

ESTTA Tracking number: **ESTTA985720**

Filing date: **07/07/2019**

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

Proceeding	91237356
Party	Plaintiff Rocket Sports, LLC
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Submission	Motion to Compel Discovery or Disclosure
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Date	07/07/2019
Attachments	Opposers Motion to Compel Discovery with Exhibits A through G.pdf(1025572 bytes )

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

ROCKET SPORTS, LLC	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. 91237356
	:	
DEXTER KAN	:	
	:	
Applicant.	:	

**OPPOSER’S MOTION TO COMPEL DISCOVERY**

Pursuant to 37 C.F.R. § 2.120(f) and Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 523, Opposer hereby files this Opposer’s Motion To Compel Discovery and respectfully requests that the Trademark Trial and Appeal Board (the “Board”) compel the Applicant to produce the requested document and things as described below.

**BACKGROUND FACTS AND PROCEDURAL HISTORY**

On October 21, 2017, Opposer, Rocket Sports, LLC, commenced this proceeding by filing a Notice of Opposition (TTABVUE Doc. No. 1.). Then, on November 11, 2017, Opposer filed an Amended Notice of Opposition (TTABVUE Doc. No. 4), to specify that “all rights, title, and interest in said intent-to-use trademark application were assigned to Opposer”. On November 16, 2017, Applicant filed his Answer to Notice of Opposition (TTABVUE Doc. No. 5), and Answer to Amended Notice of Opposition (TTABVUE Doc. No. 6.) On December 29, 2017, the parties completed a Discovery Conference and the Board issued an Order including a discovery and trial schedule

(TTABVUE Doc. No. 9.) On May 7, 2018, Opposer served Opposer's First Request For Production Of Documents And Things Pursuant To Rule 34 Of The Federal Rules Of Civil Procedure on the Applicant. ("Exhibit A".) On June 6, 2018, Applicant responded with Applicant's Responses To Opposer's First Request For Production Of Documents To Applicant ("Exhibit B",) which were incomplete. On June 14, 2018, Opposer's counsel sent an email to the then *pro se* Applicant stating in part, "your response to Opposer's First Request for Production of Documents And Things Pursuant to Rule 34 of the Federal Rules of Civil Procedure is wholly inadequate." ("Exhibit C".) Opposer extended the time for the Applicant to produce the required documents until June 20, 2018, which was confirmed in an email on June 19, 2018 ("Exhibit D shown redacted") to the *pro se* Applicant. No documents were forthcoming. On June 26, 2018, the Opposition was suspended with mutual consent of the parties pending settlement negotiations. (TTABVUE Doc. No. 16.)

Subsequently, the parties filed mutually consented extensions through October 24, 2018. (TTABVUE Doc. Nos. 19, 21, and 23.) On October 16, 2018, during the suspension, Applicant's current counsel made their appearance in this Opposition. (TTABVUE Doc. No. 24.) Mutually consented extensions continued through December 23, 2018 (TTABVUE Doc. Nos. 27 and 29), until Opposer determined that settlement discussions between the parties ultimately would not be successful. As a result, on December 23, 2018, Opposer filed Opposer's Motion to Resume Proceedings and to Extend Time. (TTABVUE Doc. No. 30.) On January 4, 2019, Applicant responded with Applicant's Supplemental Response To Opposer Rocket Sports, LLC's First Request For Production Of Documents And Things ("Exhibit E",) which only included responses to

Request No. 1, Request No. 2, Request No. 4, and Request No. 9 out of a total of forty-three (43) requests. On April 22, 2019, Opposer sent a letter to Mr. Jun Y. Lee, Applicant's counsel regarding "Applicant Dexter Kan's Deficient Response to Opposer's First Request for Production of Documents and Things Pursuant to Rule 34 of the Federal Rules of Civil Procedure in Opposition No. 91237356 Before the Trademark Trial and Appeal Board." ("Opposer's Discovery Response Letter".) ("Exhibit F".) Opposer's Discovery Response Letter outlined the documents and things that Applicant had yet to produce. On May 9, 2019, Applicant responded with Applicant's Supplemental Response To Opposer Rocket Sports, LLC's First Request For Production Of Documents And Things ("Exhibit G".) This response was inadequate as well, which gives rise to Opposer filing this Opposer's Motion To Compel Discovery.

**APPLICANT'S DEFICIENT RESPONSE TO OPPOSER'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS  
PURSUANT TO RULE 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Opposer identified Applicant's deficient response to Opposer's First Request for Production of Documents and Things Pursuant to Rule 34 of the Federal Rules of Civil Procedure in Opposer's Discovery Response Letter. The continued insufficiency of Applicant's subsequent response to that letter are outlined in the paragraphs below.

Specifically:

1. In paragraph 1 of Opposer's Discovery Response Letter, Opposer states, "[y]our client provided no documents or things in response to Request 1, while at the same time indicating that such documents and things do exist." Applicant's Supplemental Response to Request No. 1 states in part that the Request is "unduly speculative" and "vague and undefined." Yet, Applicant was able to produce copies of a

series of prior mark registrations of third parties, marked as Bates Nos. 1-54 on January 4, 2019, well after the original June 6, 2018 due date. The fact that these documents were produced at all shows that Applicant's argument about the Request being "unduly speculative" and "vague and undefined" is not true. Furthermore, Applicant is asking the Opposer, and now the Board, to believe that Applicant's entire defense will be based upon fifty-four (54) prior mark registrations of third parties. Applicant's response is nothing more than an outright refusal to produce any more of the requested documents and things. Therefore, Opposer respectfully requests that the Board compel the Applicant to produce all documents and things responsive to Opposer's Request No. 1.

2. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 2.

3. In paragraph 3 of Opposer's Discovery Response Letter, Opposer states, "[y]our client provided no documents or things in response to Request 3, while at the same time indicating that such documents and things do exist." Applicant's Supplemental Response to Request No. 3 states that the Applicant's response, "I will produce those responsive, non-privileged documents, in my custody, possession or control when [the Request is] clarified," merely indicates Applicant's good faith in responding and notes the need for greater clarity in the given Request. The language of Opposer's Request No. 3 could not be stated any more clearly in describing the documents and things sought. Applicant's response is nothing more than an outright refusal to produce the requested documents and things. Therefore, Opposer respectfully requests that the Board compel the Applicant to produce all documents and things responsive to Opposer's Request No. 3.

4. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 4.

5. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 5.

6. In paragraph 6 of Opposer's Discovery Response Letter, Opposer states, "[y]our client provided no documents or things in response to Request 6, while at the same time indicating that such documents and things do exist." Applicant's Supplemental Response to Request No. 6 states that the Applicant's response, "I will produce those responsive, non-privileged documents, in my custody, possession or control when [the Request is] clarified," merely indicates Applicant's good faith in responding and notes the need for greater clarity in the given Request. The language of Opposer's Request No. 6 could not be stated any more clearly in describing the documents and things sought. Furthermore, Applicant is asking the Opposer, and now the Board, to believe that the Applicant has neither created nor developed any business, marketing or development plans or strategies, which would likely contain information relevant to the issues in this Proceeding. Applicant's response is nothing more than an outright refusal to produce the requested documents and things. Therefore, Opposer respectfully requests that the Board compel the Applicant to produce all documents and things responsive to Opposer's Request No. 6.

7. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 7.

8. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 8.

9. In paragraph 9 of Opposer's Discovery Response Letter, Opposer states, "[y]our client provided no documents or things in response to Request 9 even though, by way of example only, your client apparently retained the services of Trademark Engine located at [www.trademarkengine.com](http://www.trademarkengine.com) to provide online trademark search and filing services related to the registration of either the ROCKET MESH Mark or the ROCKET MESH Design Mark or both." Applicant's Supplemental Response to Request No. 9 states, "Applicant previously produced copies of a series of prior trademark registrations of third parties, marked as Bates Nos. 1-54." In addition, the response states, "Applicant produces filings through, and a redacted proof of payment to, Trademark Engine, a trademark application filing service which filed the ROCKET MESH Application, marked as Bates Nos. 255-263. These documents are not responsive to Opposer's request for documents related to "any legal opinion regarding Applicant's right to use the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods." Therefore, Opposer respectfully requests that the Board compel the Applicant to produce all such legal opinions responsive to Opposer's Request No. 9.

10. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 10.

11. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 11.

12. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 12.

13. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 13.

14. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 14.

15. In paragraph 15 of Opposer's Discovery Response Letter, Opposer states, "[y]our client's response to Request 15 states that there are no documents or things of any kind related to the 'past, present, or future' operation of your client's business. This response is not believable." Applicant's Supplemental Response to Request No. 15 states that, "[a]pplicant produces communications evidencing of distribution relationships with identified distributors and wholesalers, marked as Bates Nos. 66-197." So, in fact, there were documents responsive to Opposer's Request No. 15 as evidenced by Applicant's Supplemental Response to Request No. 15. This means that Applicant's initial response denying the existence of such documents was indeed false. Unfortunately, Applicant's Supplemental Response to Request No. 15 was itself insufficient in that it did not produce any "business plans, marketing plans, development plans, business strategies, market analyses, market studies, market surveys, market identifications, customer lists, demographic studies, data compilations, cost analyses, pricing studies, expenditure projections," or "channels of trade identifications." To the extent "recommendations or records of oral communications concerning the development, production or marketing of the Applicant's Goods including the state, region, geographical area, and target market within which each distinct type of Applicant's Goods have been, are currently or will be sold anywhere or In Commerce" were included in Bates Nos. 66-197, those documents remained incomplete. Furthermore, Applicant's suggestion that the requested documents are not "material or relevant" because they address damages neglects to consider their importance in evaluating the overall marketplace shared by the Opposer and the



Applicant in this Proceeding. Opposer respectfully requests that the Board compel the Applicant to produce all additional documents responsive to Opposer's Request No. 15.

16. In paragraph 16 of Opposer's Discovery Response Letter, Opposer states, "[y]our client provided no documents or things in response to Request 16 even though your client specifically states that '[i]nformation requested was previously provided.'" Applicant's Supplemental Response to Request No. 16 states that, "[a]pplicant previously produced logo designs and service receipts identifying the logo designers thereof, now marked as Bates Nos. 208-232" and continues by stating that "[a]pplicant produces filings through, and a redacted proof of payment to, Trademark Engine, a trademark application filing service which filed the ROCKET MESH Application, marked as Bates Nos. 255-263." Applicant's Supplemental Response to Request No. 16 remains insufficient because Applicant did not provide "Documents and Things sufficient to summarize: (a) the marketing and advertising expenses for each year beginning with 2016 for each distinct type of good or service within Applicant's Goods" and "(b) the sales revenue for each year beginning with 2016 for each distinct type of good or service within Applicant's Goods." Contrary to Applicant's assertion that these documents are not "material or relevant" because damages are not an issue in this Opposition, they remain relevant in order to assess and determine Applicant's market penetration for those respective goods and services. Opposer respectfully requests that the Board compel the Applicant to produce all additional documents responsive to Opposer's Request No. 16.

17. In paragraph 17 of Opposer's Discovery Response Letter, Opposer states, "[y]our client's response to Request 17 is insufficient. By way of example only, while your client states that information is 'provided as attachments website1-63,' there is no

additional documentation related to any plans, notes, records, or communications with third parties, which should exist and would be responsive to Request 17.” Applicant’s Supplemental Response to Request No. 17 states that such a request is “grossly unreasonable” because since the Applicant uses “Rocket Mesh” as both the Applicant’s trademark and the “name of the Applicant’s business,” the production of such documents “would include practically every communication ever made by Applicant in connection with his business.” Request No. 17 clearly requests “[a]ll Documents and Things that Relate To demonstrating the Applicant’s existing, continuous or intended use of the ROCKET MESH Mark and the ROCKET MESH Design Mark” and does not request any such documents that apply to the use of “Rocket Mesh” as a business name. Applicant is in the best position to make this distinction but has decided not to do so. As a result, the Applicant has not provided any documentation responsive to this portion of Request No. 17. Therefore, Opposer respectfully requests that the Board compel the Applicant to produce all additional documents responsive to Opposer’s Request No. 17.

18. In paragraph 18 of Opposer’s Discovery Response Letter, Opposer states, “[y]our client’s response to Request 18 is insufficient. For example, while your client states that ‘[i]nformation was provided previously or is publicly available at Instagram @rocketmeshlax,’ no such documents or things related to that statement were provided.” Applicant’s Supplemental Response to Request No. 18 states that, “[a]pplicant objects to this Request to the extent that it seeks Documents and Things which are at least equally available to Opposer, and/or which are readily available from public sources (such as the Instagram @rocketmeshlax account).” While the Opposer has access to portions of the Applicant’s public social media accounts, it is the Applicant, not the Opposer, who is

better suited to identify which of the public social media posts satisfy the language of Request No. 18. Therefore, Opposer respectfully requests that the Board compel the Applicant to identify and produce all documents responsive to Opposer's Request No. 18 including, but not limited to, those documents contained within Applicant's Instagram, Twitter, Facebook, and YouTube social media accounts.

19. In paragraph 19 of Opposer's Discovery Response Letter, Opposer states, "[y]our client provided no documents or things in response to Request 19 even though part of your client's response to Request 18 states that '[p]ictures of giveaway stickers, keychains, and bracelets are provided as attachment promo1.' This indicates that documents and things responsive to Request 19 do exist." Applicant's Supplemental Response to Request No. 19 responds, "[n]o Documents and Things responsive to this Request have been found after a reasonable search." Given the fact that there are documents responsive to Request No. 18, it is reasonable to conclude that there are also documents and things sufficient to show the dates(s), method(s), medium(s), and location(s) in which Applicant used or distributed samples responsive to those same documents. It is unreasonable to believe that the Applicant, as part of the operation of his business, has been unable to find such documents. Therefore, Opposer respectfully requests that the Board compel the Applicant to identify and produce all documents responsive to Opposer's Request No. 19.

20. In paragraph 20 of Opposer's Discovery Response Letter, Opposer states, "[y]our client provided no documents or things in response to Request 20 even though your client specifically states '[d]ocuments provided by and/or controlled by the Opposer,'" which indicates that such documents do exist. Applicant's Supplemental

Response to Request No. 20 responds, “[a]pplicant further objects to this Request to the extent that it seeks Documents and Things which are at least equally available to Opposer (such as correspondence, social media exchanges, and discovery between Applicant and Opposer). Opposer is seeking those documents responsive to Request No. 20 that are not equally available to Opposer. Applicant’s production of a single screen capture identified as Bates No. 294 is nothing more than a token response to Opposer’s Request No. 20. Therefore, Opposer respectfully requests that the Board compel the Applicant to produce all documents responsive to Opposer’s Request No. 20.

21. In paragraph 21 of Opposer’s Discovery Response Letter, Opposer states, “[y]our client provided no documents or things in response to Request 21.” Applicant’s Supplemental Response to Request No. 21 responds, “[a]pplicant produces the results of a search conducted by Trademark Engine, a trademark application filing service which filed the ROCKET MESH Application, marked as Bates Nos. 257-260,” which shows that Applicant’s initial response to Opposer’s Request No. 21 was inadequate. Opposer believes that the production of only four (4) responsive documents is merely a subset of the documents controlled by the Applicant, which are responsive to Opposer’s Request No. 21. Therefore, Opposer respectfully requests that the Board compel the Applicant to identify all other documents (excluding Bates Nos. 257-260), which are responsive to Opposer’s Request No. 21 and either produce them or explain the privilege or reasons for not producing them.

22. In paragraph 22 of Opposer’s Discovery Response Letter, Opposer states, “[y]our client provided no documents or things in response to Request 22. In Opposer’s Responses to Applicant’s First Set of Interrogatories to Opposer, by example only,

Opposer described instances of confusion or mistake between the Opposer and the Applicant in ‘Communication No. 1’ and ‘Communication No. 2’ as part of the response to Interrogatory No 8. These instances of confusion or mistake were substantiated by corresponding documents. Therefore, Applicant’s assertion that no such documents or things exist is false.” Applicant’s Supplemental Response to Request No. 22 responds, “[a]pplicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search. Applicant notes that alleged evidence to which Opposer makes reference is already in Opposer’s possession and control, and production thereof is not required.” Since Opposer has demonstrated the existence of documents responsive to Opposer’s Request No. 22, it is reasonable to assume that additional related documents were created by the Applicant in the normal course of his business. It is these related documents that the Opposer seeks and the Applicant claims cannot be found after a “reasonable search.” Therefore, Opposer respectfully requests that the Board compel the Applicant to produce all documents responsive to Opposer’s Request No. 22.

23. In paragraph 23 of Opposer’s Discovery Response Letter, Opposer states, “[y]our client provided no documents or things in response to Request 23.” Opposer continues with, “[a]s described in paragraph 22 above, Opposer’s Responses to Applicant’s First Set of Interrogatories to Opposer disclosed instances of confusion or mistake involving the Opposer’s marks and the Applicant’s marks. Therefore, Applicant’s assertion that no such documents or things exist is false.” Applicant’s Supplemental Response to Request No. 23 responds, “[a]pplicant produces the results of a search conducted by Trademark Engine, a trademark application filing service which filed the ROCKET MESH Application, marked as Bates Nos. 257-260.” Given the

Applicant's repeated allegations throughout this proceeding that the Opposer's mark demonstrates a likelihood of confusion with a wide variety of other marks containing the word "ROCKET," there should be corresponding evidence and documentation in the Applicant's control, which demonstrates that "the ROCKET MESH Mark or the ROCKET MESH Design Mark might, would, could or does infringe or cause any actual, likely or inevitable confusion" with those same marks that contain the word "ROCKET." The Applicant has not produced such documents. Therefore, Opposer respectfully requests that the Board compel the Applicant to identify all other documents (excluding Bates Nos. 257-260), which are responsive to Opposer's Request No. 23, and either produce them or explain the privilege or reasons for not producing them.

24. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 24.

25. In paragraph 25 of Opposer's Discovery Response Letter, Opposer states, "[y]our client provided no documents or things in response to Request 25. At a minimum, the Opposer and the Applicant both sell goods related to the sport of lacrosse. Furthermore, the Applicant is keenly aware of this fact. Applicant's assertion that there are no documents or things that relate to 'any actual, potential, direct or indirect competition between the Applicant's Goods and the Opposer's Goods' is false." Applicant's Supplemental Response to Request No. 25 responds, "[a]pplicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search." Applicant continues by stating, "[o]utside of this Proceeding, Applicant has not received any other indication that Opposer and Applicant are in competition," which Applicant uses to justify not producing documents responsive to

Request No. 25. Once Applicant became aware that both parties sell lacrosse equipment, actual, potential, direct or indirect competition was established between the Applicant's Goods and the Opposer's Goods. As such, a reasonable search of the Applicant's records would establish the existence of such documentation. Applicant is merely exercising a recalcitrant refusal to produce documents and things that the Opposer has requested. Therefore, Opposer respectfully requests that the Board compel the Applicant to produce all documents responsive to Opposer's Request No. 25.

26. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 26.

27. In paragraph 27 of Opposer's Discovery Response Letter, Opposer states, "[y]our client provided no documents or things in response to Request 27 even though other documents and things provided by your client indicate that such documents or things do exist." Applicant's Supplemental Response to Request No. 27 responds, "[a]pplicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search." Applicant continues by stating, "[t]o the extent Opposer refers to the Instagram @rocketmeshlax account, Applicant notes that such content is readily available from a public source." While Applicant notes that the Instagram @rocketmeshlax account is a public source, the Applicant has not identified which of the posts on that public account provide "Media Communications, mailing lists, customer lists, customer profiles, customer surveys, proposal, bids, solicitations, business cards, business reply mail and correspondence." Nor has the Applicant identified such documentation with respect to the Applicant's Twitter, Facebook, and YouTube social media accounts. Finally, Applicant has neither identified nor produced Media

Communications, mailing lists, customer lists, customer profiles, customer surveys, proposal, bids, solicitations, business cards, business reply mail and correspondence, which may be located in the Applicant's business records outside of the sources of public social media. Again, Applicant is merely exercising an arbitrary refusal to produce documents and things that the Opposer has requested. Therefore, Opposer respectfully requests that the Board compel the Applicant to produce all documents responsive to Opposer's Request No. 27.

28. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 28.

29. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 29.

30. In paragraph 30 of Opposer's Discovery Response Letter, Opposer states, "[y]our client provided no documents or things in response to Request 30 even though your client specifically states that '[i]nformation is available publicly on Social Media.'" Applicant's Supplemental Response to Request No. 30 responds, "[a]pplicant further objects to this Request to the extent that it seeks Documents and Things which are readily available from public sources (such as the Instagram @rocketmeshlax account)." While Applicant notes that the Instagram @rocketmeshlax account is a public source, the Applicant has not identified which of the posts on that public account "refer to the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods." Nor has the Applicant identified such documentation with respect to the Applicant's Twitter, Facebook, and YouTube social media accounts. Therefore,



Opposer respectfully requests that the Board compel the Applicant to identify and produce all documents responsive to Opposer's Request No. 30.

31. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 31.

32. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 32.

33. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 33.

34. In paragraph 34 of Opposer's Discovery Response Letter, Opposer states, "[y]our client provided no documents or things in response to Request 34 even though your client specifically states that '[i]nformation is available on social media, www.rocket-mesh.com, www.amazon.com, and www.ebay.com publicly.'" Applicant's Supplemental Response to Request No. 34 responds, "[a]pplicant objects to this Request to the extent that it seeks Documents and Things which are readily available from public sources (such as the Instagram @rocketmeshlax account, amazon.com, and ebay.com)." While Applicant notes that the Instagram @rocketmeshlax account, amazon.com, and ebay.com are public sources, the Applicant has not identified which of the posts on the Instagram @rocketmeshlax account and which information on amazon.com and ebay.com are responsive to Opposer's request for "[a]ll Documents and Things that Relate To the Applicant's business reputation or the reputation of any of Applicant's Goods." Since the Applicant is better suited to make these determinations, Opposer respectfully requests that the Board compel the Applicant to identify and produce all documents responsive to Opposer's Request No. 34.

35. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 35.

36. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 36.

37. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 37.

38. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 38.

39. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 39.

40. In paragraph 40 of Opposer's Discovery Response Letter, Opposer states, "[y]our client provided no documents or things in response to Request 40 even though your client indicates that such documents and things do exist." Applicant's Supplemental Response to Request No. 40 responds, "[a] literal interpretation of 'statements ... to entities or third parties, which Relate To the ROCKET MESH Mark ... in connection with the Applicant's Goods' would include practically every statement ever made by Applicant in connection with his business, since 'Rocket Mesh' is part of the name of Applicant's business, and the business relates specifically to the identified goods." Request No. 40 clearly requests "[a]ll Documents and Things that Relate To any statements made to, correspondence with or communication between Applicant's ambassadors, collaborators, customers, advertising agents, sales agents, suppliers, vendors, clients or other entities or third parties, which Relate To the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods or

the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark in connection with the Opposer's Goods" and does not request any such documents that apply to the use of "Rocket Mesh" as a business name. Applicant is in the best position to make this distinction but has decided not to do so. As a result, the Applicant has not provided any documentation responsive to this portion of Request No. 40. Therefore, Opposer respectfully requests that the Board compel the Applicant to produce all additional documents responsive to Opposer's Request No. 40.

41. In paragraph 41 of Opposer's Discovery Response Letter, Opposer states, "[y]our client provided no documents or things in response to Request 41 even though your client specifically states that '[i]nformation is available on social media, www.rocket-mesh.com, www.amazon.com, and www.ebay.com publicly.'" Applicant's Supplemental Response to Request No. 41 responds, "[a]pplicant objects to this Request to the extent that it seeks Documents and Things which are readily available from public sources (such as rocket-mesh.com, the Instagram @rocketmeshlax account, amazon.com, and ebay.com)." While Applicant notes that rocket-mesh.com, the Instagram @rocketmeshlax account, amazon.com, and ebay.com are public sources, the Applicant has not identified which of the posts on the Instagram @rocketmeshlax account and which information on rocket-mesh.com, amazon.com and ebay.com are responsive to Opposer's request for "[a]ll Documents and Things that Relate To any articles, reviews or commentaries in Applicant's possession that discuss Applicant or Applicant's Goods." Since the Applicant is better suited to make these determinations, Opposer respectfully requests that the Board compel the Applicant to identify and produce all documents responsive to Opposer's Request No. 41.

42. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 42.

43. At this time, Opposer does not seek assistance from the Board in compelling the Applicant to produce documents responsive to Opposer's Request No. 43.

### **CONCLUSION**

For the foregoing reasons and explanations, Opposer hereby respectfully requests that the Board compel the Applicant to produce the requested document and things as described above.

Dated: July 7, 2019

Respectfully Submitted,

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paul@kodafirm.com  
*Attorney for Opposer*

**CERTIFICATE OF SERVICE**

THIS IS TO CERTIFY that on this 7<sup>th</sup> day of July, 2019, a copy of this OPPOSER'S MOTION TO COMPEL DISCOVERY was sent by electronic mail at rkl@rklpatlaw.com to:

Christopher Reaves, Esq.  
Rosenberg, Klein & Lee  
3458 Ellicott Center Drive, Suite 101  
Ellicott City, MD 20143  
Attorney for Applicant

and

Morton J. Rosenberg, Esq.  
Rosenberg, Klein & Lee  
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Attorney for Applicant

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*Attorney for Opposer*

# Exhibit A

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

ROCKET SPORTS, LLC	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. 91237356
	:	
DEXTER KAN	:	
	:	
Applicant.	:	

OPPOSER’S FIRST REQUEST FOR PRODUCTION  
OF DOCUMENTS AND THINGS PURSUANT TO  
RULE 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, Opposer, Rocket Sports, LLC, (“Opposer”) hereby requests that Applicant, Dexter Kan, (“Applicant”) produce the following requested documents and things with a verification to the effect that the documents and things are true and correct copies of what they purport to represent and forward such documents and things by electronic mail in PDF format with sequential Bates numbers to the Opposer’s Counsel’s email account within thirty (30) days.

DEFINITIONS

As used herein, the words and phrases set out below shall have the following meaning or definitions prescribed for them:

A. The term “Applicant” means Dexter Kan, including his agents, affiliates, ambassadors, collaborators, assignees, assistants, employees, representatives, licensees, partners, representatives, affiliated business entities, and their respective officers,

directors, employees, representatives, licensees, partners, agents, parent entities, subsidiary entities, predecessors in interest, successors in interest and assignees.

B. The term “Opposer” means Rocket Sports, LLC, its owners, members, officers, directors, employees, representatives, agents, predecessors in interest, successors in interest and assignees.

C. The term “Applicant’s Trademark Application” means United States Trademark Application Serial No. 87/385,665.

D. The term “Opposer’s Trademark Registration” means United States Trademark Registration No. 5,297,623.

E. The term “Opposer’s Trademark Application” means United States Trademark Application Serial No. 87/566,658.

F. The term “ROCKET MESH Mark” means the mark that is the subject of the United States Trademark Application Serial No. 87/385,665.

G. The term “ROCKET MESH Design Mark” means the graphical rocket design image as depicted in the banner portion of the [www.rocket-mesh.com](http://www.rocket-mesh.com) website as of May 1, 2018.

H. The term “ROCKET SPORTS Mark” means the mark that is the subject of the United States Trademark Registration No. 5,297,623.

I. The term “ROCKET SPORTS Design Mark” means the mark that is the subject of the United States Trademark Application Serial No. 87/566,658.

J. The term “Applicant’s Goods” means any good or service that Applicant at any time offered, advertised, marketed or sold, or has a bona fide intent to offer, advertise, market or sell at any time in the future, under or in connection with either the



ROCKET MESH Mark or ROCKET MESH Design Mark.

K. The term “Opposer’s Goods” means any good or service that Opposer at any time offered, advertised, marketed or sold, or has a bona fide intent to offer, advertise, market or sell at any time in the future, under or in connection with either the ROCKET SPORTS Mark or ROCKET SPORTS Design Mark.

L. The term “Thing” means any tangible object. Multiple images containing multiple views of a tangible object may be produced in electronic PDF format in lieu of the tangible object itself if the images provided are sufficient to provide the necessary information about the tangible object.

M. The terms “Document” or “Documents” mean all writings of any nature whatsoever that are originals, masters, and copies of writings that are not identical duplicates of the original, including without limitation, all writings, electronic writings, handwritings, printed matter, typed matter, graphic images, electronic images, photographic matter, recordings of any type of oral communication, recordings of any other data, compilations from which information can be obtained, letters, correspondence, memoranda, teletypes, notes, notes to files, calendars, calendar entries, diary entries, periodicals, publications, books, electronic notes, electronic mail messages, text messages, social media records, electronic files, computer files, computer print-outs, internet web pages, computer disks, compact disks, DVD disks, magnetic recording tapes, computer records or data, any other storage means by which information is retained in retrievable form, shop notebooks, flow sheets, invoices, receipts, purchase orders, packing slips, bills of lading, agreements, warranties, guarantees, contracts, advertisements, promotional materials, pamphlets, catalogs, labels, packaging, displays,

studies, spreadsheets, reports, photographs, slides, video recordings, films, microfilms, artwork, drawings, URL graphics, URI graphics, diagrams, sketches, illustrative materials, circulars, price lists, layouts, tear sheets, and all other materials recorded, reproduced or stored by any mechanical, optical, magnetic or electronic process.

N. The terms “Person” or “Persons” mean, including without limitation, any individual, proprietorship, firm, association, company, parent, subsidiary, division, corporation, partnership, trust, joint venture, organization or other entity.

O. The term “Identify” means: (a) in connection with natural persons, provide their full name, title, and job description, if applicable, and their last known business and home address; (b) in connection with firms, partnerships, limited liability companies, corporations, proprietorships, associations or other entities, provide their name, and their present or last known address; (c) in connection with documents, describe the documents, setting forth their dates, titles, authors, addresses, parties thereto and the substance thereof, with such reasonable particularity as would be sufficient to permit them to be sought by subpoenas duces tecum or under the provisions of Rule 34 of the Federal Rules of Civil Procedure. Documents to be identified shall include both documents in the Applicant’s possession, custody and control and all other documents of which the Applicant has knowledge; (d) in connection with oral statements and communications, (i) state when and where they were made; (ii) identify each of the makers and recipients thereof as well as all others present at the time such statement or communication was made; (iii) indicate the medium of communication; and (iv) state the substance of the communication.

P. The term “Social Media Communications” means all text, messages,

video, pictures, images, symbols, graphics, data or any other electronically communicated information using an electronic platform designed to promote and maintain contact between multiple individuals and other entities, including without limitation, the SnapChat®, Twitter®, Facebook® and InstaGram® social media platforms.

Q. The term “Advertisement” means any printed or electronic promotional item or material, including without limitation, brochures, flyers, newspaper copy, radio advertising scripts, television advertising scripts, broadcast of any kind, video, internet promotions, banner text and graphics, pop-up text and graphics, email solicitations and all Social Media Communications of a sales or promotional nature.

R. The term “In Commerce” shall have the same meaning as that defined in 15 U.S.C.A. § 1127.

S. The words “and” as well as “or” shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of this Opposer’s First Set of Interrogatories Pursuant to Rule 33 of the Federal Rules of Civil Procedure all responses which might otherwise be construed to be outside its scope.

T. The term “Relate To” shall mean comprising, directly or indirectly mentioning, discussing or describing, relating to, referring to, pertaining to, being connected with, reflecting upon or resulting from the stated subject matter.

### INSTRUCTIONS

A. If a privilege is relied upon in declining to produce any documents or things in response to a document request or part thereof, identify the nature of the privilege along with a brief statement setting forth Applicant’s reason for withholding the

document or thing, and provide the following: (a) the type of document; (b) the general subject matter of the document; (c) the date of the document; and (d) the author of the document, the addressee of the document, and, where not apparent, the relationship of the author and the addressee to each other.

B. If any of the documents requested below were formerly but no longer are in Applicant's custody or control, state the present location and custodian of each such document.

C. Electronic mail messages shall be provided even if only available on "backup" or archive tapes or disks. Any policy for deletion or destruction of electronic mail messages or other electronic data, if implemented, shall be described, and the date of inception of the policy is to be identified.

D. These requests shall be deemed continuing in nature so as to require future production of any and all documents and things responsive to any requests contained herein. A complete response to this request implies a continuing obligation to provide the Opposer with current, updated documents and things relevant to each request. This obligation continues throughout all subsequent proceedings of this opposition.

E. If a document identified to be responsive no longer exists, has been destroyed, or is alleged to have been destroyed, state the date of and reason for its destruction, identify each person having any knowledge of its destruction, each person responsible for its destruction, and describe the document to the extent possible. If a document retention program has been implemented, describe the program and identify the date when the program was initiated.

F. Where a request is considered vague, confusing, or unclear, the Applicant

is requested to produce documents most reasonably believed to be responsive to the request with an explanation as to the reason the request is believed to be vague, confusing, or unclear.

#### DOCUMENTS AND THINGS REQUESTED

1. All Documents and Things the Applicant intends to use or will use in this proceeding, which is identified as Rocket Sports, LLC v. Dexter Kan in Opposition No. 91237356 in the United States Patent and Trademark Office before the Trademark Trial and Appeal Board.

2. All Documents and Things that Applicant identified, described, referenced, consulted, used to support, used to controvert, or that Relate To Applicant's response to Opposer's First Set of Interrogatories Pursuant to Rule 33 of the Federal Rules of Civil Procedure (Nos. 1-22) identifying each Document as to the interrogatory to which they respond.

3. All Documents and Things that Relate To written statements, oral statements, transcripts, reports, interviews or affidavits given by any person regarding or supporting the Applicant's Answer to Notice of Opposition and Answer to Amended Notice of Opposition in this proceeding or any allegations therein, including any affirmative defenses alleged by the Applicant.

4. All Documents and Things that Relate To any fact or circumstance which support the Applicant's Answer to Notice of Opposition and Answer to Amended Notice of Opposition in this proceeding or any allegations therein, including any affirmative defenses alleged by the Applicant.

5. All Documents and things that Relate To Applicant's Initial Disclosures pursuant to Federal Rules of Civil Procedure 26(a)(1).
6. All Documents and Things that Relate To any of the Applicant's business, marketing or development plans or strategies during each of the three (3) years prior to filing the Applicant's Trademark Application.
7. All Documents and Things that Relate To the ROCKET MESH Mark, the ROCKET MESH Design Mark or the Applicant's Goods.
8. All Documents and Things that Relate To Applicant's creation, conception, consideration, design, planning, development, selection, adoption, modification, change or reliance upon the availability of the ROCKET MESH Mark and the ROCKET MESH Design Mark in connection with Applicant's Goods, including without limitation, any surveys, focus group reports, internet searches, government entity searches, business record searches, search reports, clearance opinions, investigations and market studies.
9. All Documents and Things that Relate To any legal opinion regarding Applicant's right to use the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods.
10. All Documents and things that Relate To any investigations, tests, studies, analyses, evaluations, opinions, reports, research memorandum or surveys relating to consumer recognition of the ROCKET MESH Mark and the ROCKET MESH Design Mark in connection with the Applicant's Goods as indicating the Applicant as the source or origin of the Applicant's Goods.
11. All Documents and Things that substantiate the Applicant's dates of first

use anywhere and first use In Commerce of the ROCKET MESH Mark and the ROCKET MESH Design Mark for each distinct type of Applicant's Goods.

12. All Documents and Things that Relate To Applicant's Trademark Application or other applications to the United States Patent and Trademark Office contemplated or filed by the Applicant for marks similar to the ROCKET MESH Mark or ROCKET MESH Design Mark, including without limitation, all related correspondence, Office Actions, responses to Office Actions and other papers.

13. Documents and Things sufficient to identify each and every distinct former, existing or intended type of Applicant's Goods.

14. All Documents and Things from which the price of each distinct type of Applicant's Goods and the volume of sales of such goods to date may can be determined.

15. All Documents and Things that Relate To the Applicant's past, present or future business plans, marketing plans, development plans, business strategies, market analyses, market studies, market surveys, market identifications, customer lists, demographic studies, data compilations, cost analyses, pricing studies, expenditure projections, channels of trade identifications, recommendations or records of oral communications concerning the development, production or marketing of the Applicant's Goods including the state, region, geographical area, and target market within which each distinct type of Applicant's Goods have been, are currently or will be sold anywhere or In Commerce.

16. Documents and Things sufficient to summarize: (a) the marketing and advertising expenses for each year beginning with 2016 for each distinct type of good or service within Applicant's Goods; (b) the sales revenue for each year beginning with

2016 for each distinct type of good or service within Applicant's Goods; and (c) the expenses for developing the ROCKET MESH Mark and the ROCKET MESH Design Mark.

17. All Documents and Things that Relate To demonstrating the Applicant's existing, continuous or intended use of the ROCKET MESH Mark and the ROCKET MESH Design Mark in connection with the Applicant's Goods from at least as early as January 1, 2016 to the present.

18. Representative samples of each distinct type of Applicant's actual or proposed Advertisement, promotion, radio script, television script, contest, product tag, label, promotional item or other product literature featuring the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods, including without limitation, circulars, brochures, leaflets, direct mail pieces, and internet, television, radio, newspaper, and magazine advertising pieces, business cards, stationery, pamphlets, training manuals, uniforms, apparel, vehicle signage, signs, billboards, "give away" items, calendars, pens, note pads, hats, t-shirts, pins, and stickers or any other advertising means.

19. Documents and things sufficient to show the date(s), method(s), medium(s), and location(s) in which Applicant used or distributed samples responsive to Request No. 18.

20. All Documents and Things that Relate To knowledge by the Applicant of the Opposer, the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark.

21. All Documents and Things that Relate To any investigations, tests, studies, analyses, evaluations, opinions, reports, research memoranda or surveys relating



to any actual or likelihood of confusion between: (a) the ROCKET MESH Mark in connection with the Applicant's Goods and the ROCKET SPORTS Mark in connection with the Opposer's Goods; (b) the ROCKET MESH Mark in connection with the Applicant's Goods and the ROCKET SPORTS Design Mark in connection with the Opposer's Goods; or, (c) the ROCKET MESH Design Mark in connection with the Applicant's Goods and the ROCKET SPORTS Design Mark in connection with the Opposer's Goods.

22. All Documents and Things that Relate To any statement, inquiry, comment or other communication by or from Applicant's or Opposer's customers, suppliers, vendors, advertisers or other third parties, either written or oral, evidencing any confusion, deceit, mistake, suspicion, belief or doubt, or lack thereof, as to: (a) the relationship between the Applicant and Opposer; (b) the association between the Applicant and the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark; (c) the association between the Opposer and the ROCKET MESH Mark or the ROCKET MESH Design Mark; (d) the source of Applicant's Goods; or, (e) the source of Opposer's Goods.

23. All Documents and Things that Relate To whether or not the ROCKET MESH Mark or the ROCKET MESH Design Mark might, would, could or does infringe or cause any actual, likely or inevitable confusion with either the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark or any mark or name containing the word "ROCKET," whether or not owned by the Applicant or the Opposer.

24. All Documents and Things that Relate To any objection, protest or expression of concern by any individual or entity regarding the Applicant's current or

intended use of the ROCKET MESH Mark or the ROCKET MESH Design Mark.

25. All Documents and Things that Relate To any actual, potential, direct or indirect competition between the Applicant's Goods and the Opposer's Goods.

26. All Documents and Things that Relate To the channels of trade or representative outlets through which Applicant offers, intends to offer, sells, or intends to sell goods or services under the ROCKET MESH Mark or the ROCKET MESH Design Mark.

27. Documents and Things sufficient to show the classes of customers or targeted, potential or proposed classes of customers for the Applicant's Goods, including without limitation, Social Media Communications, mailing lists, customer lists, customer profiles, customer surveys, proposals, bids, solicitations, business cards, business reply mail and correspondence.

28. All Documents and Things that Relate To any license, security, assignment, consent to use, consent to register, contractual obligation, agreement or other interest granted with respect to any right(s) in the ROCKET MESH Mark, the ROCKET MESH Design Mark or any mark or name containing the word "ROCKET" or any such variation.

29. All Documents and Things that Relate To any contract, agreement, potential agreement or understanding regarding the implementation, use, appearance or control of the ROCKET MESH Mark or the ROCKET MESH Design Mark or any such variation or in connection with the Applicant's Goods, including without limitation, all license, franchise, distribution and sales agreements between Applicant and any third party.

30. All Social Media Communication, press releases or articles appearing in any media, press or trade publications or in any internet or social media outlet, which refer to the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods.

31. Documents sufficient to Identify each individual, ambassador, collaborator, company, business, outlet or other entity presently authorized to sell, distribute or promote any of the Applicant's Goods in the United States, or any individual, ambassador, company, business, outlet or other entity that Applicant plans to authorize to sell, distribute or promote any of the Applicant's Goods in the United States.

32. All Documents and Things that Relate To any policies, standards or guidelines to be followed regarding the implementation, use, appearance or control of the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods.

33. All Documents and Things that Relate To any complaints by any individual, ambassador, collaborator, customer, supplier, vendor, client or other entity about any of the Applicant's Goods.

34. All Documents and Things that Relate To the Applicant's business reputation or the reputation of any of the Applicant's Goods.

35. All Documents and Things that Relate To any communication between Applicant and Opposer concerning any mark or name used by either entity.

36. All Documents and Things that Relate To the Opposer, the Opposer's Attorney, the ROCKET SPORTS Mark, the ROCKET SPORTS Design Mark or the Opposer's Goods.

37. All Documents and things that Relate To any polls, studies, surveys or investigations conducted by or on behalf of the Applicant, which relate to the Opposer, the ROCKET SPORTS Mark, the ROCKET SPORTS Design Mark or the Opposer's Goods.

38. All Documents and Things generated by the Applicant or on behalf of the Applicant that reference any third party use of a trade name, trademark or service mark containing the word "ROCKET" or any such variation.

39. All Documents and Things that Relate To the Applicant's document retention and destruction policies including those regarding electronic mail and social media content.

40. All Documents and Things that Relate To any statements made to, correspondence with or communication between Applicant's ambassadors, collaborators, customers, advertising agents, sales agents, suppliers, vendors, clients or other entities or third parties, which Relate To the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods or the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark in connection with the Opposer's Goods.

41. All Documents and Things that Relate To any articles, reviews or commentaries in Applicant's possession that discuss Applicant or Applicant's Goods.

42. All Documents and Things that Relate To the circumstances under which Applicant first became aware of Opposer, the ROCKET SPORTS Mark, the ROCKET SPORTS Design Mark or the Opposer's Goods.

43. All Documents and Things that Relate To any court action or administrative proceeding filed by or against Applicant, and all written challenges or

objections made by or directed to Applicant, relating or referring to Applicant's use or planned use of, or claimed rights in, the ROCKET MESH Mark or the ROCKET MESH Design Mark.

Dated: May 7, 2018

Respectfully Submitted,

/pwk/  
Paul W. Koda  
Attorney for Opposer  
Koda Law Firm  
23219 Stringtown Road #201  
Clarksburg, Maryland 20871  
240-997-1116  
pwkoda@gmail.com

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on this 7<sup>th</sup> day of May, 2018, a copy of this OPPOSER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS PURSUANT TO RULE 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE was sent by electronic mail at dex20000@comcast.net to:

Dexter Kan  
3681 Hollyberry Drive  
Huntingtown, Maryland 20639  
Applicant

/pwk/  
Paul W. Koda  
Attorney for Opposer  
Koda Law Firm  
23219 Stringtown Road #201  
Clarksburg, Maryland 20871  
240-997-1116  
pwkoda@gmail.com

# Exhibit B

ROCKET SPORTS, LLC	)	IN THE MATTER OF:
	)	Opposition No.: 91237356
Opposer,	)	
	)	For the mark: "ROCKET MESH"
	)	Filed on: March 25, 2017
v.	)	Published: August 22, 2017
	)	International Class: 28
DEXTER KAN,	)	
	)	
Applicant.	)	

**APPLICANT’S RESPONSES TO OPPOSER’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO APPLICANT**

Applicant, Dexter Kan responds and objects to Opposer’s First Requests for Production of Documents to Applicant (“Request(s)”) as set forth below. The following responses are made solely for the purposes of the above-captioned proceeding. Each response is subject to all objections as to relevance, materiality, and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court.

No incidental or implied admissions are intended by these responses. The fact that Applicant has objected or responded to any Request shall not be deemed an admission that Applicant accepts or admits the existence of any facts set forth or assumed by such Request or that such objection or response constitutes admissible evidence. The fact that Applicant has responded to part or all of any Request is not intended to and shall not be construed to be a waiver by Applicant of any part of any objection to any Request.

The responses and objections are made on the basis of information and writings currently available to and located by Applicant upon reasonable investigation. Applicant expressly

reserves the right to modify, revise, supplement, or amend its responses as they deem appropriate.

### GENERAL OBJECTIONS

1. Applicant objects to the Requests to the extent that they require Applicant to search for and produce documents or information that are not within its possession, custody, or control.
2. Applicant objects to the Requests to the extent they seek information or documents that cannot be located by Applicant after reasonably diligent inquiry, are readily available from public sources, or are available to Opposer from another source or by other means that are more convenient, more appropriate, less burdensome, or less expensive.
3. Applicant objects to the Requests to the extent they seek legal conclusions or would require Applicant to reach a legal conclusion in order to prepare a response or both.
4. Applicant objects to the Requests to the extent they are argumentative, prejudicial, improper, incorrect, vague, ambiguous, overbroad or any such combination thereof.
5. Applicant objects to the Definitions to the extent that such Definitions imply legal conclusions.



## RESPONSES

Request 1. All Documents and Things the Applicant intends to use or will use in this proceeding, which is identified as Rocket Sports, LLC v. Dexter Kan in Opposition No. 91237356 in the United States Patent and Trademark Office before the Trademark Trial and Appeal Board.

### Response 1.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections, I will produce those responsive, non-privileged documents, in my custody, possession or control when clarified.

Request 2. All Documents and Things that Applicant identified, described, referenced, consulted, used to support, used to controvert, or that Relate To Applicant's response to Opposer's First Set of Interrogatories Pursuant to Rule 33 of the Federal Rules of Civil Procedure (Nos. 1-22) identifying each Document as to the interrogatory to which they respond.

### Response 2.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows:

www.rocket-mesh.com Website Pages (attachments website1-63)

Advertisement in Instagram (7/29/17 & 9/2/17) (attachments ad1-2)

Advertisement in US Lacrosse Magazine (May/June 2018) (attachment ad3)

Request 3. All Documents and Things that Relate To written statements, oral statements, transcripts, reports, interviews or affidavits given by any person regarding or supporting the Applicant's Answer to Notice of Opposition and Answer to Amended Notice of Opposition in this proceeding or any allegations therein, including any affirmative defenses alleged by the Applicant.

Response 3.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections, I will produce those responsive, non-privileged documents, in my custody, possession or control when clarified.

Request 4. All Documents and Things that Relate To any fact or circumstance which support the Applicant's Answer to Notice of Opposition and Answer to Amended Notice of Opposition in this proceeding or any allegations therein, including any affirmative defenses alleged by the Applicant.

Response 4.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections, I will produce those responsive, non-privileged documents, in my custody, possession or control when clarified.

Request 5. All Documents and things that Relate To Applicant's Initial Disclosures pursuant to Federal Rules of Civil Procedure 26(a)(1).

Response 5.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections, I will produce those responsive, non-privileged documents, in my custody, possession or control when clarified.

Request 6. All Documents and Things that Relate To any of the Applicant's business, marketing or development plans or strategies during each of the three (3) years prior to filing the Applicant's Trademark Application.

Response 6.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections, I will produce those responsive, non-privileged documents, in my custody, possession or control when clarified.

Request 7. All Documents and Things that Relate To the ROCKET MESH Mark, the ROCKET MESH Design Mark or the Applicant's Goods.

Response 7.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: Information has been previously provided that speaks to this request. Also, much of the information is available to the public as identified in previously.

Request 8. All Documents and Things that Relate To Applicant's creation, conception, consideration, design, planning, development, selection, adoption, modification, change or reliance upon the availability of the ROCKET MESH Mark and the ROCKET MESH Design Mark in connection with Applicant's Goods, including without limitation, any surveys, focus group reports, internet searches, government entity searches, business record searches, search reports, clearance opinions, investigations and market studies.

Response 8.

Information was provided previously responsive to this request.

Request 9. All Documents and Things that Relate To any legal opinion regarding Applicant's right to use the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods.

Response 9.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: None.

Request 10. All Documents and things that Relate To any investigations, tests, studies, analyses, evaluations, opinions, reports, research memorandum or surveys relating to consumer recognition of the ROCKET MESH Mark and the ROCKET MESH Design Mark in connection with the Applicant's Goods as indicating the Applicant as the source or origin of the Applicant's Goods.

Response 10.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: None.

Request 11. All Documents and Things that substantiate the Applicant's dates of first use anywhere and first use In Commerce of the ROCKET MESH Mark and the ROCKET MESH Design Mark for each distinct type of Applicant's Goods.

Response 11.

Email correspondence with Rocket Mesh Promotional Keychain and Rocket Design Tag for Mesh Supplier 3/22/17 shows first use (attachment logofirstuse1). First use in commerce is shown with the first sale 6/7/17 (attachment firstsale1).

Request 12. All Documents and Things that Relate To Applicant's Trademark Application or other applications to the United States Patent and Trademark Office contemplated or filed by the Applicant for marks similar to the ROCKET MESH Mark or ROCKET MESH Design Mark, including without limitation, all related correspondence, Office Actions, responses to Office Actions and other papers.

Response 12.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: None.

Request 13. Documents and Things sufficient to identify each and every distinct former, existing or intended type of Applicant's Goods.

Response 13.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: All existing goods are identified on the website publicly at [www.rocket-mesh.com](http://www.rocket-mesh.com) and provided as attachments website 1-63. All newly intended goods will be focused on the game of Lacrosse or Rocket Mesh logo apparel.

Request 14. All Documents and Things from which the price of each distinct type of Applicant's Goods and the volume of sales of such goods to date may be determined.

Response 14.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: Retail prices can be determined publicly at Ebay.com, Amazon.com, and on the website publicly at www.rocket-mesh.com and as provided as attachments website 1-63. Wholesale pricing provided as attachments wholesale1-3. Approximate volume of goods can be determined with information mentioned here and with information provided previously.

Request 15. All Documents and Things that Relate To the Applicant's past, present or future business plans, marketing plans, development plans, business strategies, market analyses, market studies, market surveys, market identifications, customer lists, demographic studies, data compilations, cost analyses, pricing studies, expenditure projections, channels of trade identifications, recommendations or records of oral communications concerning the development, production or marketing of the Applicant's Goods including the state, region, geographical area, and target market within which each distinct type of Applicant's Goods have been, are currently or will be sold anywhere or In Commerce.

Response 15.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: none.

Request 16. Documents and Things sufficient to summarize: (a) the marketing and advertising expenses for each year beginning with 2016 for each distinct type of good or service within Applicant's Goods; (b) the sales revenue for each year beginning with 2016 for each distinct type of good or service within Applicant's Goods; and (c) the expenses for developing the ROCKET MESH Mark and the ROCKET MESH Design Mark.

Response 16.

Information requested was previously provided.

Request 17. All Documents and Things that Relate To demonstrating the Applicant's existing, continuous or intended use of the ROCKET MESH Mark and the ROCKET MESH Design Mark in connection with the Applicant's Goods from at least as early as January 1, 2016 to the present.

Response 17.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: Information is publicly available at [www.rocket-mesh.com](http://www.rocket-mesh.com) and provided as attachments website1-63.

Request 18. Representative samples of each distinct type of Applicant's actual or proposed Advertisement, promotion, radio script, television script, contest, product tag, label, promotional item or other product literature featuring the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods, including without limitation, circulars, brochures, leaflets, direct mail pieces, and internet, television, radio, newspaper, and magazine advertising pieces, business cards, stationery, pamphlets, training manuals, uniforms, apparel, vehicle signage, signs, billboards, "give away" items, calendars, pens, note pads, hats, t-shirts, pins, and stickers or any other advertising means.

Response 18.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: Information was provided previously or is publicly available at Instagram @rocketmeshlax. Pictures of giveaway stickers, keychains, and bracelets are provided as attachment promo1.

Request 19. Documents and things sufficient to show the date(s), method(s), medium(s), and location(s) in which Applicant used or distributed samples responsive to Request No. 18.

Response 19.

No documents related to this request.

Request 20. All Documents and Things that Relate To knowledge by the Applicant of the Opposer, the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark.

Response 20.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: Documents provided by and/or controlled by the Opposer.

Request 21. All Documents and Things that Relate To any investigations, tests, studies, analyses, evaluations, opinions, reports, research memoranda or surveys relating to any actual or likelihood of confusion between: (a) the ROCKET MESH Mark in connection with the Applicant's Goods and the ROCKET SPORTS Mark in connection with the Opposer's Goods; (b) the ROCKET MESH Mark in connection with the Applicant's Goods and the ROCKET SPORTS Design Mark in connection with the Opposer's Goods; or, (c) the ROCKET MESH Design Mark in connection with the Applicant's Goods and the ROCKET SPORTS Design Mark in connection with the Opposer's Goods.

Response 21.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: None.



Request 22. All Documents and Things that Relate To any statement, inquiry, comment or other communication by or from Applicant's or Opposer's customers, suppliers, vendors, advertisers or other third parties, either written or oral, evidencing any confusion, deceit, mistake, suspicion, belief or doubt, or lack thereof, as to: (a) the relationship between the Applicant and Opposer; (b) the association between the Applicant and the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark; (c) the association between the Opposer and the ROCKET MESH Mark or the ROCKET MESH Design Mark; (d) the source of Applicant's Goods; or, (e) the source of Opposer's Goods.

Response 22.

None.

Request 23. All Documents and Things that Relate To whether or not the ROCKET MESH Mark or the ROCKET MESH Design Mark might, would, could or does infringe or cause any actual, likely or inevitable confusion with either the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark or any mark or name containing the word "ROCKET," whether or not owned by the Applicant or the Opposer.

Response 23.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: None.

Request 24. All Documents and Things that Relate To any objection, protest or expression of concern by any individual or entity regarding the Applicant's current or intended use of the ROCKET MESH Mark or the ROCKET MESH Design Mark.

Response 24.

None outside of this proceeding.

Request 25. All Documents and Things that Relate To any actual, potential, direct or indirect competition between the Applicant's Goods and the Opposer's Goods.

Response 25.

None.

Request 26. All Documents and Things that Relate To the channels of trade or representative outlets through which Applicant offers, intends to offer, sells, or intends to sell goods or services under the ROCKET MESH Mark or the ROCKET MESH Design Mark.

Response 26.

I object to this Interrogatory to the extent it is overly broad, burdensome and oppressive. Subject to and without waiving the foregoing general and specific objections my responses are as follows:

Website at [www.rocket-mesh.com](http://www.rocket-mesh.com)- attachments website1-63

Amazon.com- information is available publicly at [www.amazon.com](http://www.amazon.com) and attachment amazon1.

Ebay.com- information is available publicly at [www.ebay.com](http://www.ebay.com) and attachment ebay1.

Tournaments- information is available publicly for the following- Laxtoberfest, Annapolis MD, MD Fall

Lacrosse Tournament, Columbia MD, Lax Invitational, Annapolis MD, Raleigh Laxfest, Raleigh NC,

Philly Showcase, Downingtown PA, Spring Thaw, Frederica DE

Tradeshows/Conventions- information publicly available- LAXCON, various locations

Specific Partner/Sponsored Organizations & Teams (as previously identified)- documentation previously provided

Lacrosse Stringers (as previously identified)- see Instagram

Retail Distributors (as previously identified)- brochure previously provided, wholesale price lists- see attachments wholesale2-4

Wholesaler (Sport Pro Wholesale)- none available

Request 27. Documents and Things sufficient to show the classes of customers or targeted, potential or proposed classes of customers for the Applicant's Goods, including without limitation, Social Media Communications, mailing lists, customer lists, customer profiles, customer surveys, proposals, bids, solicitations, business cards, business reply mail and correspondence.

Response 27.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: none.

Request 28. All Documents and Things that Relate To any license, security, assignment, consent to use, consent to register, contractual obligation, agreement or other interest granted with respect to any right(s) in the ROCKET MESH Mark, the ROCKET MESH Design Mark or any mark or name containing the word "ROCKET" or any such variation.

Response 28.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: none.

Request 29. All Documents and Things that Relate To any contract, agreement, potential agreement or understanding regarding the implementation, use, appearance or control of the ROCKET MESH Mark or the ROCKET MESH Design Mark or any such variation or in connection with the Applicant's Goods,

including without limitation, all license, franchise, distribution and sales agreements between Applicant and any third party.

Response 29.

None.

Request 30. All Social Media Communication, press releases or articles appearing in any media, press or trade publications or in any internet or social media outlet, which refer to the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods.

Response 30.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: Information is available publicly on Social Media.

Request 31. Documents sufficient to Identify each individual, ambassador, collaborator, company, business, outlet or other entity presently authorized to sell, distribute or promote any of the Applicant's Goods in the United States, or any individual, ambassador, company, business, outlet or other entity that Applicant plans to authorize to sell, distribute or promote any of the Applicant's Goods in the United States.

Response 31.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections, I, Dexter Kan, am the Applicant for the subject matter trademark. Information on partner companies was previously provided.

Request 32. All Documents and Things that Relate To any policies, standards or guidelines to be followed regarding the implementation, use, appearance or control of the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods.

Response 32.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: none.

Request 33. All Documents and Things that Relate To any complaints by any individual, ambassador, collaborator, customer, supplier, vendor, client or other entity about any of the Applicant's Goods.

Response 33.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections my responses are as follows: We had a documented complaint from a non-customer on Instagram that since has been deleted. For the purposes of this request, it is assumed that warranty claims are not considered complaints.

Request 34. All Documents and Things that Relate To the Applicant's business reputation or the reputation of any of the Applicant's Goods.

Response 34.

Information is available on social media, [www.rocket-mesh.com](http://www.rocket-mesh.com), [www.amazon.com](http://www.amazon.com), and [www.ebay.com](http://www.ebay.com) publicly.

Request 35. All Documents and Things that Relate To any communication between Applicant and Opposer concerning any mark or name used by either entity.

Response 35.

None outside of this proceeding.

Request 36. All Documents and Things that Relate To the Opposer, the Opposer's Attorney, the ROCKET SPORTS Mark, the ROCKET SPORTS Design Mark or the Opposer's Goods.

Response 36.

I object to this Interrogatory on the ground that it is overly broad, vague and oppressive.

Request 37. All Documents and things that Relate To any polls, studies, surveys or investigations conducted by or on behalf of the Applicant, which relate to the Opposer, the ROCKET SPORTS Mark, the ROCKET SPORTS Design Mark or the Opposer's Goods.

Response 37.

None.

Request 38. All Documents and Things generated by the Applicant or on behalf of the Applicant that reference any third party use of a trade name, trademark or service mark containing the word "ROCKET" or any such variation.

Response 38.

I object to this Interrogatory on the ground that it is overly broad, vague and oppressive. Subject to and without waiving the foregoing general and specific objections my responses are as follows: We have made custom butt ends for one organization and a number of custom shafts for organizations using our RML logo. Samples are shown in attachments custom1-3.

Request 39. All Documents and Things that Relate To the Applicant's document retention and destruction policies including those regarding electronic mail and social media content.

Response 39.

None

Request 40. All Documents and Things that Relate To any statements made to, correspondence with or communication between Applicant's ambassadors, collaborators, customers, advertising agents, sales agents, suppliers, vendors, clients or other entities or third parties, which Relate To the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods or the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark in connection with the Opposer's Goods.

Response 40.

I object to this Interrogatory on the ground that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections, I will produce those responsive, non-privileged documents, in my custody, possession or control when clarified.

Request 41. All Documents and Things that Relate To any articles, reviews or commentaries in Applicant's possession that discuss Applicant or Applicant's Goods.

Response 41.

Information is available on social media, [www.rocket-mesh.com](http://www.rocket-mesh.com), [www.amazon.com](http://www.amazon.com), and [ebay.com](http://ebay.com) publicly.

Request 42. All Documents and Things that Relate To the circumstances under which Applicant first became aware of Opposer, the ROCKET SPORTS Mark, the ROCKET SPORTS Design Mark or the Opposer's Goods.

Response 42.

No documentation related to first awareness.

Request 43. All Documents and Things that Relate To any court action or administrative proceeding filed by or against Applicant, and all written challenges or objections made by or directed to Applicant, relating or referring to Applicant's use or planned use of, or claimed rights in, the ROCKET MESH Mark or the ROCKET MESH Design Mark.

Response 43.

None outside of this proceeding.



Respectfully submitted,

**DEXTER KAN**

Dated: 6/6/2018

By: /Dexter Kan/

3681 Hollyberry Drive  
Huntingtown, Maryland 20639

Email: dex20000@comcast.net

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT** has been served on ROCKET SPORTS, LLC by forwarding said copy on June 6, 2018, via email to:

Paul W. Koda  
Koda Law Firm  
pwkoda@gmail.com

Date: 6/6/2018

By: /Dexter Kan/

**Dexter Kan**

# Exhibit C

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**Motion for Discovery Sanctions in Opposition No. 91237356 before the Trademark Trial and Appeal Board**

1 message

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**Paul Koda** <pwkoda@gmail.com>

Thu, Jun 14, 2018 at 9:22 PM

To: Dexter Kan &lt;dex20000@comcast.net&gt;, stephen@rocketsports.us

Mr. Kan,

You have failed to respond to Opposer's First Set of Interrogatories Pursuant to Rule 33 of the Federal Rules of Civil Procedure which were due June 6, 2018.

Furthermore, your response to Opposer's First Request for Production of Documents and Things Pursuant to Rule 34 of the Federal Rules of Civil Procedure is wholly inadequate. For example, your argument that Request 40 needs clarification is entirely specious. Request 40 requires you to produce "All Documents and Things that Relate To any statements made to, correspondence with or communication between Applicant's ambassadors, collaborators, customers, advertising agents, sales agents, suppliers, vendors, clients or other entities or third parties, which Relate To the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods or the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark in connection with the Opposer's Goods." Nothing could be more clearly stated. Your response to this Request was utterly lacking. In addition, your responses to many of the other clearly stated Requests show a similar disregard for your obligations under the Federal Rules of Civil Procedure.

By way of example, you have produced absolutely no email communications with third parties in response to my client's requests. In fact, you have provided only seventy-seven (77) documents total in response to Opposer's First Request for Production of Documents and Things Pursuant to Rule 34 of the Federal Rules of Civil Procedure. At the same time, my client, Rocket Sports, LLC has either identified or provided to you four thousand two hundred fifty-nine (4,259) documents in compliance with your requests. Those numbers alone speak volumes about the extent of your violation of the Rules in this Proceeding.

I am preparing a Motion for Discovery Sanctions against you based upon the points noted above. My client is willing to suspend filing that Motion in the event you provide a complete response along with the requested documents by June 20, 2018. Please note that this gives you an additional two weeks to comply with your discovery obligations.

Regards,

Paul W. Koda  
Counsel for Rocket Sports, LLC  
Koda Law Firm  
23219 Stringtown Road #201  
Clarksburg, Maryland 20871  
[240-997-1116](tel:240-997-1116)  
[pwkoda@gmail.com](mailto:pwkoda@gmail.com)

**CONFIDENTIAL COMMUNICATION**

This is a communication from Koda Law Firm and may contain information which is privileged, confidential, and protected by the attorney-client or attorney work product privileges. If you are not the addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and immediately notify the sender.

# Exhibit D



Paul Koda <pwkoda@gmail.com>

Paul Koda <pwkoda@gmail.com>

Tue, Jun 19, 2018 at 6:03 PM

Mr. Kan,

Also, as you are aware, we have given you until June 20, 2018 to produce the documents requested in Opposer's First Request for Production of Document and Thing Pursuant to Rule 34 of the Federal Rule of Civil Procedure. In addition, you have a deadline of June 21, 2018 for providing answers to Opposer's First Set of Requests for Admission Pursuant to Rule 36 of the Federal Rules of Civil Procedure and a deadline of June 22, 2018 for providing answers to Opposer's Second Set of Requests for Admission Pursuant to Rule 36 of the Federal Rules of Civil Procedure. Those deadlines remain in effect. We will forward a separate email, which is not pursuant to Rule 408 of the Federal Rules of Evidence, reiterating these points.

Regards,

Paul W. Koda  
Counsel for Rocket Sports, LLC  
Koda Law Firm  
23219 Stringtown Road #201  
Clarksburg, Maryland 20871  
[240-997-1116](tel:240-997-1116)  
[pwkoda@gmail.com](mailto:pwkoda@gmail.com)

CONFIDENTIAL COMMUNICATION

# Exhibit E

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

ROCKET SPORTS, LLC,

Opposer,

vs.

DEXTER KAN,

Applicant.

Opposition No. 91237356

**APPLICANT'S SUPPLEMENTAL  
RESPONSE TO OPPOSER  
ROCKET SPORTS, LLC'S FIRST  
REQUEST FOR PRODUCTION OF  
DOCUMENTS AND THINGS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, 37 C.F.R. § 2.120, Applicant, Dexter Kan supplements his earlier Response served on June 6, 2018 (the "June Response") to the First Request for Production of Documents and Things to Applicant (the "Requests") set forth by Opposer, Rocket Sports, LLC, by supplementing responses to certain Requests in accordance with the definitions and instructions set forth below.

**DEFINITIONS**

All terms used herein shall be consistent with the definitions set forth in the Requests.

**GENERAL OBJECTIONS**

All prior objections listed in the June Response are maintained, and are supplemented with the following General Objections and other specific objections as listed further herein.

Applicant objects to the Requests in their entirety to the extent that they impose any requirements in excess of those imposed by the Federal Rules of Civil Procedure.



Applicant objects to the Requests in their entirety to the extent that they are argumentative, prejudicial, improper, incorrect, vague, ambiguous, overbroad, or any such combination thereof.

Applicant objects to the Requests in their entirety to the extent that they are unreasonably cumulative or duplicative, repetitive, redundant, or otherwise excessive, oppressive, or vexatious.

Applicant objects to the Requests in their entirety to the extent that they seek information or documents that are readily available from public sources, or are available to Opposer from another source or by other means that are more convenient, more appropriate, less burdensome, or less expensive.

Applicant objects to the Requests in their entirety to the extent that they require Applicant to search for and produce documents or things that are not within his possession, custody, or control.

Applicant objects to the Requests in their entirety to the extent that they seek documents and things equally available to Opposer or already in Opposer's possession.

Applicant objects to the Requests in their entirety to the extent that they require the disclosure of information or documents that are subject to the Attorney-Client Privilege or protected from disclosure by the Work Product Doctrine or other applicable privileges. Furthermore, production or disclosure of any privileged or otherwise protected information by Applicant in the course of this Action is inadvertent and shall not constitute waiver of such privilege(s) and/or protection(s) or other grounds for objection to discovery with respect to such information.

Applicant objects to the Requests in their entirety to the extent that the documents or information sought is confidential or proprietary.

Applicant objects to the Requests in their entirety to the extent that it would result in the violation of a contractual obligation to a third party.

Applicant objects to the Requests in their entirety to the extent that they require excessive research and/or complex analysis, or are otherwise unduly burdensome to respond to.

Applicant objects to the Requests insofar as they request "all documents and things" referring or relating to a particular subject. In responding to Opposer's requests, Applicant will conduct a reasonable search of his files for the requested documents and things, but Applicant does not represent that he has located "all" such documents and things, or that such documents and things exist.

Applicant objects to the Requests in their entirety to the extent that they require Applicant to provide information beyond that which is available to Applicant after conducting a reasonable search of his own files, or after making reasonable inquiries.

Applicant objects to the Requests in their entirety to the extent that they call for responses which are speculative in nature.

Applicant objects to the Requests in their entirety to the extent they seek legal conclusions, or would require Applicant to reach a legal conclusion in order to prepare a response.

Applicant objects to the Definitions in their entirety to the extent that such Definitions imply legal conclusions.

Nothing in these objections shall be construed as waiving any rights or objections which otherwise may be available to Applicant, nor are any of Applicant's objections an admission of the relevance, materiality, or admissibility of evidence in either the requests or responses thereto.

MR4861-2

Opposition No. 91237356

Applicant's Supplemental Response to Opposer's First Request for Production

To the extent that specific objections are cited in a particular response, the particular objections are provided because they are believed to be particularly applicable to the particular Interrogatory in question, and are not to be construed as a waiver of any general objection applicable to information falling within the scope of the Requests.

Applicant explicitly reserves his rights to present additional facts and/or contentions and to raise any applicable objections based on information and/or documents subsequently obtained and/or evaluated in light of the developments in the law, developments in the underlying Opposition, or any other relevant information that Applicant may subsequently obtain.

**RESPONSES TO REQUESTS FOR PRODUCTION**

For all requests not named below, the prior responses of the June Response are maintained without alteration. For all requests named below, the prior responses of the June Response are maintained, and supplemented by additional information as provided below.

**REQUEST NO. 1:**

All Documents and Things the Applicant intends to use or will use in this proceeding, which is identified as Rocket Sports, LLC v. Dexter Kan in Opposition No. 91237356 in the United States Patent and Trademark Office before the Trademark Trial and Appeal Board.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 1:**

The specific objections to this Request from the June Response are maintained. Applicant further objects to this Request as unduly speculative to the extent that it requires the production of documents and things which Applicant is not yet aware will be involved in this proceeding. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Subject to and without waiving the foregoing general and specific objections:

Applicant produces copies of a series of prior trademark registrations of third parties, marked as Bates Nos. 1-54.

**REQUEST NO. 2:**

All Documents and Things that Applicant identified, described, referenced, consulted, used to support, used to controvert, or that Relate To Applicant's response to Opposer's First Set of

Interrogatories Pursuant to Rule 33 of the Federal Rules of Civil Procedure (Nos. 1-22) identifying each Document as to the interrogatory to which they respond.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 2:**

The specific objections to this Request are maintained. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Subject to and without waiving the foregoing general and specific objections:

Applicant additionally produces copies of trademark registrations and trademark applications of third parties identified in response to Interrogatory No. 20, marked as Bates Nos. 1-61.

**REQUEST NO. 4:**

All Documents and Things that Relate To any fact or circumstance which support the Applicant's Answer to Notice of Opposition and Answer to Amended Notice of Opposition in this proceeding or any allegations therein, including any affirmative defenses alleged by the Applicant.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 4:**

The specific objections to this Request are maintained. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Subject to and without waiving the foregoing general and specific objections:

Applicant produces copies of the trademark registrations identified in the Counterclaim in Applicant's proposed Amended Answer, marked as Bates Nos. 9 and 15.

**REQUEST NO. 9:**

All Documents and Things that Relate To any legal opinion regarding Applicant's right to use the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 9:**


The specific objections to this Request are maintained. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Subject to and without waiving the foregoing general and specific objections:

Applicant produces copies of a series of prior trademark registrations of third parties, marked as Bates Nos. 1-54.

**VERIFICATION STATEMENT:**

I, Dexter Kan, hereby state under oath that I have read the foregoing responses, and that they are true and accurate to the best of my knowledge and belief.

Submitted,

By:   
\_\_\_\_\_  
Dexter Kan  
*d/b/a Rocket Mesh Lacrosse*

Dated: 1/3/19

MR4861-2

Opposition No. 91237356

Applicant's Supplemental Response to Opposer's First Request for Production

**CERTIFICATE OF SERVICE**

I hereby certify that on January 4, 2019, I served a copy of the Document entitled **APPLICANT'S SUPPLEMENTAL RESPONSE TO ROCKET SPORTS, LLC'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS** on Opposer by sending a true and correct copy of the Document by email to Paul Koda at [paul@kodafirm.com](mailto:paul@kodafirm.com).



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Christopher Reaves

# Exhibit F



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1775 Eye Street NW Suite 1150 ◆ Washington, DC 20006 ◆ 202-266-9933 ◆ www.kodafirm.com

*By Electronic Delivery Only to rkl@rkllpatlaw.com*

April 22, 2019

Mr. Jun Y. Lee  
Rosenberg, Klein & Lee  
3458 Ellicott Center Drive, Suite 101  
Ellicott City, MD 21043

**Re: Applicant Dexter Kan's Deficient Response to Opposer's First Request for Production of Documents and Things Pursuant to Rule 34 of the Federal Rules of Civil Procedure in Opposition No. 91237356 Before the Trademark Trial and Appeal Board**

Dear Mr. Lee:

On May 7, 2018 Opposer, Rocket Sports, LLC, served Opposer's First Set of Interrogatories Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Opposer's First Request for Production of Documents and Things Pursuant to Rule 34 of the Federal Rules of Civil Procedure ("Discovery") on your client, Applicant, Dexter Kan. The due date for your client to respond to Discovery was June 6, 2018. On June 5, 2018 and June 6, 2018, Mr. Kan provided a total of one hundred four ("104") documents that were either insufficient, inadequate, or entirely lacking in their response to Discovery ("Deficiencies"). These Deficiencies with respect to Opposer's First Request for Production of Documents and Things Pursuant to Rule 34 are outlined in the sequential paragraphs below.

1. Opposer's Request 1 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 1, while at the same time indicating that such documents and things do exist. Your client is required to provide all documents and things responsive to Request 1.<sup>1</sup>

2. Opposer's Request 2 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client's response to Request 2 is insufficient. The response indicates that "www.rocket-mesh.com Website Pages (attachments website1-63)",

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<sup>1</sup> Opposer notes that the subsequent production of documents produced by Applicant's counsel on January 4, 2019 addresses, but does not satisfy, this Request 1.

“Advertisement in Instagram (7/29/17 & 9/2/17) (attachments ad1-2)”, and “Advertisement in US Lacrosse Magazine (May/June 2018) (Attachment ad3)” are the only documents and things “that Relate To Applicant’s response to Opposer’s First Set of Interrogatories Pursuant to Rule 33 of the Federal Rules of Civil Procedure (Nos. 1-22).” Preliminarily, Request 2 specifically requested the identification of “each Document as to the interrogatory to which they respond.” This identification was not provided. Substantively, the documents and things referenced by your client are not in any way responsive to Opposer’s Interrogatory Nos. 1, 2(a), 2(b), 2(d), 3, 4, 5, 6, 7(b), 7(c), 9(a), 9(d), 10, 11, 12, 13, 14, 15, 16(b), 17, 18, 19, 21 and 22. Furthermore, the documents and things referenced by your client are only partially responsive to Opposer’s remaining Interrogatories. Your client is required to provide all documents and things responsive to Request 2.<sup>2</sup>

3. Opposer’s Request 3 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 3, while at the same time indicating that such documents and things do exist. Your client is required to provide all documents and things responsive to Request 3.

4. Opposer’s Request 4 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 4, while at the same time indicating that such documents and things do exist. Your client is required to provide all documents and things responsive to Request 4.<sup>3</sup>

5. Opposer’s Request 5 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 5, while at the same time indicating that such documents and things do exist. Your client is required to provide all documents and things responsive to Request 5.

6. Opposer’s Request 6 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 6, while at the same time indicating that such documents and things do exist. Your client is required to provide all documents and things responsive to Request 6.

7. Opposer’s Request 7 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 7 even though your client specifically states that “[i]nformation has been previously provided that speaks to this request. Also, much of the information is available to the public as identified in previously.” Your client is required to provide all documents and things responsive to Request 7.

8. Your client provided no documents or things in response to Request 8 even though your client specifically states that “[i]nformation was provided previously responsive to

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<sup>2</sup> Opposer notes that the subsequent production of documents produced by Applicant’s counsel on January 4, 2019 does not satisfy this Request 2.

<sup>3</sup> Opposer notes that the subsequent production of documents produced by Applicant’s counsel on January 4, 2019 does not satisfy this Request 4.

this request.” Your client is required to provide all documents and things responsive to Request 8.

9. Your client provided no documents or things in response to Request 9 even though, by way of example only, your client apparently retained the services of Trademark Engine located at [www.trademarkengine.com](http://www.trademarkengine.com) to provide online trademark search and filing services related to the registration of either the ROCKET MESH Mark or the ROCKET MESH Design Mark or both. At a minimum, your client is required to provide all documents and things related to any communications or transactions he has had with Trademark Engine. Furthermore, your client is required to provide all documents and things responsive to Request 9 that are not privileged and may have originated with prior counsel. Your client is required to provide all other documents and things responsive to Request 9.<sup>4</sup>

10. Your client provided no documents or things in response to Request 10. Opposer reiterates that your client is required to provide all documents and things responsive to Request 10.

11. Your client’s response to Request 11 is insufficient. The email thread provided in the document identified as “logofirstuse1” discusses the manufacturing and ordering of “keychains,” “tags,” “butt ends,” and “transparent rubber balls.” This document does not show the first use or first use in commerce of any goods or services. Furthermore, it fails to mention most of the goods that your client alleges he sells in connection with the ROCKET MESH Mark or the ROCKET MESH Design Mark as shown in “attachments website 1-63.” In addition, the document identified as “firstsale1” does not identify any goods or services associated with the ROCKET MESH Mark or the ROCKET MESH Design Mark. It is insufficient to show the first use or first use in commerce of any of the Applicant’s goods or services. Your client is required to provide all documents and things responsive to Request 11.

12. Your client provided no documents or things in response to Request 12 even though your client corresponded with the United States Patent and Trademark Office (“USPTO”) regarding trademark application Ser. No. 87385665. Furthermore, your client communicated about this same mark with Trademark Engine, an online trademark search and filing service, whose contact information, [name@trademarkengine.com](mailto:name@trademarkengine.com), was provided to the USPTO in connection with trademark application Ser. No. 87385665. At a minimum, your client is required to provide all documents related to these communications or transactions. Furthermore, your client is required to provide all other documents and things responsive to Request 12.

13. Opposer’s Request 13 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client’s response to Request 13 is insufficient. While “all existing good [sic]” are identified as being “provided as attachments website 1-63,” there are no documents related to each former or intended type of Applicant’s Goods. To the extent that these documents exist, your client is required to provide them as part of the response

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<sup>4</sup> Opposer notes that the subsequent production of documents produced by Applicant’s counsel on January 4, 2019 does not satisfy this Request 9.

to Request 13. Furthermore, your client is required to provide all other documents and things responsive to Request 13.

14. Opposer's Request 14 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client's response to Request 14 is insufficient. While "[r]etail prices" are identified as being "provided as attachments website 1-63" and "[w]holesale pricing" is "provided as attachments wholesale1-3," there is no documentation for general pricing other than "Spring 2018." In addition, there is no documentation regarding any special pricing for customers other than the "Fall 2017" pricing for "Northern Soul" and the "April 2018" pricing for "Play it Again Sports." Furthermore, your client has provided no documentation regarding the "volume of sales of such goods." Your client is required to provide all documents and things responsive to Request 14.

15. Opposer's Request 15 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client's response to Request 15 states that there are no documents or things of any kind related to the "past, present, or future" operation of your client's business. This response is not believable. Your client is required to provide all documents and things responsive to Request 15.

16. Your client provided no documents or things in response to Request 16 even though your client specifically states that "[i]nformation requested was previously provided." Your client is required to provide all documents and things responsive to Request 16.

17. Opposer's Request 17 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client's response to Request 17 is insufficient. By way of example only, while your client states that information is "provided as attachments website1-63," there is no additional documentation related to any plans, notes, records, or communications with third parties, which should exist and would be responsive to Request 17. Your client is required to provide all documents and things responsive to Request 17.

18. Opposer's Request 18 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client's response to Request 18 is insufficient. For example, while your client states that "[i]nformation was provided previously or is publicly available at Instagram @rocketmeshlax," no such documents or things related to that statement were provided. Furthermore, the image provided in the document identified as "promo1" shows only "stickers, keychains, and bracelets." By way of example only, there is no additional documentation related to any "[a]dvertisement, promotion, radio script, television script, contest, product tag, label" or "other product literature," which should exist and would be responsive to Request 18. Your client is required to provide all documents and things responsive to Request 18.

19. Your client provided no documents or things in response to Request 19 even though part of your client's response to Request 18 states that "[p]ictures of giveaway stickers, keychains, and bracelets are provided as attachment promo1." This indicates that documents and things responsive to Request 19 do exist. Your client is required to provide all documents and

things responsive to Request 19.

20. Opposer's Request 20 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 20 even though your client specifically states "[d]ocuments provided by and/or controlled by the Opposer." Your client is required to provide all documents and things responsive to Request 20.

21. Opposer's Request 21 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 21. Your client is required to provide all documents and things responsive to Request 21.

22. Your client provided no documents or things in response to Request 22. In Opposer's Responses to Applicant's First Set of Interrogatories to Opposer, by example only, Opposer described instances of confusion or mistake between the Opposer and the Applicant in "Communication No. 1" and "Communication No. 2" as part of the response to Interrogatory No. 8. These instances of confusion or mistake were substantiated by corresponding documents. Therefore, Applicant's assertion that no such documents or things exist is false. Your client is required to provide all documents and things responsive to Request 22.

23. Your client provided no documents or things in response to Request 23. This Request is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. As described in paragraph 22 above, Opposer's Responses to Applicant's First Set of Interrogatories to Opposer disclosed instances of confusion or mistake involving the Opposer's marks and the Applicant's marks. Therefore, Applicant's assertion that no such documents or things exist is false. Your client is required to produce all documents and things responsive to Request 23.

24. Your client provided no documents or things in response to Request 24. In view of Opposer's response to Opposer's Responses to Applicant's First Set of Interrogatories to Opposer Interrogatory No. 8, it is highly likely that Applicant's assertion that there are no documents or things "outside of this proceeding" is false. Your client is required to produce all documents and things responsive to Request 24.

25. Your client provided no documents or things in response to Request 25. At a minimum, the Opposer and the Applicant both sell goods related to the sport of lacrosse. Furthermore, the Applicant is keenly aware of this fact. Applicant's assertion that there are no documents or things that relate to "any actual, potential, direct or indirect competition between the Applicant's Goods and the Opposer's Goods" is false. Your client is required to provide all documents and things responsive to Request 25.

26. Opposer's Request 26 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client's response to Request 26 is insufficient. By way of examples only, your client identified the following entities in his response to Request

26: Laxtoberfest, MD Fall Lacrosse Tournament, Lax Invitational, Raleigh Laxfest, Philly Showcase, Spring Thaw, LAXCON, Lacrosse Stringers, and Sport Pro Wholesale. Your client provided no documents or things with respect to these entities. Your client is required to provide all documents and things related to these entities and all other documents and things responsive to Request 26.

27. Opposer's Request 27 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 27 even though other documents and things provided by your client indicate that such documents or things do exist. Your client is required to provide all documents and things responsive to Request 27.

28. Opposer's Request 28 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 28 even though your client stated in response to Applicant's Responses to Opposer's First Set of Interrogatories to Applicant Interrogatory 2a that the Applicant is a "Sole Proprietorship owned by Eden Kan," who is an individual not listed as the owner of the ROCKET MESH mark described in Trademark Application Ser. No. 87385665. This discrepancy between the owner of the ROCKET MESH Trademark Application and the owner of the business suggests that such documents or things do exist. Your client is required to provide all documents and things related to this discrepancy and all other documents and things responsive to Request 28.

29. Your client provided no documents or things in response to Request 29 even though, by way of example only, your client stated in response to Interrogatory 3B of Applicant's Responses to Opposer's First Set of Interrogatories to Applicant that the Applicant's "list of Distributors and Wholesalers that we sell wholesale Rocket Mesh branded products include:

- Sky Lacrosse
- East Side Lacrosse
- 313 Lacrosse Store
- Performall Sports
- Burned by Lax
- VooDoo Lacrosse
- The Lacrosse Box
- Sports Barn
- Lacrosse Ball Store
- Lax.com
- Spydergrypz
- Lumberlax
- Northern Soul
- Stickhead Lacrosse
- Blue Bison Sports
- Rhino Sportswear
- Legacy Lacrosse Technology

FLAX Pros  
ILA Sports  
Play It Again Sports- Marysville  
Sport Pro Wholesale  
Pockets by Clem (stringer)  
Jrock Lacrosse (stringer)  
Camel City Lacrosse (stringer).”

To suggest that no such “license, franchise, distribution and sales agreements” exist between Applicant and these third parties, or any other third party, as those terms are defined in Request 29 is beyond belief. Your client is required to provide all documents and things responsive to Request 29, including but not limited to, documents and things related to the third parties already listed in your client’s response to Applicant’s Responses to Opposer’s First Set of Interrogatories to Applicant Interrogatory 3B.

30. Opposer’s Request 30 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 30 even though your client specifically states that “[i]nformation is available publicly on Social Media.” Your client is required to provide all documents and things responsive to Request 30.

31. Opposer’s Request 31 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 31. In addition, your client’s statement, “I, Dexter Kan, am the Applicant for the subject matter trademark” is not responsive to Request 31 because no documents or things were identified and produced. Furthermore, while your client specifically states that “[i]nformation on partner companies was previously provided,” which indicates that documents and things responsive to Request 31 do exist, no such documents and things were produced. Your client is required to provide all documents and things responsive to Request 31.

32. Opposer’s Request 32 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 32. Your client is required to provide all documents and things responsive to Request 32.

33. Opposer’s Request 33 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 33. Your client specifically states that “[w]e had a documented complaint from a non-customer on Instagram that since has been deleted. For the purposes of this request, it is assumed that warranty claims are not considered complaints,” which indicates that documents or things responsive to Request 33 do exist. Your client is required to provide all documents and things responsive to Request 33, including but not limited to, the warranty claims and deleted Instagram posts described by the Applicant in his response to Request 33.

34. Your client provided no documents or things in response to Request 34 even

though your client specifically states that “[i]nformation is available on social media, www.rocket-mesh.com, www.amazon.com, and www.ebay.com publicly.” Your client is required to provide all documents and things responsive to Request 34.

35. Your client provided no documents or things in response to Request 35. In addition, your client’s statement that there are “[n]one outside of this proceeding,” with regard to requested documents or things, is not responsive to Request 35 because no documents or things were identified and produced. Your client is required to provide all documents and things responsive to Request 35.

36. Opposer’s Request 36 is neither overly broad, nor vague, nor oppressive. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 36. Your client is required to provide all documents and things responsive to Request 36.

37. Your client provided no documents or things in response to Request 37. Your client is required to provide all documents and things responsive to Request 37.

38. Opposer’s Request 38 is neither overly broad, nor vague, nor oppressive. In fact, it is narrowly drafted, clear, and concise. Your client’s statement that “[w]e have made custom butt ends for one organization and a number of custom shafts for organizations using our RML logo,” is not responsive to Request 38 because the request is asking about “any third party use of a trade name, trademark or service mark containing the word “ROCKET” or any such variation.” (emphasis added). Your client does not qualify as a third party as specified by Request 38. Furthermore, attachments custom1-3 do not show “third party use of a trade name, trademark or service mark containing the word “ROCKET” or any such variation,” as specified by Request 38. As such, your client provided no documents or things in response to Request 38. Your client is required to provide all documents and things responsive to Request 38.<sup>5</sup>

39. Your client provided no documents or things in response to Request 39. Opposer respectfully reiterates that your client is required to provide all documents and things responsive to Request 39.

40. Opposer’s Request 40 is neither overly broad, nor vague, nor ambiguous. In fact, it is narrowly drafted, clear, and concise. Your client provided no documents or things in response to Request 40 even though your client indicates that such documents and things do exist. Your client is required to provide all documents and things responsive to Request 40.

41. Your client provided no documents or things in response to Request 41 even though your client specifically states that “[i]nformation is available on social media, www.rocket-mesh.com, www.amazon.com, and ebay.com publicly.” Your client is required to provide all documents and things responsive to Request 41.

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<sup>5</sup> Opposer notes that the subsequent production of documents produced by Applicant’s counsel on January 4, 2019 does not satisfy this Request 38.



42. Your client provided no documents or things in response to Request 42. In view of Opposer's response to Opposer's Responses to Applicant's First Set of Interrogatories to Opposer Interrogatory No. 8, it is highly likely that Applicant's assertion that there is "[n]o documentation related to first awareness" is false. Your client is required to provide all documents and things responsive to Request 42.

43. Your client provided no documents or things in response to Request 43. Your client is required to provide all documents and things responsive to Request 43.

Please provide complete responses to Opposer's First Request for Production of Documents to Applicant In Opposition No. 91237356 Before the Trademark Trial and Appeal Board before **May 9, 2019**. With respect to any remaining deficiencies in discovery after that date, we will pursue an appropriate Motion to Compel Discovery.

Sincerely,

/Paul W. Koda/

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# Exhibit G

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

ROCKET SPORTS, LLC,

Opposer,

vs.

DEXTER KAN,

Applicant.

Opposition No. 91237356

**APPLICANT'S SUPPLEMENTAL  
RESPONSE TO OPPOSER  
ROCKET SPORTS, LLC'S FIRST  
REQUEST FOR PRODUCTION OF  
DOCUMENTS AND THINGS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, 37 C.F.R. § 2.120, Applicant, Dexter Kan served Responses on June 6, 2018 (the "2018 Response") and January 4, 2019 (the "2019 Response") to the First Request for Production of Documents and Things to Applicant (the "Requests") set forth by Opposer, Rocket Sports, LLC. Applicant now supplements his responses to certain Requests in accordance with the definitions and instructions set forth below.

In particular, on March 11, 2019, Opposer noted the omission of Bates Numbers on certain of the originally produced documents. These documents are therefore reattached with these numbers, and their numbers identified in the response to the corresponding requests.

Additionally, on April 22, 2019, Opposer objected to Applicant's Responses to certain of the Requests as being "deficient." Each objection is addressed in turn herein.

**GENERAL OBJECTIONS**

All prior objections set forth in the 2018 and 2019 Responses are maintained.

Applicant explicitly reserves his rights to present additional facts and/or contentions and to raise any applicable objections based on information and/or documents subsequently obtained and/or evaluated in light of the developments in the law, developments in the underlying Opposition, or any other relevant information that Applicant may subsequently obtain.

### **RESPONSES TO REQUESTS FOR PRODUCTION**

The prior responses of the 2018 and 2019 Responses are maintained, and supplemented where applicable by additional information as provided below.

#### **REQUEST NO. 1:**

All Documents and Things the Applicant intends to use or will use in this proceeding, which is identified as Rocket Sports, LLC v. Dexter Kan in Opposition No. 91237356 in the United States Patent and Trademark Office before the Trademark Trial and Appeal Board.

#### **SUPPLEMENTAL RESPONSE TO REQUEST NO. 1:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant again objects to this Request as unduly speculative to the extent that it requires the production of Documents and Things which Applicant is not yet aware will be involved in this proceeding. Applicant again objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Applicant further specifically objects to the phrase "intends to use or will use" as it is vague and undefined. Applicant further objects to this Request to the extent that it calls for speculation. Applicant further objects to this Request to the extent it would require Applicant to return Documents and Things which Opposer provided during discovery and therefore already

possesses and controls. Subject to and without waiving the foregoing general and specific objections:

Applicant previously produced copies of a series of prior mark registrations of third parties, marked as Bates Nos. 1-54.

Opposer claims that this production does not "satisfy the request" and appears to argue that Applicant "intends to use or will use" other (non-privileged) Documents and Things in the proceeding. Opposer is incorrect. No other Documents and Things responsive to this Request have been found after a reasonable search. Should Applicant decide to rely on additional Documents and Things in the proceeding at a later date, Applicant will supplement this Response at that time.

Opposer claims that Applicant's original response indicates "that such documents and things do exist." Applicant has made no such indication. Applicant stated in the 2018 Response that "I will produce those responsive, non-privileged documents, in my custody, possession or control when [the Request is] clarified," but this merely indicates Applicant's good faith in responding and notes the need for greater clarity in the given Request. As Opposer has refrained from amending the language of the Request, nothing has changed. Notwithstanding this and without waiving any rights or objections, Applicant has produced Documents and Things based on a best guess as to the meaning of Opposer's Request.

**REQUEST NO. 2:**

All Documents and Things that Applicant identified, described, referenced, consulted, used to support, used to controvert, or that Relate To Applicant's response to Opposer's First Set

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Applicant's Supplemental Response to Opposer's First Request for Production

of Interrogatories Pursuant to Rule 33 of the Federal Rules of Civil Procedure (Nos. 1-22)

identifying each Document as to the interrogatory to which they respond.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 2:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant again objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Applicant further objects to this Request to the extent that it is overly burdensome and oppressive.

Applicant further objects to this Request to the extent that it seeks Documents and Things which are equally available to Opposer, and/or which are readily available from public sources.

Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding. Subject to and without waiving the foregoing general and specific objections:

With respect to Interrogatory No. 1, Applicant produces a copy of his driver's license as evidence of his personal address, marked as Bates No. 62.

With respect to Interrogatory No. 2a, Applicant produces a record of the Rocket Mesh, LLC business registration, marked as Bates Nos. 63-64.

With respect to Interrogatory No. 2b, no Documents and Things responsive to this Request have been found after a reasonable search.

With respect to Interrogatory No. 2c, Applicant produces a record of the Rocket Mesh, LLC business registration, marked as Bates Nos. 63-64.

With respect to Interrogatory No. 2d, Applicant produces a partial copy of a lease for a location in St. Mary's County, marked as Bates No. 65.

With respect to Interrogatory No. 3, Applicant produces communications evidencing of distribution relationships with identified distributors and wholesalers, marked as Bates Nos. 66-197. Applicant produces evidence of a first sale in each category of product, marked as Bates Nos. 198-207. (It is noted that Bates Nos. 198-199, a receipt for a "Custom Amount," indicates a first sale of a lacrosse shaft.)

With respect to Interrogatory No. 4, Applicant previously produced logo designs and service receipts identifying the logo designers thereof, now marked as Bates Nos. 208-232.

With respect to Interrogatory No. 5, Applicant produces the originally filed Trademark Application No. 87/385,665, marked as Bates Nos. 238-242, and a record of the Rocket Mesh, LLC business registration, marked as Bates Nos. 63-64.

With respect to Interrogatory No. 6, Applicant previously produced an image of giveaway products, now marked as Bates No. 274. Applicant previously produced images of packaging samples, now marked as Bates Nos. 275-289. Applicant previously produced an image of sample advertising banners, now marked as Bates No. 290. Applicant previously produced copies of sample advertisements, now marked as Bates Nos. 291-293. Applicant produces an image of an advertisement distributed through US Lacrosse, marked as Bates No. 295. Applicant produces images of sponsored advertising on Amazon.com, marked as Bates No. 296-298. Applicant previously produced copies of sample brochures and presentations, now marked as Bates Nos. 299-305. Applicant previously produced the contents of Applicant's website, now marked as Bates Nos. 306-611.

With respect to Interrogatory No. 7, Applicant previously produced the contents of Applicant's website, now marked as Bates Nos. 306-611.

With respect to Interrogatory No. 8, Applicant previously produced the contents of Applicant's website, now marked as Bates Nos. 306-611. Applicant previously produced a sample page displaying products for sale on Amazon.com, now marked as Bates Nos. 612-617. Applicant previously produced a sample page displaying products for sale on Ebay.com, now marked as Bates Nos. 618-627.

With respect to Interrogatory No. 9, Applicant previously produced copies of sample advertisements, now marked as Bates Nos. 291-293. Applicant produces an image of an advertisement distributed through US Lacrosse, marked as Bates No. 295. Applicant produces images of sponsored advertising on Amazon.com, marked as Bates No. 296-298. Applicant previously produced copies of sample brochures and presentations, now marked as Bates Nos. 299-305. Applicant previously produced the contents of Applicant's website, now marked as Bates Nos. 306-611.

With respect to Interrogatory No. 10, no relevant Documents and Things have been found after a reasonable search.

With respect to Interrogatory No. 11, no relevant Documents and Things have been found after a reasonable search.

With respect to Interrogatory No. 12, no relevant Documents and Things have been found after a reasonable search.

With respect to Interrogatory No. 13, no relevant Documents and Things have been found after a reasonable search. Applicant notes that damages are not an issue in this or any Opposition, and therefore Applicant's financial information is not material or relevant. Opposer's request for the same is plainly improper and erroneous.



With respect to Interrogatory No. 14, no relevant Documents and Things have been found after a reasonable search. Applicant notes that damages are not an issue in this or any Opposition, and therefore Applicant's financial information is not material or relevant. Opposer's request for the same is plainly improper and erroneous.

With respect to Interrogatory No. 15, no relevant Documents and Things have been found after a reasonable search.

With respect to Interrogatory No. 16, no relevant Documents and Things have been found after a reasonable search.

With respect to Interrogatory No. 17, Applicant produces communications, registration forms, and receipts evidencing Applicant's marketing at identified conventions, marked as Bates Nos. 628-1049.

With respect to Interrogatory No. 18, Applicant produces the results of a search conducted by Trademark Engine, a trademark application filing service which filed the ROCKET MESH Application, marked as Bates Nos. 257-260. It is noted that Applicant did not preserve the results of the remaining identified searches, as they found no results considered relevant.

With respect to Interrogatory No. 19, no relevant Documents and Things have been found after a reasonable search.

With respect to Interrogatory No. 20, Applicant previously produced copies of mark registrations and mark applications of third parties, marked as Bates Nos. 1-61.

With respect to Interrogatory No. 21, Applicant produces partial, redacted communications and agreements sufficient to evidence relationships between Applicant's company and identified organizations, marked as Bates Nos. 1050-1575. Applicant notes that damages are not an issue in this or any Opposition, and therefore contract terms and payment

arrangements are not material or relevant. To the extent that Opposer requests the same, the request is improper and erroneous.

With respect to Interrogatory No. 22, no relevant Documents and Things have been found after a reasonable search.

**REQUEST NO. 3:**

All Documents and Things that Relate To written statements, oral statements, transcripts, reports, interviews or affidavits given by any person regarding or supporting the Applicant's Answer to Notice of Opposition and Answer to Amended Notice of Opposition in this proceeding or any allegations therein, including any affirmative defenses alleged by the Applicant.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 3:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

Opposer claims that Applicant's original response indicates "that such documents and things do exist." Applicant has made no such indication. Applicant stated in the 2018 Response that "I will produce those responsive, non-privileged documents, in my custody, possession or control when [the Request is] clarified," but this merely indicates Applicant's good faith in responding and notes the need for greater clarity in the given Request. As Opposer has refrained from amending the language of the Request, nothing has changed.

**REQUEST NO. 4:**

All Documents and Things that Relate To any fact or circumstance which support the Applicant's Answer to Notice of Opposition and Answer to Amended Notice of Opposition in this proceeding or any allegations therein, including any affirmative defenses alleged by the Applicant.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 4:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant again objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Applicant further objects to this Request to the extent that it seeks Documents and Things which are equally available to Opposer, and/or which are readily available from public sources (such as various US Patent and Trademark Office (USPTO) databases). Subject to and without waiving the foregoing general and specific objections:

Applicant previously produced copies of the trademark registrations identified in the Counterclaim in Applicant's proposed Amended Answer, marked as Bates Nos. 9 and 15.

Opposer claims that this production does not "satisfy the request" and appears to argue that Applicant relied on other (non-privileged) Documents and Things in support or preparation of some version of Applicant's Answer. Opposer is incorrect. No other Documents and Things responsive to this Request have been found after a reasonable search.

Opposer claims that Applicant's original response indicates "that such documents and things do exist." Applicant has made no such indication. Applicant stated in the 2018 Response that "I will produce those responsive, non-privileged documents, in my custody, possession or control when [the Request is] clarified," but this merely indicates Applicant's good faith in

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Applicant's Supplemental Response to Opposer's First Request for Production

responding and notes the need for greater clarity in the given Request. As Opposer has refrained from amending the language of the Request, nothing has changed. Notwithstanding this and without waiving any rights or objections, Applicant has produced Documents and Things based on a best guess as to the meaning of Opposer's Request.

**REQUEST NO. 5:**

All Documents and Things that Relate To Applicant's Initial Disclosures pursuant to Federal Rules of Civil Procedure 26(a)(1).

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 5:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Subject to and without waiving the foregoing general and specific objections:

Applicant produces a copy of his driver's license as evidence of his personal address, marked as Bates No. 62.

Applicant produces the originally filed Trademark Application No. 87/385,665 along with communications relating to the status of the ROCKET MESH Application, marked as Bates Nos. 233-254.

**REQUEST NO. 6:**

All Documents and Things that Relate To any of the Applicant's business, marketing or development plans or strategies during each of the three (3) years prior to filing the Applicant's Trademark Application.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 6:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant further objects to this Request to the extent that it is overly burdensome and oppressive. Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

Opposer claims that Applicant's original response indicates "that such documents and things do exist." Applicant has made no such indication. Applicant stated in the 2018 Response that "I will produce those responsive, non-privileged documents, in my custody, possession or control when [the Request is] clarified," but this merely indicates Applicant's good faith in responding and notes the need for greater clarity in the given Request. As Opposer has refrained from amending the language of the Request, nothing has changed.

Additionally, Applicant notes that damages are not an issue in this or any Opposition, and therefore Applicant's financial information is not material or relevant. To the extent that Opposer requests the same, the request is improper and erroneous.

**REQUEST NO. 7:**

All Documents and Things that Relate To the ROCKET MESH Mark, the ROCKET MESH Design Mark or the Applicant's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 7:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant objects to this Request to the extent that it is overly burdensome and oppressive. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Applicant further objects to this Request to the extent that it seeks Documents and Things which are equally available to Opposer, and/or which are readily available from public sources (such as various USPTO databases). Subject to and without waiving the foregoing general and specific objections:

Applicant produces a record of the Rocket Mesh, LLC business registration, marked as Bates Nos. 63-64.

Applicant produces the originally filed Trademark Application No. 87/385,665 along with communications relating to the status of the ROCKET MESH Application, marked as Bates Nos. 233-254.

Applicant produces filings through, and a redacted proof of payment to, Trademark Engine, a trademark application filing service which filed the ROCKET MESH Application, marked as Bates Nos. 255-263.

Applicant previously produced the contents of Applicant's website, now marked as Bates Nos. 306-611.

Applicant previously produced logo designs and service receipts identifying the logo designers thereof, now marked as Bates Nos. 208-232.

**REQUEST NO. 8:**

All Documents and Things that Relate To Applicant's creation, conception, consideration, design, planning, development, selection, adoption, modification, change or reliance upon the availability of the ROCKET MESH Mark and the ROCKET MESH Design Mark in connection with Applicant's Goods, including without limitation, any surveys, focus group reports, internet searches, government entity searches, business record searches, search reports, clearance opinions, investigations and market studies.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 8:**

Applicant objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Subject to and without waiving the foregoing general and specific objections:

Applicant previously produced logo designs and service receipts identifying the logo designers thereof, now marked as Bates Nos. 208-232.

Applicant produces filings through, and a redacted proof of payment to, Trademark Engine, a trademark application filing service which filed the ROCKET MESH Application, marked as Bates Nos. 255-263.

**REQUEST NO. 9:**

All Documents and Things that Relate To any legal opinion regarding Applicant's right to use the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 9:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant again objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Subject to and without waiving the foregoing general and specific objections:

Applicant previously produced copies of a series of prior trademark registrations of third parties, marked as Bates Nos. 1-54.

Applicant produces filings through, and a redacted proof of payment to, Trademark Engine, a trademark application filing service which filed the ROCKET MESH Application, marked as Bates Nos. 255-263.

**REQUEST NO. 10:**

All Documents and things that Relate To any investigations, tests, studies, analyses, evaluations, opinions, reports, research memorandum or surveys relating to consumer recognition of the ROCKET MESH Mark and the ROCKET MESH Design Mark in connection with the Applicant's Goods as indicating the Applicant as the source or origin of the Applicant's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 10:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.



**REQUEST NO. 11:**

All Documents and Things that substantiate the Applicant's dates of first use anywhere and first use In Commerce of the ROCKET MESH Mark and the ROCKET MESH Design Mark for each distinct type of Applicant's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 11:**

Applicant objects to this Request to the extent that it is overly broad, ambiguous, burdensome, and oppressive. Applicant further specifically objects to the phrase "distinct type of Applicant's Goods" as it is vague and undefined. Applicant further objects to this Request to the extent that it requires Applicant to provide Documents and Things which are not within his possession, custody, or control. Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding. Subject to and without waiving the foregoing general and specific objections:

Applicant previously produced copies of email correspondence, and an image of the keychain referenced in the correspondence, substantiating first use of the ROCKET MESH Mark and ROCKET MESH Design Mark "anywhere," now marked as Bates Nos. 264-274.

Applicant previously produced a copy of a sale receipt substantiating first use In Commerce of the ROCKET MESH Mark and ROCKET MESH Design Mark, now marked as Bates Nos. 198-199.

Applicant produces evidence of a first sale of each category of product, marked as Bates Nos. 198-207.

**REQUEST NO. 12:**

All Documents and Things that Relate To Applicant's Trademark Application or other applications to the United States Patent and Trademark Office contemplated or filed by the Applicant for marks similar to the ROCKET MESH Mark or ROCKET MESH Design Mark, including without limitation, all related correspondence, Office Actions, responses to Office Actions and other papers.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 12:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant further objects to this Request to the extent that it calls for speculation.

Applicant further specifically objects to the term "contemplated" as it is vague and undefined.

Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Applicant further objects to this Request to the extent that it seeks Documents and Things which are equally available to Opposer, and/or which are readily available from public sources (such as various USPTO databases).

Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

Opposer objects that this production is not responsive, and inexplicably appears to argue that, because Applicant filed the ROCKET MESH Application, there must be Documents and Things related to other, similar trademark applications. Opposer is incorrect. In particular, Opposer is incorrect in claiming that Applicant hired the company known as "Trademark Engine" to file trademark applications for "marks similar to the ROCKET MESH Mark or ROCKET MESH Design Mark."

**REQUEST NO. 13:**

Documents and Things sufficient to identify each and every distinct former, existing or intended type of Applicant's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 13:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant further objects to this Request to the extent that it calls for speculation. Applicant further specifically objects to the phrase "distinct ... type of Applicant's Goods" as it is vague and undefined. Subject to and without waiving the foregoing general and specific objections:

Applicant previously produced copies of webpages which identify all categories of goods offered by Applicant, now marked as Bates Nos. 306-611.

Opposer claims that this production does not produce "documents related to each former or intended type of Applicant's Goods." However, there are no "former or intended" categories of goods which are distinct from those identified by the produced documents. Should Applicant develop plans to offer new categories of goods at a later date, Applicant will supplement this Response at that time.

**REQUEST NO. 14:**

All Documents and Things from which the price of each distinct type of Applicant's Goods and the volume of sales of such goods to date may can be determined.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 14:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant further objects to this Request to the extent that it is overly burdensome and oppressive. Applicant further specifically objects to the phrase "distinct type of Applicant's Goods" as it is vague and undefined. Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding.

Subject to and without waiving the foregoing general and specific objections:

Applicant previously produced copies of webpages which identify prices of retail goods offered by Applicant, now marked as Bates Nos. 306-611.

Applicant previously produced copies of pricing sheets which identify prices of wholesale goods offered by Applicant, now marked as Bates Nos. 300-302.

Opposer claims that this production is insufficient and appears to argue that Applicant is obligated to produce all prices ever offered for each good, including sales prices as well as special prices individualized to particular customers. Such demand is plainly overly burdensome.

Additionally, Applicant notes that damages are not an issue in this or any Opposition, and therefore Applicant's financial information is not material or relevant. Opposer's request for the same is plainly improper and erroneous.

**REQUEST NO. 15:**

All Documents and Things that Relate To the Applicant's past, present or future business plans, marketing plans, development plans, business strategies, market analyses, market studies, market surveys, market identifications, customer lists, demographic studies, data compilations, cost analyses, pricing studies, expenditure projections, channels of trade identifications, recommendations or records of oral communications concerning the development, production or

marketing of the Applicant's Goods including the state, region, geographical area, and target market within which each distinct type of Applicant's Goods have been, are currently or will be sold anywhere or In Commerce.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 15:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant further objects to this Request to the extent that it is overly burdensome and oppressive. Applicant further objects to this Request to the extent that it calls for speculation. Applicant further specifically objects to the phrase "distinct type of Applicant's Goods" as it is vague and undefined. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding. Subject to and without waiving the foregoing general and specific objections:

Applicant produces communications evidencing of distribution relationships with identified distributors and wholesalers, marked as Bates Nos. 66-197.

Applicant notes that damages are not an issue in this or any Opposition, and therefore Applicant's financial information is not material or relevant. Opposer's request for the same is plainly improper and erroneous.

**REQUEST NO. 16:**

Documents and Things sufficient to summarize: (a) the marketing and advertising expenses for each year beginning with 2016 for each distinct type of good or service within Applicant's Goods; (b) the sales revenue for each year beginning with 2016 for each distinct type

of good or service within Applicant's Goods; and (c) the expenses for developing the ROCKET MESH Mark and the ROCKET MESH Design Mark.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 16:**

Applicant specifically objects to the phrase "distinct type of good or service" as it is vague and undefined. Applicant further objects to this Request to the extent that it requires Applicant to provide Documents and Things which are not within his possession, custody, or control. Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding. Subject to and without waiving the foregoing general and specific objections:

Applicant previously produced logo designs and service receipts identifying the logo designers thereof, now marked as Bates Nos. 208-232.

Applicant produces filings through, and a redacted proof of payment to, Trademark Engine, a trademark application filing service which filed the ROCKET MESH Application, marked as Bates Nos. 255-263.

Applicant notes that damages are not an issue in this or any Opposition, and therefore Applicant's financial information is not material or relevant. Opposer's request for the same is plainly improper and erroneous.

**REQUEST NO. 17:**

All Documents and Things that Relate To demonstrating the Applicant's existing, continuous or intended use of the ROCKET MESH Mark and the ROCKET MESH Design Mark in connection with the Applicant's Goods from at least as early as January 1, 2016 to the present.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 17:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant further objects to this Request to the extent that it is overly burdensome and oppressive. Applicant further objects to this Request to the extent that it calls for speculation. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Subject to and without waiving the foregoing general and specific objections:

Applicant produces the originally filed Trademark Application No. 87/385,665 along with communications relating to the status of the ROCKET MESH Application, marked as Bates Nos. 233-254.

Applicant produces a record of the Rocket Mesh, LLC business registration, marked as Bates Nos. 63-64.

Applicant previously produced copies of email correspondence, and an image of the keychain referenced in the correspondence, substantiating first use of the ROCKET MESH Mark and ROCKET MESH Design Mark "anywhere," now marked as Bates Nos. 264-274.

Applicant previously produced a copy of a sale receipt substantiating first use In Commerce of the ROCKET MESH Mark and ROCKET MESH Design Mark, now marked as Bates Nos. 198-199.

Applicant previously produced copies of webpages which demonstrate consistent use of the ROCKET MESH Mark and the ROCKET MESH Design Mark, now marked as Bates Nos. 306-611.

Opposer claims that this production is insufficient and appears to argue that the Request is not met without also providing "plans, notes, records, or communications with third parties." However, Applicant's "existing, continuous or intended use of the ROCKET MESH Mark and

the ROCKET MESH Design Mark” is plainly “demonstrated” by the above Documents and Things. Additionally, a request for *all* “plans, notes, records, or communications with third parties” from January 2016 to the present which demonstrate use of these marks would include practically every communication ever made by Applicant in connection with his business, since “Rocket Mesh” is part of the name of Applicant’s business. The Request is therefore grossly unreasonable and would not, without further clarification, advance the proceeding.

**REQUEST NO. 18:**

Representative samples of each distinct type of Applicant’s actual or proposed Advertisement, promotion, radio script, television script, contest, product tag, label, promotional item or other product literature featuring the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant’s Goods, including without limitation, circulars, brochures, leaflets, direct mail pieces, and internet, television, radio, newspaper, and magazine advertising pieces, business cards, stationery, pamphlets, training manuals, uniforms, apparel, vehicle signage, signs, billboards, “give away” items, calendars, pens, note pads, hats, t-shirts, pins, and stickers or any other advertising means.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 18:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant objects to this Request to the extent that it seeks Documents and Things which are at least equally available to Opposer, and/or which are readily available from public sources (such as the Instagram @rocketmeshlax account). Subject to and without waiving the foregoing general and specific objections:



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Applicant previously produced an image of giveaway products, now marked as Bates No. 274.

Applicant previously produced images of packaging samples, now marked as Bates Nos. 275-289.

Applicant previously produced an image of sample advertising banners, now marked as Bates No. 290.

Applicant previously produced copies of sample advertisements, now marked as Bates Nos. 291-293.

Applicant produces an image of an advertisement distributed through US Lacrosse, marked as Bates No. 295.

Applicant produces images of sponsored advertising on Amazon.com, marked as Bates No. 296-298.

Applicant previously produced copies of sample brochures and presentations, now marked as Bates Nos. 299-305.

Applicant previously produced the contents of Applicant's website, now marked as Bates Nos. 306-611.

**REQUEST NO. 19:**

Documents and Things sufficient to show the date(s), method(s), medium(s), and location(s) in which Applicant used or distributed samples responsive to Request No. 18.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 19:**

Applicant objects to this Request to the extent that it requires Applicant to provide Documents and Things which are not within his possession, custody, or control. Subject to and without waiving the foregoing general and specific objections:

No Documents and Things responsive to this Request have been found after a reasonable search.

**REQUEST NO. 20:**

All Documents and Things that Relate To knowledge by the Applicant of the Opposer, the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 20:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Applicant further objects to this Request to the extent that it seeks Documents and Things which are at least equally available to Opposer (such as correspondence, social media exchanges, and discovery between Applicant and Opposer). Subject to and without waiving the foregoing general and specific objections:

Applicant produces a screen capture of the @rocketsportsus Instagram account as followed by the @rocketmeshlax Instagram account, marked as Bates No. 294.

**REQUEST NO. 21:**

All Documents and Things that Relate To any investigations, tests, studies, analyses, evaluations, opinions, reports, research memoranda or surveys relating to any actual or

likelihood of confusion between: (a) the ROCKET MESH Mark in connection with the Applicant's Goods and the ROCKET SPORTS Mark in connection with the Opposer's Goods; (b) the ROCKET MESH Mark in connection with the Applicant's Goods and the ROCKET SPORTS Design Mark in connection with the Opposer's Goods; or, (c) the ROCKET MESH Design Mark in connection with the Applicant's Goods and the ROCKET SPORTS Design Mark in connection with the Opposer's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 21:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Subject to and without waiving the foregoing general and specific objections:

Applicant produces the results of a search conducted by Trademark Engine, a trademark application filing service which filed the ROCKET MESH Application, marked as Bates Nos. 257-260.

**REQUEST NO. 22:**

All Documents and Things that Relate To any statement, inquiry, comment or other communication by or from Applicant's or Opposer's customers, suppliers, vendors, advertisers or other third parties, either written or oral, evidencing any confusion, deceit, mistake, suspicion, belief or doubt, or lack thereof, as to: (a) the relationship between the Applicant and Opposer; (b) the association between the Applicant and the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark; (c) the association between the Opposer and the ROCKET MESH Mark

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or the ROCKET MESH Design Mark; (d) the source of Applicant's Goods; or, (e) the source of Opposer's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 22:**

Applicant objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Applicant further objects to this Request to the extent that it seeks Documents and Things which are already in Opposer's possession or control. Applicant further objects to this Request to the extent that it requires Applicant to draw a legal conclusion. Applicant further objects to this Request to the extent that it requires Applicant to draw a conclusion about a third party's state of mind. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search. Applicant notes that alleged evidence to which Opposer makes reference is already in Opposer's possession and control, and production thereof is not required.

**REQUEST NO. 23:**

All Documents and Things that Relate To whether or not the ROCKET MESH Mark or the ROCKET MESH Design Mark might, would, could or does infringe or cause any actual, likely or inevitable confusion with either the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark or any mark or name containing the word "ROCKET," whether or not owned by the Applicant or the Opposer.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 23:**

Applicant again objects to this Request to the extent that it is overly broad, vague and ambiguous. Applicant further objects to this Request to the extent it requires the production of

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Attorney Work Product and/or materials protected by Attorney-Client Privilege. Applicant further objects to this Request to the extent that it seeks Documents and Things which are already in Opposer's possession or control. Applicant further objects to this Request to the extent that it requires Applicant to draw a legal conclusion. Applicant further objects to this Request to the extent that it requires Applicant to draw a conclusion about a third party's state of mind.

Subject to and without waiving the foregoing general and specific objections:

Applicant produces the results of a search conducted by Trademark Engine, a trademark application filing service which filed the ROCKET MESH Application, marked as Bates Nos. 257-260.

**REQUEST NO. 24:**

All Documents and Things that Relate To any objection, protest or expression of concern by any individual or entity regarding the Applicant's current or intended use of the ROCKET MESH Mark or the ROCKET MESH Design Mark.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 24:**

Applicant objects to this Request to the extent that it seeks Documents and Things which are already in Opposer's possession or control, or which are readily available from public sources, such as the public record for this Opposition. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Applicant further objects to this Request to the extent that it requires Applicant to draw a conclusion about a third party's state of mind. Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any

matter at issue in this Proceeding. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

Opposer inexplicably claims that Applicant's response to this Request is "highly likely" to be false. Opposer is incorrect.

**REQUEST NO. 25:**

All Documents and Things that Relate To any actual, potential, direct or indirect competition between the Applicant's Goods and the Opposer's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 25:**

Applicant objects to this Request to the extent that it is overly broad, vague, or oppressive. Applicant further objects to this Request to the extent that it calls for speculation. Applicant further objects to this Request to the extent that it seeks Documents and Things which are already in Opposer's possession or control. Applicant further objects to this Request to the extent that it seeks Documents and Things which are at least equally available to Opposer. Applicant further objects to this Request to the extent that it requires Applicant to provide Documents and Things which are not within his possession, custody, or control. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

Opposer inexplicably claims that Applicant's response to this Request must be false. Opposer is incorrect. Outside of this Proceeding, Applicant has not received any other indication

that Opposer and Applicant are in competition. Additionally, Applicant notes that other alleged evidence to which Opposer makes reference is already in Opposer's possession and control, and production thereof is not required.

**REQUEST NO. 26:**

All Documents and Things that Relate To the channels of trade or representative outlets through which Applicant offers, intends to offer, sells, or intends to sell goods or services under the ROCKET MESH Mark or the ROCKET MESH Design Mark.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 26:**

Applicant again objects to this Request to the extent that it is overly broad, burdensome, and oppressive. Applicant further objects to this Request to the extent that it calls for speculation. Applicant further objects to this Request to the extent that it seeks Documents and Things which are readily available from public sources (such as the Instagram @rocketmeshlax account, amazon.com, and ebay.com). Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding. Subject to and without waiving the foregoing general and specific objections:

Applicant previously produced the contents of Applicant's website displaying Applicant's products for sale, now marked as Bates Nos. 306-611.

Applicant previously produced a sample page displaying Applicant's products for sale on Amazon.com, now marked as Bates Nos. 612-617.

Applicant previously produced a sample page displaying Applicant's products for sale on Ebay.com, now marked as Bates Nos. 618-627.

Applicant previously produced copies of a pricing sheets evidencing wholesale of Applicant's goods, now marked as Bates Nos. 300-302.

Applicant produces communications evidencing of distribution relationships with identified distributors and wholesalers, marked as Bates Nos. 66-197.

Applicant produces communications evidencing Applicant's marketing at conventions, marked as Bates Nos. 628-1049.

Applicant produces communications and partial, redacted copies of agreements sufficient to evidence relationships between Applicant's company and partnered organizations, marked as Bates Nos. 1050-1575.

Applicant notes that damages are not an issue in this or any Opposition, and therefore Applicant's financial information is not material or relevant. Opposer's request for the same is plainly improper and erroneous.

**REQUEST NO. 27:**

Documents and Things sufficient to show the classes of customers or targeted, potential or proposed classes of customers for the Applicant's Goods, including without limitation, Social Media Communications, mailing lists, customer lists, customer profiles, customer surveys, proposals, bids, solicitations, business cards, business reply mail and correspondence.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 27:**

Applicant again objects to this Request to the extent that it is overly broad, vague, and ambiguous. Applicant further objects to this Request to the extent that it seeks Documents and Things which are readily available from public sources (such as the Instagram @rocketmeshlax account). Applicant further objects to this Request to the extent that it seeks Documents and



Things which are already in Opposer's possession or control. Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

Opposer inexplicably claims that Applicant's original response indicates "that such documents and things do exist." Applicant is unclear what portion of the response Opposer refers to. To the extent Opposer refers to the Instagram @rocketmeshlax account, Applicant notes that such content is readily available from a public source.

**REQUEST NO. 28:**

All Documents and Things that Relate To any license, security, assignment, consent to use, consent to register, contractual obligation, agreement or other interest granted with respect to any right(s) in the ROCKET MESH Mark, the ROCKET MESH Design Mark or any mark or name containing the word "ROCKET" or any such variation.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 28:**

Applicant again objects to this Request to the extent that it is overly broad, vague, and ambiguous. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

Opposer claims that some written agreement must exist between Eden Kan and Applicant Dexter Kan. Opposer is incorrect. There is no written agreement between Eden Kan and Applicant Dexter Kan, and Applicant is unable to produce verbal agreements.

**REQUEST NO. 29:**

All Documents and Things that Relate To any contract, agreement, potential agreement or understanding regarding the implementation, use, appearance or control of the ROCKET MESH Mark or the ROCKET MESH Design Mark or any such variation or in connection with the Applicant's Goods, including without limitation, all license, franchise, distribution and sales agreements between Applicant and any third party.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 29:**

Applicant objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding. Subject to and without waiving the foregoing general and specific objections:

Applicant produces communications regarding distribution relationships with distributors and wholesalers, marked as Bates Nos. 66-197.

**REQUEST NO. 30:**

All Social Media Communication, press releases or articles appearing in any media, press or trade publications or in any internet or social media outlet, which refer to the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 30:**

Applicant again objects to this Request to the extent that it is overly broad, vague, and ambiguous. Applicant further objects to this Request to the extent that it seeks Documents and Things which are readily available from public sources (such as the Instagram @rocketmeshlax account). Applicant further objects to this Request to the extent that it seeks Documents and Things which are already in Opposer's possession or control. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

**REQUEST NO. 31:**

Documents sufficient to Identify each individual, ambassador, collaborator, company, business, outlet or other entity presently authorized to sell, distribute or promote any of the Applicant's Goods in the United States, or any individual, ambassador, company, business, outlet or other entity that Applicant plans to authorize to sell, distribute or promote any of the Applicant's Goods in the United States.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 31:**

Applicant again objects to this Request to the extent that it is overly broad, vague, and ambiguous. Applicant further objects to this Request to the extent that it calls for speculation. Applicant further objects specifically to the terms "ambassador," "collaborator," and "outlet" because they are vague and undefined. Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding.

Applicant further objects to this Request to the extent that it seeks private or confidential information. Subject to and without waiving the foregoing general and specific objections:

Applicant produces communications evidencing of distribution relationships with identified distributors and wholesalers, marked as Bates Nos. 66-197.

Applicant produces communications and partial, redacted copies of agreements sufficient to evidence relationships between Applicant's company and partnered organizations, marked as Bates Nos. 1050-1575.

Applicant produces a redacted list of parties who were at some point authorized to promote Applicant's products, marked as Bates Nos. 1576. The redacted parties were individual minors as of the time of the promotional relationship. Private contact information has also been redacted.

**REQUEST NO. 32:**

All Documents and Things that Relate To any policies, standards or guidelines to be followed regarding the implementation, use, appearance or control of the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 32:**

Applicant again objects to this Request to the extent that it is overly broad, vague, and ambiguous. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

**REQUEST NO. 33:**

All Documents and Things that Relate To any complaints by any individual, ambassador, collaborator, customer, supplier, vendor, client or other entity about any of the Applicant's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 33:**

Applicant again objects to this Request to the extent that it is overly broad, vague, and ambiguous. Applicant further objects specifically to the terms "ambassador" and "collaborator" because they are vague and undefined. Applicant further objects to this Request to the extent that it requires Applicant to provide Documents and Things which are not within his possession, custody, or control. Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

Opposer claims that Applicant's original response indicates "that documents or things responsive to Request 33 do exist." Applicant has made no such indication. Applicant explicitly stated that the complaint on Instagram was deleted, and cannot provide what no longer exists. Regardless, Applicant notes that damages are not an issue in this or any Opposition, and therefore complaints against Applicant's products are not material or relevant. Opposer's request for the same is plainly improper and erroneous.

**REQUEST NO. 34:**

All Documents and Things that Relate To the Applicant's business reputation or the reputation of any of the Applicant's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 34:**

Applicant objects to this Request to the extent that it seeks Documents and Things which are readily available from public sources (such as the Instagram @rocketmeshlax account, amazon.com, and ebay.com). Applicant further objects to the Request to the extent that it is overly broad, burdensome, and oppressive. Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search. Applicant notes that damages are not an issue in this or any Opposition, and therefore Applicant's reputational information is not material or relevant. Opposer's request for the same is plainly improper and erroneous.

**REQUEST NO. 35:**

All Documents and Things that Relate To any communication between Applicant and Opposer concerning any mark or name used by either entity.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 35:**

Applicant objects to this Request to the extent that it seeks Documents and Things which are already in Opposer's possession or control. Applicant further objects to this Request to the extent that it seeks Documents and Things which are readily available from public sources, such as the public record for this Opposition. Applicant further objects to this Request to the extent it

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requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

**REQUEST NO. 36:**

All Documents and Things that Relate To the Opposer, the Opposer's Attorney, the ROCKET SPORTS Mark, the ROCKET SPORTS Design Mark or the Opposer's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 36:**

Applicant again objects to this Request to the extent that it is overly broad, vague and oppressive. Applicant further objects to this Request to the extent that it is burdensome.

Applicant further objects to this Request to the extent that it seeks Documents and Things which are already in Opposer's possession or control. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

**REQUEST NO. 37:**

All Documents and Things that Relate To any polls, studies, surveys or investigations conducted by or on behalf of the Applicant, which relate to the Opposer, the ROCKET SPORTS Mark, the ROCKET SPORTS Design Mark or the Opposer's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 37:**

Applicant objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

**REQUEST NO. 38:**

All Documents and Things generated by the Applicant or on behalf of the Applicant that reference any third party use of a trade name, trademark or service mark containing the word "ROCKET" or any such variation.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 38:**

Applicant again objects to this Request to the extent that it is overly broad, vague, and oppressive. Applicant further objects to this Request to the extent it requires the production of Attorney Work Product and/or materials protected by Attorney-Client Privilege. Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding. Subject to and without waiving the foregoing general and specific objections:

Applicant previously produced sample images of custom butt ends and shafts produced by third parties, in the 2018 Response. However, Opposer states that these images are not responsive to this Request.

Applicant previously produced copies of a series of prior mark registrations of third parties, marked as Bates Nos. 1-54.



Applicant produces the results of a search conducted by Trademark Engine, a trademark application filing service which filed the ROCKET MESH Application, marked as Bates Nos. 257-260.

**REQUEST NO. 39:**

All Documents and Things that Relate To the Applicant's document retention and destruction policies including those regarding electronic mail and social media content.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 39:**

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

**REQUEST NO. 40:**

All Documents and Things that Relate To any statements made to, correspondence with or communication between Applicant's ambassadors, collaborators, customers, advertising agents, sales agents, suppliers, vendors, clients or other entities or third parties, which Relate To the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods or the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark in connection with the Opposer's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 40:**

Applicant again objects to this Request to the extent that it is overly broad, vague, and ambiguous. Applicant further objects to this Request to the extent that it is overly burdensome and oppressive. Applicant further objects to this Request to the extent that it seeks Documents and Things which are readily available from public sources (such as the Instagram

@rocketmeshlax account). Applicant further objects specifically to the terms "ambassador" and "collaborator" because they are vague and undefined. Applicant further objects to this Request to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding.

A literal interpretation of "statements ... to entities or third parties, which Relate To the ROCKET MESH Mark ... in connection with the Applicant's Goods" would include practically every statement ever made by Applicant in connection with his business, since "Rocket Mesh" is part of the name of Applicant's business, and the business relates specifically to the identified goods. The Request is therefore grossly unreasonable and would not, without further clarification, advance the proceeding. Notwithstanding the above, Documents and Things have been provided in response to other Requests "which Relate To the ROCKET MESH Mark or the ROCKET MESH Design Mark in connection with the Applicant's Goods or the ROCKET SPORTS Mark or the ROCKET SPORTS Design Mark in connection with the Opposer's Goods." Applicant therefore considers the Responses to the other Requests, as a whole, to be sufficiently representative of the requested statements.

**REQUEST NO. 41:**

All Documents and Things that Relate To any articles, reviews or commentaries in Applicant's possession that discuss Applicant or Applicant's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 41:**

Applicant objects to this Request to the extent that it seeks Documents and Things which are readily available from public sources (such as rocket-mesh.com, the Instagram @rocketmeshlax account, amazon.com, and ebay.com). Applicant further objects to this Request

to the extent that it seeks Documents and Things which are not material to any matter at issue in this Proceeding. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search. Applicant notes that damages are not an issue in this or any Opposition, and therefore Applicant's reputational information is not material or relevant.

Opposer's request for the same is plainly improper and erroneous.

**REQUEST NO. 42:**

All Documents and Things that Relate To the circumstances under which Applicant first became aware of Opposer, the ROCKET SPORTS Mark, the ROCKET SPORTS Design Mark or the Opposer's Goods.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 42:**

Applicant objects to this Request to the extent that it seeks Documents and Things which are already in Opposer's possession or control. Applicant further objects to this Request to the extent that it seeks Documents and Things which are readily available from public sources (such as the Instagram @rocketmeshlax account or the public record for this Opposition). Subject to and without waiving the foregoing general and specific objections:

Applicant produces a screen capture of the @rocketsportsus Instagram account as followed by the @rocketmeshlax Instagram account, marked as Bates No. 294.

**REQUEST NO. 43:**

All Documents and Things that Relate To any court action or administrative proceeding filed by or against Applicant, and all written challenges or objections made by or directed to

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Applicant, relating or referring to Applicant's use or planned use of, or claimed rights in, the ROCKET MESH Mark or the ROCKET MESH Design Mark.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 43:**

Applicant objects to this Request to the extent that it seeks Documents and Things which are already in Opposer's possession or control, or which are readily available from public sources, such as the public record for this Opposition. Subject to and without waiving the foregoing general and specific objections:

Applicant reiterates that no Documents and Things responsive to this Request have been found after a reasonable search.

**VERIFICATION STATEMENT:**

I, Dexter Kan, hereby state under oath that I have read the foregoing responses, and that they are true and accurate to the best of my knowledge and belief.

Submitted,

By: \_\_\_\_\_  
Dexter Kan  
*d/b/a Rocket Mesh Lacrosse*

Dated: May 9, 2019

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 9, 2019, I served a copy of the Document entitled **APPLICANT'S SUPPLEMENTAL RESPONSE TO ROCKET SPORTS, LLC'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS** on Opposer by sending a true and correct copy of the Document by email to Paul Koda at [paul@kodafirm.com](mailto:paul@kodafirm.com).



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Christopher Reaves