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Filing date: **04/28/2020**

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

Proceeding	91245529
Party	Plaintiff DSM IP Assets B.V.
Correspondence Address	DUANE M BYERS NIXON & VANDERHYE PC 901 N GLEBE RD 11TH FL, ARLINGTON, VA 22203 UNITED STATES nixonptomail@nixonvan.com, dmb@nixonvan.com 703-786-7421
Submission	Other Motions/Papers
Filer's Name	Duane M. Byers
Filer's email	nixonptomail@nixonvan.com
Signature	/dmb/
Date	04/28/2020
Attachments	4662-3720 Exh 7.pdf(8831 bytes ) 4662-3720 Exh 8.pdf(8854 bytes ) 4662-3720 Exh 9.pdf(119036 bytes )

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

DSM IP Assets B.V.,	)	
	)	
Opposer,	)	
	)	
v.	)	Proceeding No. 91245529
	)	
Hhealth Inc.,	)	
	)	
Applicant.	)	
	)	

Application subject of Opposition:  
Ser. No. 87891972 for:  
HHEALTH

**APPLICANT’S RESPONSE TO OPPOSER’S FIRST SET OF  
DOCUMENT REQUESTS**

Applicant, Hhealth Inc. ("Applicant") objects to the First Set of Document Requests from Opposer DSM IP Assets B.V. ("Opposer") that Applicant’s undersigned attorney received by email from Opposer’s attorney on January 14, 2020. The close of discovery was February 12, 2020. The Document Requests are untimely because Applicant was not afforded a full 30 days to respond to the discovery requests, per TTAB rules, and, therefore, no responses are necessary.

Respectfully submitted,

**HHEALTH INC.**

Date: February 13, 2020

/M. Scott Alprin/  
M. Scott Alprin

M. Scott Alprin  
Asha E. Velay  
*Attorneys for Opposer*

ALPRIN LAW OFFICES, P.C.  
5 Pinehurst Circle, N.W.  
Washington, D.C. 20015  
202-659-8225 (phone)  
202-659-0441 (facsimile)  
trademarks@alprinlaw.com

**Certificate of Service**

I hereby certify that a true and complete copy of the **Applicant's Response to Opposer's First Set of Document Requests** has been served on Opposer, by forwarding a copy of the said document to Duane M. Byers, via e-mail, to:

**dmb@nixonvan.com**  
**nixonptomail@nixonvan.com**

February 13, 2020

/M. Scott Alprin/  
M. Scott Alprin

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

DSM IP Assets B.V.,	)	
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Opposer,	)	
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v.	)	Proceeding No. 91245529
	)	
Hhealth Inc.,	)	
	)	
Applicant.	)	

Application subject of Opposition:  
Ser. No. 87891972 for:  
HHEALTH

**APPLICANT’S RESPONSE TO OPPOSER’S FIRST SET OF  
ADMISSION REQUESTS**

Applicant, Hhealth Inc. ("Applicant") objects to the First Set of Admission Requests from Opposer DSM IP Assets B.V. ("Opposer") that Applicant’s undersigned attorney received by email from Opposer’s attorney on January 14, 2020. The close of discovery was February 12, 2020. The Admission Requests are untimely because Applicant was not afforded a full 30 days to respond to the discovery requests, per TTAB rules, and, therefore, no responses are necessary.

Respectfully submitted,

**HHEALTH INC.**

Date: February 13, 2020

\_\_\_\_\_  
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**nixonptomail@nixonvan.com**

February 13, 2020

/M. Scott Alprin/  
M. Scott Alprin

## Duane M. Byers

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**From:** Duane M. Byers  
**Sent:** Thursday, February 13, 2020 9:53 AM  
**To:** M. Scott Alprin; trademarks@alprinlaw.com  
**Cc:** Duane M. Byers; Virginia Hamel  
**Subject:** US TM Opposition No. 91245529 - M|Health design trademark v HHealth design trademark/ NV ref 4662-3720 / ALO ref 0189007

Dear Scott,

Our Requests for Admissions are now deemed admitted, and any objections have been waived for our discovery requests. We also note that your client has not timely provided the information requested by our Interrogatories and Document Requests. We are disappointed and will soon be filing a Motion to Compel the information called for in our Interrogatories and Document Requests.

Kind regards,

Duane

**Duane M. Byers**

[Nixon & Vanderhye P.C.](#)

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