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Filing date: **05/30/2019**

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

Proceeding	91242576
Party	Plaintiff FremantleMedia North America, Inc.
Correspondence Address	Michael J. Salvatore HOLMES WEINBERG PC 30765 Pacific Coast Highway, Suite 411 Malibu, CA 90265 UNITED STATES msalvatore@holmesweinberg.com, HWtrademarks@gmail.com 3104576100
Submission	Motion to Compel Discovery or Disclosure
Filer's Name	Michael J. Salvatore
Filer's email	msalvatore@holmesweinberg.com, hwtrademarks@gmail.com
Signature	/MJSalvatore/
Date	05/30/2019
Attachments	2019.05.30_FMNA's Motion to Compel re IDOLCON Opp. No. 91242576.pdf(364067 bytes)

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

In re Serial No. 87/430,286

FremantleMedia North America, Inc.,

Opposer,

v.

CJ E&M Corporation,

Applicant.

Opposition No. 91242576

**OPPOSER’S MOTION TO COMPEL APPLICANT’S RESPONSES TO OPPOSERS
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Opposer FremantleMedia North America, Inc. (“Opposer”) hereby moves pursuant to 37 C.F.R. § 2.120(e) to compel Applicant CJ E&M Corporation’s (“Applicant”) responses to Opposer’s First Set of Interrogatories (the “Interrogatories”) and responses and documents responsive to Opposer’s First Set of Requests for the Production of Documents and Things (the “Requests for Production,” and together with the Interrogatories, the “Discovery Requests”).

On March 27, 2019, Opposer served the Discovery Requests by emailing copies of each to Applicant’s counsel at CHIUSTM@LADAS.NET. Copies of Opposer’s Discovery Requests are attached hereto as “**Exhibit A.**”

Applicant’s responses to Opposer’s Discovery Requests were due on April 26, 2019, pursuant to 37 C.F.R. § 2.120(a) and TBMP §§ 403.03, 405.04 and 406.04. To date, Opposer has not received any responses to the Discovery Requests.

On May 6, 2019, May 13, 2019, and May 20, 2019, respectively, Opposer’s counsel’s office followed up with Applicant’s counsel via email. Copies of these emails are attached hereto as “**Exhibit B.**” To date, no responses to these three follow up emails, nor any responses to the Discovery Requests have been received.

As demonstrated above, Opposer’s counsel made good faith efforts pursuant to 37 C.F.R. § 2.120(e) and TBMP § 523.02 to confer with Applicant’s counsel regarding Applicant’s failure

to respond to the Discovery Requests prior to filing this Motion. However, Opposer has received no responses to the Discovery Requests or our office's follow-up emails, thereby necessitating the instant Motion.

As of the date of this Motion, Applicant has failed to serve any answers or responses to the Discovery Requests, and has yet to produce a single document. Accordingly, Opposer seeks an order (1) finding that Applicant has waived any and all objections to Opposer's Discovery Requests pursuant to TBMP §§ 403.03(a), 405.04(a) and 406.04(a); and (2) compelling Applicant to respond to Opposer's Interrogatories and Requests for Production, without objection. Opposer also requests that the Board suspend the instant proceeding pending disposition of the instant Motion pursuant to 37 C.F.R. § 2.120(e)(2) and TBMP § 510.03(a).

Dated: May 30, 2019

HOLMES WEINBERG, PC

By /s/ Michael J. Salvatore
Michael J. Salvatore
30765 Pacific Coast Highway, Suite 411
Malibu, California 90265
Telephone: (310) 457-6100
Email: msalvatore@holmesweinberg.com

Attorneys for FremantleMedia North America, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **OPPOSER'S MOTION TO COMPEL APPLICANT'S RESPONSES TO OPPOSER'S INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS** has been served on Applicant's counsel by emailing a copy on May 30, 2019 to:

BORIS UMANSKY
LADAS & PARRY LLP
CHIUSTM@LADAS.NET

/s/ Michael J. Salvatore
Michael J. Salvatore

Exhibit A

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

In re Serial No. 87/430,286

FremantleMedia North America, Inc.,

Opposer,

v.

CJ E&M Corporation,

Applicant.

Opposition No. 91242576

OPPOSER’S FIRST SET OF INTERROGATORIES TO APPLICANT

Opposer FREMANTLEMEDIA NORTH AMERICA, INC. (“Opposer”) propounds the following OPPOSER’S FIRST SET OF INTERROGATORIES TO APPLICANT CJ E&M CORPORATION and requests that, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, and Rule 2.120 of the Trademark Rules of Practice (37 C.F.R. §2.120) applicant serve responses to these Interrogatories at the offices of Opposer’s counsel, Michael J. Salvatore, Holmes Weinberg, PC, 30765 Pacific Coast Highway, Suite 411, Malibu, California 90265, within thirty (30) days from the service hereof.

DEFINITIONS AND INSTRUCTIONS

- A. “APPLICANT” and “YOU” shall refer to CJ E&M CORPORATION and its employees, agents and other representatives.
- B. “OPPOSER” or “FREMANTLE” shall refer to Opposer FREMANTLEMEDIA NORTH AMERICA, INC., its corporate parents, subsidiaries and affiliates, if any, and their officers, directors, shareholders, employees, attorneys, agents or other representatives.
- C. The term “EVIDENCING” means showing, tending to show, proving, or tending to prove.

D. The term “RELATING” means concerning, relating to, referring to, commenting upon, describing, associated with, comprising or constituting.

E. The term “APPLICANT’S MARK” means the trademark that is the subject of the APPLICATION.

F. The term “APPLICATION” means the application for registration of APPLICANT’S MARK, Serial No. 87/430,286.

G. The term “OPPOSER’S MARKS” means the marks that are the subject of United States Patent and Trademark Office Registration Nos. 2715725, 2751431, 3352837 and 4150276, and the AMERICAN IDOL and IDOL marks as protected under the common law.

H. The term “APPLICANT’S SERVICES” means the services offered or intended to be offered under APPLICANT’S MARK, including the services identified in the APPLICATION.

I. The “COMPLAINT” refers to the Notice of Opposition filed by OPPOSER in this proceeding.

J. The “ANSWER” refers to the Answer filed by Applicant in this action.

K. The term “PERSON” is defined as any natural person or any business, legal or governmental entity, or association.

L. The terms “COMMUNICATE” and “COMMUNICATION” mean the transmittal, expression or exchange of information, ideas, feelings or beliefs, opinions or thoughts of any kind in any MEDIUM by any means.

M. When referring to a DOCUMENT, to “IDENTIFY” means to give, to the extent known, the (i) type of document; (ii) title of the document; (iii) general subject matter; (iv) date of the document; (v) author(s), addressee(s), and recipient(s); and (vi) the production numbers assigned to the document (or, if no production numbers have been assigned, the number of pages in the document).

N. When referring to a COMMUNICATION, to “IDENTIFY” means to give, to the extent known, (i) the date of the COMMUNICATION; (ii) its general subject matter; (iii) the names of all PERSONS who participated in any way in the COMMUNICATION; and (iv) the medium in which the COMMUNICATION took place (e.g., telephone call or video conference).

O. When referring to a PERSON, to “IDENTIFY” means to give, to the extent known, the (i) name of the PERSON; (ii) last known contact information of the PERSON, including without limitations such PERSON’S physical address, place of business, telephone number and email address; and (iii) the title such PERSON holds at any IDENTIFIED place of business.

P. The term “DESCRIBE” means to provide a complete and detailed explanation of the facts, circumstances, analysis, opinion and other information RELATING to subject matter of a specific interrogatory.

Q. The terms “ALL” and “EACH” shall be construed as all and each.

R. The connectives “AND” and “OR” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

S. The use of the singular form of any word includes the plural and vice versa.

T. The word “DOCUMENT” means all documents and electronically stored information as contemplated by FRCP Rules 26 and 34, including: any written or graphic matter or other means of preserving thought or expression, and all tangible things from which information can be processed or transcribed, whether printed, recorded or reproduced by any other mechanical, electronic or computerized process, or written or produced by hand, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copy or otherwise, including but not limited to: correspondence, memoranda, notes, logs, messages, letters, e-mail and other digital MEDIA, records, telegrams, teletype, telefax, bulletins, diaries, communications, interoffice and intraoffice telephone call diaries, chronological data, minutes, books, reports, charts, ledgers, invoices, worksheets, computer printouts and computer memory, word processing data, schedules, affidavits, contracts, agreements, patents, licenses, legal pleadings, transcripts, statistics, surveys, magazine or newspaper articles, stories or clippings, graphic or aural records or representations of any kind, including without limitation photographs, charts, graphs, microfiche, microfilm, videotape, recordings, motion pictures and electronic, mechanical or electric recordings or representations of any kind (including, without limitation, tapes, cassettes, discs, and recordings). The term DOCUMENT includes documents containing COMMUNICATIONS. Accordingly, a request for DOCUMENTS includes DOCUMENTS containing relevant COMMUNICATIONS.

U. The term “MEDIA” means the means by which a COMMUNICATION is made, including print and digital newspapers, magazines and other publications, radio, television, email, instant messaging, social media platforms (such as Facebook, Twitter, Instagram, Google and the like), websites, and other locations on the Internet. The term “MEDIUM” is the singular of MEDIA.

V. The term “THIRD-PARTY” shall refer to any person or entity other than APPLICANT or OPPOSER.

W. The term “CHANNELS OF TRADE” means physical and digital locations in which goods or services are offered for sale, such as retail stores, chain stores, restaurants, bars, theaters, live performance venues, internet websites, mobile applications and the like.

X. The term “DEMOGRAPHICS” as used in reference to consumers or potential consumers means the general characteristics of the consumers to whom the goods or services are sold or are intended to be sold, including gender, age range, geographic locations, range of annual salary and other such general characteristics if known.

Y. The term “MARKETING” means ADVERTISING and PROMOTION.

Z. The term “ADVERTISING” means any communication intended to bring goods or services sold under a trademark or service mark to the attention of potential and actual consumers and/or to induce their purchase, whether general, direct or interactive in nature, including television and radio commercials, long and short form infomercials, print ads, point of purchase and other in-store displays, banner ads and other web-based ads, ads appearing on search engine results and social media websites such as Google and Facebook ads, and the like.

AA. The term “PROMOTION” means activities or events intended to bring goods or services sold under a trademark or service mark to the attention of potential and actual consumers and/or to induce their purchase, whether general, direct or interactive in nature, including sweepstakes, contests, sponsored events, print or web-based coupons (an example of the latter being GroupOn), live events, events that involve the use of goods (for example, wine tasting events), and all other activities and events having as their purpose in whole or part to promote goods or services sold or to be sold under a trademark or service mark.

BB. The term “BRAND IDENTITY” means the development of the look and feel and/or persona for a trademark or service mark, including logo development, package design and other activities usually associated with “brand identity.”

CC. If YOU refuse to respond in whole or in part to any Interrogatory, YOU must state each specific ground for YOUR refusal. If YOU claim privilege as a ground for not responding in whole or in part, describe the factual basis for YOUR claim of privilege in sufficient detail so as to permit the Board to adjudicate the validity of the claim. At a minimum, this must include for each response so withheld: the general subject matter of the information withheld; and the specific grounds for withholding the response. If YOU object to responding to any part of any Interrogatory, YOU must respond fully to the portions of the Interrogatory to which you do not object.

DD. Unless otherwise specified, these interrogatories pertain only to YOUR activities in the United States.

INTERROGATORIES

Please respond to the following interrogatories:

1. IDENTIFY DOCUMENTS EVIDENCING APPLICANT's uses or intended uses in commerce of APPLICANT'S MARK for each of APPLICANT'S SERVICES.
2. IDENTIFY DOCUMENTS describing each of APPLICANT'S SERVICES.
3. State the meaning of APPLICANT'S MARK.
4. IDENTIFY all DOCUMENTS RELATING to the clearance of APPLICANT'S MARK, including without limitation all trademark clearance searches and opinions RELATING to such clearance. As used here, "clearance" means the activities engaged in or on behalf of APPLICANT RELATING to determining whether APPLICANT'S MARK was available for use and registration for APPLICANT'S SERVICES.
5. IDENTIFY all DOCUMENTS RELATING to the selection of APPLICANT'S MARK, including without limitation any and all other trademarks and service marks considered by APPLICANT as alternatives for APPLICANT'S MARK.
6. For each of APPLICANT'S SERVICES IDENTIFY each of the CHANNELS OF TRADE through which APPLICANT sells or intends to sell such services.
7. For each of APPLICANT'S SERVICES, IDENTIFY any and all past, planned or intended MARKETING for each such service and the MEDIA through which and/or CHANNELS OF TRADE in which APPLICANT has or plans to MARKET each such service.
8. IDENTIFY all PERSONS who have or will have primary responsibility for MARKETING APPLICANT'S SERVICES.
9. IDENTIFY all PERSONS employed by or under contract with YOU who offer or will offer or sell APPLICANT'S SERVICES.
10. IDENTIFY all THIRD PARTIES YOU use or will use in connection with the MARKETING of APPLICANT'S SERVICES.
11. IDENTIFY all BRAND IDENTITY agencies YOU use or will use in connection with APPLICANT'S MARK.
12. IDENTIFY all of YOUR primary contacts at each of the PROMOTION, ADVERTISING and BRAND IDENTITY agencies YOU have used or intend to use in connection with the MARKETING of APPLICANT'S SERVICES.

13. IDENTIFY for each of the foregoing Interrogatories each PERSON who provided information or DOCUMENTS RELATING to each such answer.
14. IDENTIFY each expert consulted by APPLICANT in connection with this proceeding.
15. IDENTIFY all DOCUMENTS provided to YOU by each expert, including all written reports contemplated by F.R.C.P 26(a)(2)(b).
16. IDENTIFY all DOCUMENTS RELATING to each and every survey, study or poll conducted by or on behalf of YOU in connection with this proceeding.
17. IDENTIFY all DOCUMENTS RELATING to each and every survey, study or poll conducted by or on behalf of YOU RELATING to APPLICANT'S MARK.
18. IDENTIFY all DOCUMENTS to be offered by YOU at trial (during your Testimony Period) in this proceeding.
19. DESCRIBE APPLICANT's policy with respect to retention of documents, including business records.

Dated: March 27, 2019

HOLMES WEINBERG, PC

By Michael J. Salvatore/
Michael J. Salvatore

30765 Pacific Coast Highway, Suite 411
Malibu, California 90265
Telephone: (310) 457-6100
Email: msalvatore@holmesweinberg.com

Attorneys for FREMANTLEMEDIA NORTH AMERICA, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT** has been served on Applicant's counsel by emailing a copy on March 27, 2019, to:

BORIS UMANSKY
LADAS & PARRY LLP
CHIUSTM@LADAS.NET

 /Allison Rozzen/
Allison Rozzen

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Opposition No. 91242576

OPPOSER’S FIRST SET OF REQUESTS FOR THE PRODUCTION
OF DOCUMENTS AND THINGS TO APPLICANT

Opposer FREMANTLEMEDIA NORTH AMERICA, INC. (“Opposer”) propounds the following OPPOSER’S FIRST SET of REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS TO APPLICANT CJ E&M CORPORATION and requests that, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, and Rule 2.120 of the Trademark Rules of Practice (37 C.F.R.§2.1.20) all documents and things responsive to these Requests be produced at the offices of Opposer’s counsel, Michael J. Salvatore, Holmes Weinberg, PC, 30765 Pacific Coast Highway, Suite 411, Malibu, California 90265, within thirty (30) days from the service hereof.

DEFINITIONS AND INSTRUCTIONS

A. “APPLICANT” and “YOU” shall refer to CJ E&M CORPORATION and its partners, corporate parents, subsidiaries and affiliates, if any, and their officers, directors, shareholders, employees, attorneys, agents and other representatives.

B. “OPPOSER” or “FREMANTLE” shall refer to Opposer FREMANTLEMEDIA NORTH AMERICA, INC., its corporate parents, subsidiaries and affiliates, if any, and their officers, directors, shareholders, employees, attorneys, agents or other representatives.

C. The term “EVIDENCING” means showing, tending to show, proving, or tending to prove.

D. The term “RELATING” means concerning, relating to, referring to, commenting upon, describing, associated with, comprising or constituting.

E. The term “APPLICANT’S MARK” means the trademark that is the subject of United States Patent and Trademark Office Serial No. 87/430,286.

F. The term “APPLICATION” means the application for registration of APPLICANT’S MARK, Serial No. 87/430,286.

G. The term “OPPOSER’S MARKS” means the marks that are the subject of United States Patent and Trademark Office Registration Nos. 2715725, 2751431, 3352837, 4150276, and the AMERICAN IDOL and IDOL marks as protected under the common law.

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L. The terms “COMMUNICATE” and “COMMUNICATION” mean the transmittal, expression or exchange of information, ideas, feelings or beliefs, opinions or thoughts of any kind in any MEDIUM by any means.

M. When referring to a DOCUMENT, to “IDENTIFY” means to give, to the extent known, the (i) type of document; (ii) title of the document; (iii) general subject matter; (iv) date of the document; (v) author(s), addressee(s), and recipient(s); and (vi) the production numbers assigned to the document (or, if no production numbers have been assigned, the number of pages in the document).

N. When referring to a COMMUNICATION, to “IDENTIFY” means to give, to the extent known, (i) the date of the COMMUNICATION; (ii) its general subject matter; (iii) the names of all PERSONS who participated in any way in the COMMUNICATION; and (iv) the medium in which the COMMUNICATION took place (e.g., telephone call or video conference).

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P. The terms “ALL” and “EACH” shall be construed as all and each.

Q. The connectives “AND” and “OR” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

R. The use of the singular form of any word includes the plural and vice versa.

S. The word “DOCUMENT” means all documents and electronically stored information as contemplated by FRCP Rules 26 and 34, including: any written or graphic matter or other means of preserving thought or expression, and all tangible things from which information can be processed or transcribed, whether printed, recorded or reproduced by any other mechanical, electronic or computerized process, or written or produced by hand, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copy or otherwise, including but not limited to: correspondence, memoranda, notes, logs, messages, letters, e-mail and other digital MEDIA, records, telegrams, teletype, telefax, bulletins, diaries, communications, interoffice and intraoffice telephone call diaries, chronological data, minutes, books, reports, charts, ledgers, invoices, worksheets, computer printouts and computer memory, word processing data, schedules, affidavits, contracts, agreements, patents, licenses, legal pleadings, transcripts, statistics, surveys, magazine or newspaper articles, stories or clippings, graphic or aural records or representations of any kind, including without limitation photographs, charts, graphs, microfiche, microfilm, videotape, recordings, motion pictures and electronic, mechanical or electric recordings or representations of any kind (including, without limitation, tapes, cassettes, discs, and recordings). The term DOCUMENT includes documents containing COMMUNICATIONS. Accordingly, a request for DOCUMENTS includes DOCUMENTS containing relevant COMMUNICATIONS.

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U. The term “THIRD-PARTY” shall refer to any person or entity other than APPLICANT or OPPOSER.

V. The term “CHANNELS OF TRADE” means physical and digital locations in which goods or services are offered for sale, such as retail stores, chain stores, restaurants, bars, theaters, live performance venues, internet websites, mobile applications and the like.

W. The term “DEMOGRAPHICS” as used in reference to consumers or potential consumers means the general characteristics of the consumers to whom the goods or services are sold or are intended to be sold, including gender, age range, geographic locations, range of annual salary and other such general characteristics if known.

X. The term “MARKETING” means ADVERTISING and PROMOTION.

Y. The term “ADVERTISING” means any communication intended to bring goods or services sold under a trademark or service mark to the attention of potential and actual consumers and/or to induce their purchase, whether general, direct or interactive in nature, including television and radio commercials, long and short form infomercials, print ads, point of purchase and other in-store displays, banner ads and other web-based ads, ads appearing on search engine results and social media websites such as Google and Facebook ads, and the like.

Z. The term “PROMOTION” means activities or events intended to bring goods or services sold under a trademark or service mark to the attention of potential and actual consumers and/or to induce their purchase, whether general, direct or interactive in nature, including sweepstakes, contests, sponsored events, print or web-based coupons (an example of the latter being GroupOn), live events, events that involve the use of goods (for example, wine tasting events), and all other activities and events having as their purpose in whole or part to promote goods or services sold or to be sold under a trademark or service mark.

AA. The term “BRAND IDENTITY” means the development of the look and feel and/or persona for a trademark or service mark, including logo development, package design and other activities usually associated with “brand identity.”

BB. If YOU refuse to produce any DOCUMENT responsive in whole or in part to any Request, YOU must state each specific ground for YOUR refusal. If YOU claim privilege as a ground for not producing any DOCUMENT in whole or in part, describe the factual basis for YOUR claim of privilege in sufficient detail so as to permit the Court to adjudicate the validity of the claim. At a minimum, this must include for each DOCUMENT so withheld: the author(s); the addressee(s) and person(s) copied; the general subject matter of the DOCUMENT; the date of the DOCUMENT; and the specific grounds for withholding the DOCUMENT. If YOU object to producing any part of any DOCUMENT, YOU must produce the portions of the DOCUMENT to which you do not object.

CC. If any portion of a DOCUMENT is responsive to this Request, then the entire DOCUMENT shall be produced. DOCUMENTS produced pursuant to this Request shall be

produced in the order in which they appear in YOUR files, and shall not be shuffled or otherwise rearranged. DOCUMENTS that in their original condition were stapled, clipped, or otherwise fastened together shall be produced in such form.

DD. Unless otherwise specified, these requests pertain only to YOUR activities in the United States.

REQUESTS FOR PRODUCTION

Please produce the following DOCUMENTS:

1. DOCUMENTS EVIDENCING APPLICANT’S uses or intended uses in commerce of APPLICANT’S MARK for each of APPLICANT’S SERVICES.
2. DOCUMENTS describing each of APPLICANT’S SERVICES.
3. All DOCUMENTS RELATING to the clearance of APPLICANT’S MARK, including all trademark clearance searches and opinions RELATING to such clearance. As used here, “clearance” means the activities engaged in or on behalf of APPLICANT RELATING to determining whether APPLICANT’S MARK was available for use and registration for APPLICANT’S SERVICES.
4. All DOCUMENTS RELATING to the selection of APPLICANT’S MARK, including any and all other trademarks and service marks considered by APPLICANT as alternatives for APPLICANT’S MARK.
5. DOCUMENTS sufficient to IDENTIFY each of the CHANNELS OF TRADE through which APPLICANT sells or intends to sell APPLICANT’S SERVICES.
6. DOCUMENTS sufficient to IDENTIFY any and all past, planned or intended MARKETING for each of APPLICANT’S SERVICES and the MEDIA through which and/or CHANNELS OF TRADE in which APPLICANT has or plans to MARKET each such service.
7. DOCUMENTS sufficient to IDENTIFY all PERSONS who have or will have primary responsibility for MARKETING APPLICANT’S SERVICES.
8. DOCUMENTS sufficient to IDENTIFY all PERSONS employed by or under contract with YOU who offer or will offer or sell APPLICANT’S SERVICES.
9. DOCUMENTS sufficient to IDENTIFY all THIRD PARTIES YOU use or will use in connection with the MARKETING of APPLICANT’S SERVICES.

10. DOCUMENTS sufficient to IDENTIFY all BRAND IDENTITY agencies or other THIRD PARTIES YOU use or will use in connection with APPLICANT'S MARK.

11. DOCUMENTS sufficient to IDENTIFY all of YOUR primary contacts at each of the PROMOTION, ADVERTISING and BRAND IDENTITY agencies YOU have used or intend to use in connection with the MARKETING of APPLICANT'S SERVICES.

12. All DOCUMENTS referenced, IDENTIFIED or relied on in responding to each of OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT.

13. All DOCUMENTS provided to YOU by each expert, including all written reports contemplated by F.R.C.P 26(a)(2)(b).

14. All DOCUMENTS RELATING to each and every survey, study or poll conducted by or on behalf of YOU in connection with this proceeding.

15. All DOCUMENTS RELATING to each and every survey, study or poll conducted by or on behalf of YOU RELATING to APPLICANT'S MARK.

16. All DOCUMENTS to be offered by YOU at trial (during your Testimony Period) in this proceeding.

17. All DOCUMENTS RELATING to APPLICANT's policy with respect to retention of documents, including business records.

Dated: March 27, 2019

HOLMES WEINBERG, PC

By Michael J. Salvatore/
Michael J. Salvatore

30765 Pacific Coast Highway, Suite 411
Malibu, California 90265
Telephone: (310) 457-6100
Email: msalvatore@holmesweinberg.com

Attorneys for FREMANTLEMEDIA NORTH AMERICA, INC.

CERTIFICATE of SERVICE

I hereby certify that a true and complete copy of the foregoing **OPPOSER'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS TO APPLICANT** has been served on Applicant's counsel by emailing a copy on March 27, 2019, to:

BORIS UMANSKY
LADAS & PARRY LLP
CHIUSTM@LADAS.NET

/Allison Rozzen/
Allison Rozzen

Exhibit B

Michael J Salvatore

From: Allison Rozzen
Sent: Monday, May 20, 2019 11:40 AM
To: CHIUSTM@LADAS.NET
Cc: Michael J Salvatore
Subject: RE: Opp. Nos. 91242576 & 91242577 // Opposer's Discovery Requests
Attachments: 2019.03.27_FMNA Rogs Set One re Opp. No. 91242577.pdf; 2019.03.27_FMNA RFPs Set One re Opp. No. 91242576.pdf; 2019.03.27_FMNA RFPs Set One re Opp. No. 91242577.pdf; 2019.03.27_FMNA Rogs Set One re Opp. No. 91242576.pdf

Dear Counsel,

We are following up on the status of the Responses to the attached Discovery requests.

Thank you,

Allison



HOLMES WEINBERG, PC
ALLISON ROZZEN Paralegal/Legal Assistant
30765 Pacific Coast Highway, Suite 411, Malibu, CA 90265
p: 310.457.6100 // f: 310.919.4067 //

CONFIDENTIALITY NOTICE: This e-mail is for the personal and confidential use of the recipient[s] named above. This message may also contain privileged client information or work product. If the reader of this message is not the intended or an agent responsible for delivering it to the intended recipient, you have received this document in error, and any review, dissemination, distribution, or copying of this message is entirely prohibited. If you have received this message in error, please notify me immediately by e-mail, and delete the original message and any attachments. Thank you for cooperating.

From: Allison Rozzen
Sent: Monday, May 13, 2019 11:05 AM
To: 'CHIUSTM@LADAS.NET' <CHIUSTM@LADAS.NET>
Cc: Michael J Salvatore <MSalvatore@holmesweinberg.com>
Subject: RE: Opp. Nos. 91242576 & 91242577 // Opposer's Discovery Requests

Dear Counsel,

We are writing to check status of the Responses to the attached Discovery requests.

Thank you,

Allison



HOLMES WEINBERG, PC
ALLISON ROZZEN Paralegal/Legal Assistant
30765 Pacific Coast Highway, Suite 411, Malibu, CA 90265
p: 310.457.6100 // f: 310.919.4067 //

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From: Allison Rozzen
Sent: Monday, May 6, 2019 2:13 PM
To: 'CHIUSTM@LADAS.NET' <CHIUSTM@LADAS.NET>
Cc: Michael J Salvatore <MSalvatore@holmesweinberg.com>
Subject: RE: Opp. Nos. 91242576 & 91242577 // Opposer's Discovery Requests

Dear Counsel,

We are writing to check status of the Responses to our Discovery Requests sent on March 27th.

Thank you,

Allison



HOLMES WEINBERG, PC
ALLISON ROZZEN Paralegal/Legal Assistant
30765 Pacific Coast Highway, Suite 411, Malibu, CA 90265
p: 310.457.6100 // f: 310.919.4067 //

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From: Allison Rozzen
Sent: Wednesday, March 27, 2019 11:37 AM
To: 'CHIUSTM@LADAS.NET' <CHIUSTM@LADAS.NET>
Cc: Michael J Salvatore <MSalvatore@holmesweinberg.com>
Subject: Opp. Nos. 91242576 & 91242577 // Opposer's Discovery Requests

Dear Counsel,

Please see the attached discovery requests being served in the above Oppositions.

Thank you,

Allison



HOLMES WEINBERG, PC
ALLISON ROZZEN Paralegal/Legal Assistant
30765 Pacific Coast Highway, Suite 411, Malibu, CA 90265
p: 310.457.6100 x202 // f: 310.457.9555 //

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