants' and Opposer's respective trade dress.

Respectfully submitted,

Globefill Incorporated

Dated this 19th day of September 2017

By:

/John H. Weber/

John H. Weber

BAKER HOSTETLER LLP

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Washington, DC 20036

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jweber@bakerlaw.com

bhipdocket@bakerlaw.com

*Attorney for Opposer*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this nineteenth day of September 2017, a true and correct copy of the foregoing Opposer's Requests for Admissions was served on Applicants' counsel via email, as per the agreement between the parties, to:

Bradley K. DeSandro  
brad@desandrolawgroup.com

*/John H. Weber/*  
\_\_\_\_\_  
John H. Weber

# EXHIBIT B

## Watkins, Jessica H.

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**From:** Watkins, Jessica H.  
**Sent:** Monday, October 30, 2017 5:28 PM  
**To:** 'brad@desandrolawgroup.com'  
**Cc:** Weber, John; BH IP Docket  
**Subject:** RE: Globefill Inc. v. Russo, et al. - Opposition 91231050 (Our Ref. 045275.020006) - Opposer's Discovery Requests

Dear Mr. DeSandro,

We have yet to receive your clients' discovery responses, which were due on October 19, in the above-referenced proceeding. Please advise as to when we can expect to receive responses to Globefill's Interrogatories, Requests for Admission, and Requests for Production.

If we do not hear from you by this Friday, November 3, we intend to file a Motion to Compel. Please let me know if there are any extenuating circumstances that have prevented your clients from responding to Globefill's discovery requests. I'm available to discuss if you have any concerns you would like to address by phone or email.

Thank you,  
Jessica

**Jessica Watkins**  
Associate

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**BakerHostetler**

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2929 Arch Street | 12th Floor  
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T +1.215.564.3290

jwatkins@bakerlaw.com  
bakerlaw.com



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**From:** Watkins, Jessica H.  
**Sent:** Tuesday, September 19, 2017 7:48 PM  
**To:** 'brad@desandrolawgroup.com' <brad@desandrolawgroup.com>  
**Cc:** Weber, John <JWeber@bakerlaw.com>; BH IP Docket <bhipdocket@bakerlaw.com>  
**Subject:** Globefill Inc. v. Russo, et al. - Opposition 91231050 (Our Ref. 045275.020006) - Opposer's Discovery Requests



Dear Mr. DeSandro,

Please find attached the following discovery requests propounded by Opposer in the above-referenced proceeding: Interrogatories, Requests for Production, and Requests for Admission. Please note that the definition of “Applicants” differs between the Requests for Admission and the Interrogatories/Requests for Production.

Thank you,  
Jessica Watkins

**Jessica Watkins**  
Associate

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**BakerHostetler**

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# EXHIBIT C

## Watkins, Jessica H.

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**From:** Watkins, Jessica H.  
**Sent:** Wednesday, December 6, 2017 5:14 PM  
**To:** 'brad@desandrolawgroup.com'  
**Cc:** BH IP Docket; Weber, John  
**Subject:** RE: Globefill Inc. v. Russo, et al. - Opposition 91231050 (Our Ref. 045275.020006) - Opposer's Motion to Compel Discovery

Dear Mr. DeSandro,

As you might have noted, the Board has reset the trial dates in this proceeding and our client's pretrial disclosures are due on December 14, 2017. To date, you have not provided any responses to our discovery requests. As part of a good faith effort to resolve this issue, we are requesting that you please provide these responses by the **close of business on Monday, December 11, 2017**. If you do not respond a second time, we will assume you are not complying with our request and we will refile our Motion to Compel Discovery Responses.

Thank you,  
Jessica Watkins

**Jessica Watkins**  
Associate

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bakerlaw.com



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**From:** Watkins, Jessica H.  
**Sent:** Tuesday, November 21, 2017 10:28 AM  
**To:** 'brad@desandrolawgroup.com' <brad@desandrolawgroup.com>  
**Cc:** BH IP Docket <bhipdocket@bakerlaw.com>; Weber, John <JWeber@bakerlaw.com>  
**Subject:** Globefill Inc. v. Russo, et al. - Opposition 91231050 (Our Ref. 045275.020006) - Opposer's Motion to Compel Discovery

Dear Mr. DeSandro,

Please see the attached Motion to Compel and exhibits, which were filed today with the USPTO.

Thank you,  
Jessica Watkins

**Jessica Watkins**  
Associate

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**BakerHostetler**

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