

ESTTA Tracking number: **ESTTA991593**

Filing date: **07/31/2019**

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

Proceeding	91244774
Party	Plaintiff Blizzard Entertainment, Inc.
Correspondence Address	SCOTT J MAJOR MILLEN WHITE ZELANO & BRANIGAN PC 2200 CLARENDON BLVD, 14TH FLOOR ARLINGTON, VA 22201 UNITED STATES major@mwzb.com, docketing@mwzb.com 703-465-5356
Submission	Motion to Compel Discovery or Disclosure
Filer's Name	Scott J. Major
Filer's email	major@mwzb.com, docketing@mwzb.com
Signature	/Scott J. Major/
Date	07/31/2019
Attachments	motion to compel 7-31-19.pdf(272033 bytes)

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

BLIZZARD ENTERTAINMENT, INC.)	
)	
Opposer)	
)	
v.	)	Opposition No. 91244774
	)	Mark: OVERWATCH-360
	)	App. Serial No. 87/405918
BIOSYNQ CORPORATION)	
)	
Applicant)	
_____)	

**OPPOSER’S MOTION TO COMPEL APPLICANT’S DISCOVERY
RESPONSES AND TO EXTEND CASE DEADLINES**

Pursuant to 37 CFR § 2.120(f), the Opposer, Blizzard Entertainment, Inc., hereby moves to compel the responses of the Applicant, Biosynq Corporation, to the Opposer’s First Set of Interrogatories and Opposer’s First Set of Requests for Documents, and to deem “admitted” each of Opposer’s First Requests for Admission (copies at Exhibit A). Each of these was served on Applicant’s counsel on April 23, 2019; to date, no responses have been received. Opposer requests other relief herein in the form of modifications to the case schedule to extend the discovery period and subsequent phases of the proceeding.

Applicant’s responses were due May 23, 2019. As reflected in the email strings at Exhibit B, counsel for Opposer first contacted Applicant’s counsel regarding the delinquency of responses in an email dated June 11, 2019. A Paralegal from the office for Applicant's counsel responded on the following day by indicating that responses would be forthcoming on June 20, 2019. When that date passed without action, Opposer’s counsel again contacted Applicant's counsel on June 21, 2019. On June 24, 2019, the same Paralegal from the office for Applicant's counsel responded by promising to send the responses “tomorrow” – that is, by June 25, 2019.

That date also passed without receipt from Applicant's counsel of the promised responses.

On July 1, 2019, the undersigned called the office of counsel for Applicant during normal business hours. When no live person answered, the undersigned left a voicemail message inquiring about the status of responses and requesting that Applicant's counsel return the call. There has been no return call or follow-up from Applicant's counsel. Accordingly, on July 19, 2019, the undersigned sent via email to Applicant's counsel the following message:

I have yet to receive the long-promised discovery responses, and there has been no reply to my voicemail message of July 1, 2019 on the subject. If I do not receive satisfactory responses by close-of-business on Monday -- that is, July 22, 2019 --, we will have no choice but to file a motion to compel.

There has been no response of any kind to this email message from Applicant's counsel.

It seems clear that Applicant does not intend to respond to the initial round of discovery. The Opposer also submits that the attached emails and the phone message of July 1 constitute a good faith effort to resolve the issues, and that this motion can no longer be avoided. For the foregoing reasons, it is requested that the Board compel responses to the Opposer's First Set of Interrogatories and Opposer's First Set of Requests for Documents. Regarding Opposer's Requests for Admission, it is submitted that each of the three requests therein should be deemed by the Board to have been admitted by the Applicant for the purposes of this proceeding. If for any reason the Board determines that such relief is not appropriate, it is requested in the alternative that the Board compel responses by the Applicant to the Opposer's First Requests for Admission.

Regarding the case schedule, the discovery period currently is set to expire September 21, 2019. It respectfully is requested that the Board reset the close of discovery for the date 60 days subsequent to the deadline set for Applicant to respond to the anticipated order compelling its discovery responses, and to reset subsequent case deadlines accordingly. This should allow

ample time for Opposer to conduct follow-up discovery in the event that the case proceeds.

Respectfully submitted,

BLIZZARD ENTERTAINMENT, INC.

Date: July 31, 2019

By: /Scott J. Major/
Scott J. Major
Michael S. Culver
Adam D. Mandell
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Blvd., Suite 1400
Tel: 703-243-6333
Fax: 703-243-6410
major@mwzb.com; culver@mwzb.com

Attorneys for Opposer

Certificate of Service

This is to certify that a copy of the foregoing was served this 31st day of July 2019 by email on Applicant's attorneys at htpattylaw@gmail.com, docketing@htplaw.com, trademarks@htplaw.com and kym.htpattylaw@gmail.com.

By: /Scott J. Major/
Attorney for Opposer

EXHIBIT A

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

BLIZZARD ENTERTAINMENT, INC.)	
)	
Opposer)	
)	
v.	)	Opposition No. 91244774
	)	Mark: OVERWATCH-360
	)	App. Serial No. 87/405918
BIOSYNQ CORPORATION)	
)	
Applicant)	
_____)	

OPPOSER'S FIRST SET OF INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, the Opposer, Blizzard Entertainment, Inc., hereby requests that the Applicant, Biosynq Corporation, serve upon the undersigned attorneys at major@mwzb.com answers, under oath, to each of the following interrogatories within thirty (30) days of service of these interrogatories.

DEFINITIONS

1. "Applicant" means Biosynq Corporation, the Applicant in the above-captioned proceeding, and all predecessors, successors, related companies, affiliates, and/or each of the foregoing's employees, agents, officers, directors, representatives, consultants, accountants, and attorneys, including any person who served in any such capacity at any time during the relevant time period specified herein.
2. "Opposed Application" means Application Serial No. 87405918.
3. "Applicant's Goods means the following goods in International Class 9 listed in the Opposed Application: Computer software, namely software applications to facilitate alerts, notifications, and communications related to reported incidents in the nature of software

for transmitting alerts, alert notifications and messages and receiving the same within computer networks.

4. "Applicant's Mark" means the mark OVERWATCH-360 that is the subject of the Opposed Application, including the mark in any stylized form and any associated common law rights.

5. "Opposer" means Blizzard Entertainment, Inc.

6. "Opposer's Marks" means the marks consisting in whole or in part of the term "overwatch" as identified in Paragraphs 1 and 2 of the Notice of Opposition and any associated common law rights.

7. "Concerning" means consisting of, referring to, relating to, reflecting, or being in any way logically or factually connected with the matter discussed.

8. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

9. "Date" means the exact day, month, and year if ascertainable, or, if not, the best available approximation (including relationship to other events).

10. "Describe" means set forth fully and unambiguously every fact relevant to the subject of the interrogatory, of which you (including your agents and representatives) have knowledge or information.

11. "Document" is synonymous in meaning and equal in scope to its usage in FRCP 34(a)(1)(A). The term "document" refers to any document now or at any time in Applicant's possession, custody, or control. A person is deemed in control of a document if the person has any ownership, possession, or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.

12. "Identify" with respect to a person who is an individual means to state that person's full name, present or last known address, and current or last known place of employment.

13. "Identify" with respect to a person that is not an individual means to state its: full name, legal form, date of organization, state of incorporation or organization or other business or license authority, present or last known address and telephone number, and the identity of its chief executive officer, partners, or persons in equivalent positions.

14. "Identify" with respect to a document means to give, to the extent known, the (a) type of document; (b) general subject matter; (c) date of the document; and (d) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Rule 33 of the Federal Rules of Civil Procedure.

15. "Identify" with respect to communications means to give, to the extent known, (a) a description of the substance of the communication; (b) the form of the communication (e.g., telephone, facsimile, email, etc.); (c) the identity of each person that was a party to and/or present at the time of the communication, as well as the full name, present or last known address, and the current or last known place of employment of each person; (d) the identity of the person whom you contend initiated the communication; and (e) the time, date, and place of the communication.

16. The term "mark" means any trademark, service mark, trade name, word, name, symbol, logo or device (including any key word or metatag) or any combination thereof.

17. The term "person" means any natural person or any legal entity, including, but not limited to, any business or governmental entity, organization, or association.

18. The terms "and" and "or" shall be construed either conjunctively or

disjunctively as necessary to bring within the scope of the interrogatory all responses that might otherwise fall outside the scope of this interrogatory.

19. The terms "all," "any," or "each" encompass any and all of the matter discussed.
20. The use of singular form includes plural, and vice versa.
21. The use of present tense includes past tense, and vice versa.
22. The masculine form shall also be construed to include the feminine and vice versa.

INSTRUCTIONS

1. Answers to these interrogatories shall be served upon the undersigned attorneys at major@mwzb.com within thirty (30) days of service of these interrogatories under oath.

2. Each interrogatory is to be answered fully based on information in Applicant's possession, custody, or control, or in the possession, custody, or control of its representatives, agents, or attorneys.

3. If Applicant objects to any interrogatory or any portion of an interrogatory on the ground that the answer reflects or would reveal the substance of a privileged communication, identify:

- a. the nature of the privilege claimed;
- b. the person who made the communication, whether oral or in writing;
- c. if the communication was oral, all persons present while the communication was made;
- d. if the communication was written, the author, addressees, and any other recipients;
- e. the relationship of the author of the communication to each recipient;
- f. the relationship of the persons present to the person who made the communication;

- g. the date and place of the communication; and
- h. the general subject matter of the communication.

4. Unless otherwise stated herein, these interrogatories cover the time period from 1946 up to and including the present.

5. Unless otherwise stated herein, these interrogatories apply to activities in or in connection with the United States.

6. If Applicant responds to an interrogatory by reference to documents pursuant to Federal Rule of Civil Procedure 33(d), identify the documents with specificity, including by identifying the applicable Bates Number range to the extent the documents are produced in response to document requests in this proceeding.

7. For the convenience of the Board and the parties, each interrogatory should be quoted in full immediately preceding the response.

8. These interrogatories are continuing in nature. If Applicant receives or otherwise becomes aware of information responsive to any interrogatory after it has served answers to these interrogatories, Applicant must promptly supplement its answers to these interrogatories to provide such information, as required by Federal Rule of Civil Procedure 26(e) and TBMP § 408.03.

INTERROGATORIES

INTERROGATORY NO. 1: Identify and describe all activities by Applicant, or on Applicant's behalf, that support the Applicant's claim in the Opposed Application that it had a bona fide intent to use Applicant's Mark in commerce for Applicant's Goods on or before the April 17, 2017 filing date of the Opposed Application.

INTERROGATORY NO. 2: Identify all persons who developed or assisted in developing Applicant's Mark.

INTERROGATORY NO. 3: Identify the employee or officer of the Applicant who is most familiar with the use and promotion of Applicant's Mark for Applicant's Goods.

INTERROGATORY NO. 5: Identify all agreements concerning or relating to Applicant's Mark.

INTERROGATORY NO. 6: Identify all goods and services sold or offered in connection with Applicant's Mark.

INTERROGATORY NO. 7: Identify all goods and services that Applicant intends to offer in connection with Applicant's Mark.

INTERROGATORY NO. 8: For each year since 2013, state the annual sales in terms of dollar volume for the Applicant's Goods provided under the Applicant's Mark.

INTERROGATORY NO. 9: For each year since 2013, state the annual sales in terms of dollar volume for all goods and services provided under the Applicant's Mark.

INTERROGATORY NO. 10: For each year since 2013, state the annual expenditures for advertising and promoting the Applicant's Goods provided under the Applicant's Mark.

INTERROGATORY NO. 11: For each year since 2013, state the annual expenditures for advertising and promoting all of the Applicant's goods and services provided under the Applicant's Mark.

INTERROGATORY NO. 12: State the intended meaning, commercial impression or connotation of the Applicant's Mark.

INTERROGATORY NO. 13: State the intended meaning, commercial impression or connotation of the term OVERWATCH in the Applicant's Mark.

INTERROGATORY NO. 14: State the intended meaning, commercial impression or connotation of the term 360 in the Applicant's Mark.

INTERROGATORY NO. 15: Describe in detail each instance of (A) any actual confusion with respect to Opposer's Mark and Applicant's Mark; and (B) when a person mistakenly made any affiliation, association or connection between Applicant and Opposer or their respective marks or goods and services.

INTERROGATORY NO. 16: For each of the Opposer's First Requests for Admission that Applicant has denied, explain the reason(s) for such denial.

BLIZZARD ENTERTAINMENT, INC.

Date: April 23, 2019

By: /Scott J. Major/
Scott J. Major
Michael S. Culver
Adam D. Mandell
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Blvd., Suite 1400
Tel: 703-243-6333
Fax: 703-243-6410
major@mwzb.com; culver@mwzb.com

Attorneys for Opposer

Certificate of Service

This is to certify that a copy of the foregoing was served this 23rd day of April 2019 by email on Opposer's attorneys at htpattylaw@gmail.com, docketing@htplaw.com, trademarks@htplaw.com and kym.htpattylaw@gmail.com.

By: /Scott J. Major/
Attorney for Opposer

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

BLIZZARD ENTERTAINMENT, INC.)	
)	
Opposer)	
)	
v.	)	Opposition No. 91244774
	)	Mark: OVERWATCH-360
	)	App. Serial No. 87/405918
BIOSYNQ CORPORATION)	
)	
Applicant)	
_____)	

OPPOSER’S FIRST SET OF REQUESTS FOR DOCUMENTS

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, the Opposer, Blizzard Entertainment, Inc., hereby requests that the Applicant, Biosynq Corporation, respond to the following requests for the production of documents and things by providing written responses thereto and producing for inspection and copying the documents and things requested herein to the offices of Applicant’s attorneys, Millen White Zelano & Branigan, PC, 2200 Clarendon Blvd., 14th Floor, Arlington, VA 22201, Attn: Scott J. Major, within thirty (30) days of service of this request.

DEFINITIONS

1. "Applicant" means Biosynq Corporation, the Applicant in the above-captioned proceeding, and all predecessors, successors, related companies, affiliates, and/or each of the foregoing’s employees, agents, officers, directors, representatives, consultants, accountants, and attorneys, including any person who served in any such capacity at any time during the relevant time period specified herein.
2. "Opposed Application” means Application Serial No. 87405918.
3. “Applicant’s Goods means the following goods in International Class 9 listed

in the Opposed Application: Computer software, namely software applications to facilitate alerts, notifications, and communications related to reported incidents in the nature of software for transmitting alerts, alert notifications and messages and receiving the same within computer networks.

4. "Applicant's Mark" means the mark OVERWATCH-360 that is the subject of the Opposed Application, including the mark in any stylized form and any associated common law rights.

5. "Opposer" means Blizzard Entertainment, Inc.

6. "Opposer's Marks" means the marks consisting in whole or in part of the term "overwatch" as identified in Paragraphs 1 and 2 of the Notice of Opposition and any associated common law rights.

7. "Concerning" means consisting of, referring to, relating to, reflecting, or being in any way logically or factually connected with the matter discussed.

8. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

9. "Date" means the exact day, month, and year if ascertainable, or, if not, the best available approximation (including relationship to other events).

10. "Describe" means set forth fully and unambiguously every fact relevant to the subject of the interrogatory, of which you (including your agents and representatives) have knowledge or information.

11. "Document" is synonymous in meaning and equal in scope to its usage in FRCP 34(a)(1)(A). The term "document" refers to any document now or at any time in Applicant's possession, custody, or control. A person is deemed in control of a document if the person has any ownership, possession, or custody of the document, or the right to secure the

document or a copy thereof from any person or public or private entity having physical possession thereof.

12. "Identify" with respect to a person who is an individual means to state that person's full name, present or last known address, and current or last known place of employment.

13. "Identify" with respect to a person that is not an individual means to state its: full name, legal form, date of organization, state of incorporation or organization or other business or license authority, present or last known address and telephone number, and the identity of its chief executive officer, partners, or persons in equivalent positions.

14. "Identify" with respect to a document means to give, to the extent known, the (a) type of document; (b) general subject matter; (c) date of the document; and (d) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Rule 33 of the Federal Rules of Civil Procedure.

15. "Identify" with respect to communications means to give, to the extent known, (a) a description of the substance of the communication; (b) the form of the communication (e.g., telephone, facsimile, email, etc.); (c) the identity of each person that was a party to and/or present at the time of the communication, as well as the full name, present or last known address, and the current or last known place of employment of each person; (d) the identity of the person whom you contend initiated the communication; and (e) the time, date, and place of the communication.

16. The term "mark" means any trademark, service mark, trade name, word, name, symbol, logo or device (including any key word or metatag) or any combination thereof.

17. The term "person" means any natural person or any legal entity, including, but

not limited to, any business or governmental entity, organization, or association.

18. The terms "and" and "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of the request all responses that might otherwise fall outside the scope of this request.

19. The terms "all," "any," or "each" encompass any and all of the matter discussed.

20. The use of singular form includes plural, and vice versa.

21. The use of present tense includes past tense, and vice versa.

22. The masculine form shall also be construed to include the feminine and vice versa.

INSTRUCTIONS

1. All documents are to be produced as they are kept in the usual course of business with any identifying labels, file markings, or similar identifying features, and shall be organized and labeled to correspond to the categories requested herein. If there are no documents in response to a particular request or if Applicant withholds any responsive documents or categories of documents based on any objections, it shall state so in writing.

2. Electronically stored information (ESI) must be produced in its original native format with its accompanying metadata.

3. These requests call for the production of all responsive documents in Applicant's possession, custody, or control, or in the possession, custody, or control of Applicant's employees, predecessors, successors, parents, subsidiaries, divisions, affiliates, partners, joint venturers, brokers, accountants, financial advisors, representatives, and agents or other persons acting on its behalf, without regard to the physical location of such documents.

4. If any document was, but no longer is, in Applicant's possession, subject to its control, or in existence, include a statement:

- (a) identifying the document;
- (b) describing where the document is now;
- (c) identifying who has control of the document;
- (d) describing how the document became lost or destroyed or was transferred;

and,

(e) identifying each of those persons responsible for or having knowledge of the loss, destruction, or transfer of this document from Applicant's possession, custody, or control.

5. Each request contemplates production of all documents in their entirety. If a portion of a document is responsive to one or more requests, the document shall be produced in its entirety.

6. If any document is withheld in whole or in part for any reason including, without limitation, a claim of privilege or other protection from disclosure such as the work product doctrine, business confidentiality, or trade secret protection, set forth separately with respect to each such document:

- (a) the ground of privilege or protection claimed;
- (b) each and every basis under which the document is withheld;
- (c) the type of document;
- (d) its general subject matter;
- (e) the document's date; and,
- (f) other information sufficient to enable a full assessment of the

applicability of the privilege or protection claims, as required by FRCP 26(b)(5) and TBMP § 406.04(c).

7. To the extent Applicant asserts that a document contains information that should be protected from disclosure (based on the attorney-client privilege, work product doctrine, or another protection) and non-privileged information, the non-privileged portions of the document must be produced. For each such document, indicate the portion of the document withheld by stamping the words "MATERIAL REDACTED" on the document in an appropriate location that does not obscure the remaining text.

8. Unless otherwise stated herein, all documents requested are for the period commencing 1946 up to and including the present.

9. Unless otherwise stated herein, all document requests apply to activities in or in connection with the United States.

10. For the convenience of the Board and the parties, each document request should be quoted in full immediately preceding the response.

11. These requests are continuing, and Applicant's responses to these requests must be promptly supplemented when appropriate or necessary in accordance with Federal Rule of Civil Procedure 26(e) and TBMP § 408.03.

REQUESTS FOR DOCUMENTS

DOCUMENT REQUEST NO. 1: All documents relied upon by Applicant in drafting the Answer, including all documents supporting or tending to support the contention by Applicant that there is no likelihood of confusion.

DOCUMENT REQUEST NO. 2: All documents showing the annual sales in terms of dollar volume of Applicant's Goods under Applicant's Mark for each year since 2013.

DOCUMENT REQUEST NO. 3: All documents showing the annual sales in terms of dollar volume of all goods and services under Applicant's Mark for each year since 2013.

DOCUMENT REQUEST NO. 4: All documents showing the annual expenditures for advertising and promoting Applicant's Goods under Applicant's Mark for each year since 2013.

DOCUMENT REQUEST NO. 5: All documents showing the annual expenditures for advertising and promoting all goods and services under Applicant's Mark for each year since 2013.

DOCUMENT REQUEST NO. 6: All documents showing the annual expenditures for advertising and promoting all goods and services under Applicant's Mark for each year since 2013.

DOCUMENT REQUEST NO. 7: All agreements concerning Applicant's Mark and any other mark consisting in whole or in part of the term OVERWATCH, including but not limited to licenses, assignments, distribution agreements, manufacturing agreements, settlement agreements, consents and security interests.

DOCUMENT REQUEST NO. 8: All documents since 2013 showing the advertising or promotion of, or packaging for, Applicant's Goods under Applicant's Mark.

DOCUMENT REQUEST NO. 9: All documents since 2013 showing the advertising or promotion of any goods or services by Applicant in which the term OVERWATCH appears in any manner, including as all or part of a mark, business name, personal name, email address, email subject description or URL.

DOCUMENT REQUEST NO. 10: All documents referring or relating to any surveys, studies, analyses and/or polls with respect to Applicant's Mark, including any criteria, strategy or market plan with respect to said mark.

DOCUMENT REQUEST NO. 11: All documents referring or relating to (A) any actual confusion with respect to Opposer's Mark and Applicant's Mark; and (B) any instance when a

person mistakenly made any affiliation, association or connection between Applicant and Opposer or their respective marks, goods or services.

DOCUMENT REQUEST NO. 12: All documents relating to the creation, meaning, selection, and/or adoption of the Applicant's mark.

DOCUMENT REQUEST NO. 13: All documents relating to any investigation, trademark search, and/or other inquiry conducted by Applicant and/or on Applicant's behalf, in connection with assessing the availability, registrability, or use of the Applicant's Mark.

DOCUMENT REQUEST NO. 14: All documents that show or tend to show that the Applicant had a bona fide intent to use Applicant's Mark in commerce for Applicant's Goods on or before the April 17, 2017 filing date of the Opposed Application.

BLIZZARD ENTERTAINMENT, INC.

Date: April 23, 2019

By: /Scott J. Major/
Scott J. Major
Michael S. Culver
Adam D. Mandell
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Blvd., Suite 1400
Tel: 703-243-6333
Fax: 703-243-6410
major@mwzb.com; culver@mwzb.com

Attorneys for Opposer

Certificate of Service

This is to certify that a copy of the foregoing was served this 23rd day of April 2019 by email on Opposer's attorneys at htpattylaw@gmail.com, docketing@htplaw.com, trademarks@htplaw.com and kym.htpattylaw@gmail.com.

By: /Scott J. Major/
Attorney for Opposer

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

BLIZZARD ENTERTAINMENT, INC.)	
)	
Opposer)	
)	
v.	)	Opposition No. 91244774
	)	Mark: OVERWATCH-360
	)	App. Serial No. 87/405918
BIOSYNQ CORPORATION)	
)	
Applicant)	
_____)	

OPPOSER’S FIRST REQUESTS FOR ADMISSION

Opposer, Blizzard Entertainment, Inc., hereby submits the requests for admission below to Applicant in accordance with Fed. R. Civ. P. 36 and 37 C.F.R. § 2.120. All definitions and instructions from Opposer’s First Set of Interrogatories and Opposer’s First Set of Document Requests apply to these requests for admission.

ADMISSION REQUEST 1: Opposer’s OVERWATCH mark is famous.

ADMISSION REQUEST 2: Opposer’s OVERWATCH mark is well-known.

ADMISSION REQUEST 3: Applicant’s Goods are related to Opposer’s OVERWATCH game software.

BLIZZARD ENTERTAINMENT, INC.

Date: April 23, 2019

By: /Scott J. Major/
Scott J. Major
Michael S. Culver
Adam D. Mandell
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Blvd., Suite 1400
Tel: 703-243-6333
Fax: 703-243-6410
major@mwzb.com; culver@mwzb.com
Attorneys for Opposer

Certificate of Service

This is to certify that a copy of the foregoing was served this 23rd day of April 2019 by email on Opposer's attorneys at hpattylaw@gmail.com, docketing@htplaw.com, trademarks@htplaw.com and kym.hpattylaw@gmail.com.

By: /Scott J. Major/
Attorney for Opposer

EXHIBIT B

Scott Major

From: Scott Major
Sent: Friday, July 19, 2019 8:25 AM
To: Shellie Bailey; 'htpattylaw@gmail.com'
Cc: 'trademarks@htplaw.com'; Millen, White, Zelano & Branigan, P.C.
Subject: RE: Blizzard Entertainment, Inc. v. Biosynq Corporation - Potential Opposition to OVERWATCH-360 (U.S. Trademark App. No. 87405918) (blizz-35-x)

Importance: High

Dear Mr. Patty and Ms. Bailey,

I have yet to receive the long-promised discovery responses, and there has been no reply to my voicemail message of July 1, 2019 on the subject. If I do not receive satisfactory responses by close-of-business on Monday -- that is, July 22, 2019 --, we will have no choice but to file a motion to compel.

Sincerely,

Scott

Scott J. Major
Director
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Boulevard, Suite 1400
Arlington, Virginia 22201
Tel: (703) 465-5356
Cell: (703) 801-2097
Fax: (703) 243-6410
Website: www.mwzb.com

From: Scott Major
Sent: Monday, June 24, 2019 1:58 PM
To: Shellie Bailey
Cc: 'htpattylaw@gmail.com'; 'trademarks@htplaw.com'; Millen, White, Zelano & Branigan, P.C.
Subject: RE: Blizzard Entertainment, Inc. v. Biosynq Corporation - Potential Opposition to OVERWATCH-360 (U.S. Trademark App. No. 87405918) (blizz-35-x)

Dear Ms. Bailey,

I look forward to receiving the responses.

Regards,

Scott

From: Shellie Bailey [mailto:sbailey@nolteip.com]
Sent: Monday, June 24, 2019 1:50 PM
To: Scott Major <major@mwzb.com>
Cc: 'htpattylaw@gmail.com' <htpattylaw@gmail.com>; 'trademarks@htplaw.com' <trademarks@htplaw.com>
Subject: RE: Blizzard Entertainment, Inc. v. Biosynq Corporation - Potential Opposition to OVERWATCH-360 (U.S. Trademark App. No. 87405918) (blizz-35-x)

ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL

Mr. Major,
Mr. Patty sends his apologies and will have discovery to you tomorrow.

Regards,

Nolte IP Law Group
Shellie Bailey
IP Paralegal



24610 Kingsland Blvd.
Katy, Texas 77494
P: 218-259-9177
F: 832-201-8247
sbailey@NolteIP.com

CONFIDENTIALITY NOTICE: This electronic mail transmission and the content therein is confidential, may be privileged, and should be read or retained only by the intended recipient. If you have received this transmission in error, please immediately notify the sender and delete it from your system. Thank you.

From: Scott Major <major@mwzb.com>
Sent: Friday, June 14, 2019 8:33 PM
To: Shellie Bailey <sbailey@nolteip.com>
Cc: 'htpattylaw@gmail.com' <htpattylaw@gmail.com>; 'docketing@htplaw.com' <docketing@htplaw.com>; 'trademarks@htplaw.com' <trademarks@htplaw.com>; 'kym.htpattylaw@gmail.com' <kym.htpattylaw@gmail.com>
Subject: RE: Blizzard Entertainment, Inc. v. Biosynq Corporation - Potential Opposition to OVERWATCH-360 (U.S. Trademark App. No. 87405918) (blizz-35-x)

Ms. Bailey,

Attached are a service copy of the extension motion and the TTAB's filing receipt.

Regards,

Scott

From: Shellie Bailey [mailto:sbailey@nolteip.com]
Sent: Friday, June 14, 2019 5:19 PM
To: Scott Major; Herbert Patty; 'Herbert Patty, Esq.'

Scott Major

From: Scott Major
Sent: Friday, June 21, 2019 11:45 AM
To: 'Shellie Bailey'; Herbert Patty; 'Herbert Patty, Esq.'
Cc: Millen, White, Zelano & Branigan, P.C.; trademarks@htplaw.com; kym.htpattylaw@gmail.com
Subject: RE: Blizzard Entertainment, Inc. v. Biosynq Corporation - Potential Opposition to OVERWATCH-360 (U.S. Trademark App. No. 87405918) (blizz-35-x)

Dear Ms. Bailey,

I am following up on this, as we did not hear further from Mr. Patty on June 20.

Regards,

Scott

-----Original Message-----

From: Shellie Bailey [mailto:sbailey@nolteip.com]
Sent: Wednesday, June 12, 2019 8:18 PM
To: Scott Major <major@mwzb.com>; Herbert Patty <hpatty@nolteip.com>; 'Herbert Patty, Esq.' <htpattylaw@gmail.com>
Cc: Millen, White, Zelano & Branigan, P.C. <mail@mwzb.com>; trademarks@htplaw.com; kym.htpattylaw@gmail.com
Subject: RE: Blizzard Entertainment, Inc. v. Biosynq Corporation - Potential Opposition to OVERWATCH-360 (U.S. Trademark App. No. 87405918) (blizz-35-x)

ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL

Mr. Major,

Please note that Mr. Patty will tender the discovery by June 20, 2019.
Thank you.

Regards,

Nolte IP Law Group
Shellie Bailey
IP Paralegal

24610 Kingsland Blvd.
Katy, Texas 77494
P: 218-259-9177
F: 832-201-8247
sbailey@NolteIP.com

CONFIDENTIALITY NOTICE: This electronic mail transmission and the content therein is confidential, may be privileged, and should be read or retained only by the intended recipient. If you have received this transmission in error, please immediately notify the sender and delete it from your system. Thank you.

-----Original Message-----

From: Scott Major <major@mwzb.com>

Sent: Tuesday, June 11, 2019 2:46 PM

To: Herbert Patty <hpatty@nolteip.com>; 'Herbert Patty, Esq.' <htpattylaw@gmail.com>

Cc: Shellie Bailey <sbailey@nolteip.com>; Millen, White, Zelano & Branigan, P.C. <mail@mwzb.com>;

docketing@htplaw.com; trademarks@htplaw.com; kym.htpattylaw@gmail.com

Subject: RE: Blizzard Entertainment, Inc. v. Biosynq Corporation - Potential Opposition to OVERWATCH-360 (U.S. Trademark App. No. 87405918) (blizz-35-x)

Importance: High

Mr. Patty,

We have yet to receive responses to the discovery served on April 23. Please advise as to when we may expect to receive them.

Scott

From: Scott Major

Sent: Tuesday, April 23, 2019 11:50 PM

To: 'Herbert Patty'; 'Herbert Patty, Esq.'

Cc: Shellie Bailey; Millen, White, Zelano & Branigan, P.C.; docketing@htplaw.com; trademarks@htplaw.com; kym.htpattylaw@gmail.com

Subject: RE: Blizzard Entertainment, Inc. v. Biosynq Corporation - Potential Opposition to OVERWATCH-360 (U.S. Trademark App. No. 87405918) (blizz-35-x)

Dear Mr. Patty,

Attached are the Opposer's first interrogatories, document requests and admission requests.

Sincerely,

Scott

From: Herbert Patty [mailto:hpatty@nolteip.com]

Sent: Sunday, March 3, 2019 9:00 PM

To: Scott Major; 'Herbert Patty, Esq.'

Cc: Shellie Bailey; Millen, White, Zelano & Branigan, P.C.; docketing@htplaw.com; trademarks@htplaw.com; kym.htpattylaw@gmail.com

Subject: Re: Blizzard Entertainment, Inc. v. Biosynq Corporation - Potential Opposition to OVERWATCH-360 (U.S. Trademark App. No. 87405918) (blizz-35-x)

Hello Mr. Major. Attached is the client's Initial Disclosures.

-HTP