

ESTTA Tracking number: **ESTTA1037107**

Filing date: **02/19/2020**

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

Proceeding	91247343
Party	Defendant Zhejiang Rongpeng Air Tools Co., Ltd.
Correspondence Address	PAULO A DE ALMEIDA PATEL & ALMEIDA PC 16830 VENTURA BLVD, SUITE 360 ENCINO, CA 91436 UNITED STATES paulo@paiplaw.com, alex@paiplaw.com, nikki@paiplaw.com, in-box@paiplaw.com 818-380-1900
Submission	Opposition/Response to Motion
Filer's Name	Paulo A. de Almeida
Filer's email	paulo@paiplaw.com
Signature	/Paulo A. de Almeida/
Date	02/19/2020
Attachments	AEROPRO Applicants Opposition to Motion to Compel Discovery Responses.pdf(1989837 bytes)

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

Graco Minnesota Inc.,)	Opposition No. 91247343
)	Serial No. 87/645,709
Opposer,)	Mark: AEROPRO
)	
v.)	
)	
Zhejiang Rongpeng Air Tools Co., Ltd.,)	
)	
)	
Applicant.)	
)	
)	
)	
)	

APPLICANT’S OPPOSITION TO MOTION TO COMPEL DISCOVERY

Applicant Zhejiang Rongpeng Air Tools Co., Ltd. (“Applicant”) hereby opposes Graco Minnesota Inc.’s (“Opposer”) Motion to Compel Applicant’s Discovery Responses. The motion should be denied as premature and for Opposer’s failure to meet the good faith effort requirement of Trademark Rule 2.120(f)(1). In addition, Applicant has already properly responded to Opposers discovery requests, and its objections are proper and should be sustained. Accordingly, the motion should be denied. In addition, Applicant respectfully requests leave to amend its opposed application for AEROPRO (Ser. No. 87/645,709) to delete all goods in the application except “painting machines”; and to amend its Answer to remove all of the “affirmative defenses” which are concededly improper and creating unnecessary issues for discovery.

I. OPPOSER’S MOTION SHOULD BE DENIED AS PREMATURE

Initially, Opposer’s motion should be denied as premature because the parties are still in the process of conferring on the issues in dispute. In particular, Applicant is waiting for Opposer to consent to the filing of two motions:

(1) Applicant's motion to amend its AEROPRO application to delete all goods in the application except "painting machines"; and

(2) Applicant's motion to amend its Answer to remove all of its "affirmative defenses."¹

Applicant's proposed motions to amend, if granted, would eliminate all of the discovery issues presented in Opposer's motion. For example, Opposer would have no need to take discovery regarding any goods of Applicant other than the *sole* remaining item in the application, "painting machines."² Likewise, Opposer would have no need to take discovery on Applicant's "affirmative defenses," which are improper and should be removed from the Answer.

Applicant's concededly lengthy goods ID and improper "affirmative defenses" have complicated this proceeding, inviting unnecessary discovery requests from the Opposer. Applicant seeks to eliminate these issues from dispute by amending its application and Answer. Good cause exists for the amendments because they would eliminate issues for discovery and trial, simplifying the proceeding and saving the time and resources of the parties and the Board. Accordingly, Applicant respectfully requests leave to amend its application to remove "painting machines" and to amend its Answer to remove the "affirmative defenses," which would moot the issues presented in Opposer's motion.

II. OPPOSER HAS FAILED TO MAKE A GOOD FAITH EFFORT TO RESOLVE THE DISPUTE

In addition to filing a premature motion, Opposer has also failed to make a good faith effort to resolve the dispute with Applicant. In order to move to compel discovery, the moving party

¹ Applicant filed its Answer *pro se* with numerous improper "affirmative defenses," including a reference to another registration it owns (AEROPRO TOOLS INC., Reg. No. 3726211). These "affirmative defenses" are improper and should be removed from the Answer. The parties and the Board should not waste time litigating unnecessary "affirmative defenses" which Applicant does not intend to pursue and seeks to remove from its pleading.

² Applicant has already provided extensive discovery materials regarding its "painting machines," including invoices, shipping documents, photos, and marketing materials. Opposer does not complain about the sufficiency of Applicant's materials with respect to the "painting machines."

must make a showing that such party has made a good faith effort, by conference or correspondence, to resolve with the other party the issue(s) presented in the motion, and that the parties were unable to resolve their differences. *See* Trademark Rule 2.120(f)(1); *Hot Tamale Mama...and More, LLC v. SF Investments, Inc.*, 110 USPQ2d 1080, 1081 (TTAB 2014) (“Where it is apparent that the effort toward resolution is incomplete, establishing the good faith effort that is a prerequisite for a motion to compel necessitates that the inquiring party engage in additional effort toward ascertaining and resolving the substance of the dispute.”).

Here, the parties’ efforts toward resolution are obviously incomplete, and Opposer has not undertaken additional efforts to try to resolve the dispute. In two separate emails, Applicant asked for Opposer’s consent to amend its application and Answer. *See* Ex. A (correspondence between counsel). Opposer has not responded to either of these requests and is unreasonably withholding its consent. Opposer could have declined its consent and waited for Applicant to file unconsented motions. Instead, Opposer raced to file this motion in an attempt to litigate unnecessary discovery issues *before* they could be removed from the case. Thus, Opposer has failed to provide Applicant a reasonable opportunity to cure the alleged discovery deficiencies by amending its application and Answer. Opposer should have undertaken additional efforts to complete the discussions with Applicant, who was waiting for Opposer’s email reply and remains willing to work in good faith to resolve the dispute. As such, Opposer has not made a good faith effort to resolve the dispute, and the motion should be denied at least for this reason. Trademark Rule 2.120(f)(1).

III. APPLICANT’S DISCOVERY RESPONSES AND OBJECTIONS ARE SUFFICIENT

Opposer complains about the sufficiency of Applicant’s discovery responses and objections. Initially, all of the issues presented would be resolved if Applicant amends its

application to delete all goods except “painting machines” and removes the improper “affirmative defenses” from its Answer. Applicant’s responses and objections are otherwise proper, and therefore the motion should be denied.

A. Applicant Has Properly Responded to Interrogatory Nos. 16 and 25

Applicant’s responses to Interrogatory Nos. 16 and 25 are sufficient. Applicant’s proposed motion to amend the application would moot these interrogatories, as the goods inquired about would be deleted from the application. The interrogatories therefore seek irrelevant information about goods that are not at issue in the case. Under the amended Federal Rules, discovery sought must be directly relevant to Opposer’s claim, and the requests must be narrowly tailored to Opposer’s discovery needs. Opposer has no need to inquire about any goods of the Applicant other than “painting machines,” the *sole* item of goods to remain in the application after amendment.

Opposer argues “planning to file a motion does avoid the obligation to answer interrogatories.” This misses the point. Applicant’s obligation to answer the interrogatories would disappear upon amendment of the application. There is no reason to litigate a factual issue that a party has mooted by narrowing the scope of goods in its application. Nor can Opposer undertake a fishing expedition seeking materials about Applicant’s *other goods not at issue in this proceeding*. The scope of discovery under the Federal Rules is narrow and even more so in Board proceedings. Opposer should be limited to taking discovery about Applicant’s “painting machines,” which are the only goods to remain in the application after amendment.

B. Applicant Has Properly Responded to Interrogatory Nos. 13-15 and 17-19 and Document Requests Nos. 6-7

Opposer complains about Applicant’s responses to Interrogatories 13-15 and 17-19 and Document Requests Nos. 6-7 regarding Applicant’s use of its AEROPRO TOOLS INC. & Design

mark (Reg. No. 3726211), which is a different registered mark not at issue in this opposition. Other marks of the Applicant are outside the scope of discovery, which covers only the registrability of Applicant's AEROPRO mark of the opposed application.

Although Applicant briefly referred to its other AEROPRO TOOLS INC. mark in the "affirmative defenses" in its Answer, this is not an open invitation to conduct discovery on issues outside the scope of this opposition. Nor can Opposer undertake a "fishing expedition" seeking information about Applicant's other marks and goods not at issue in the case. Opposer cites TBMP § 414(11) for the proposition that "the information that a party sells the same goods or services as the propounding party ... is relevant to the issue of likelihood of confusion for purposes of establishing the relationship between the goods or services of the parties" (emphasis added). However, the goods of Reg. No. 3726211 are not the same. Applicant's registration does not contain "painting machines," and Opposer's argument that the goods in the registration are "related" to its own goods is plainly outside the scope of this opposition concerning the AEROPRO application. Simply put, Opposer is not entitled to conduct discovery on unrelated goods of Applicant sold under different marks which have nothing to do with this case. Accordingly, Applicant's objections are valid and should be sustained.

Last, Applicant has requested leave to amend its Answer to remove all of its "affirmative defenses" containing references to Reg. No. 3726211. Applicant's removal of these affirmative defenses would moot this issue entirely, and the Board would not need to consider it further.

C. Applicants Responses to Request for Admission Nos. 21-23 Are Proper

Opposer next quibbles with Applicant's qualified denials of Request for Admission Nos. 21-23. Opposer's requests are worded in a highly argumentative form apparently designed to seek an admission from Applicant that its "painting machines" are *specifically* used with "paint spray

guns”:

REQUEST NO. 21: Admit that “painting machines” as identified in Applicant’s AEROPRO Application can be used with paint spray guns.

REQUEST NO. 22: Admit that “painting machines” as identified in Applicant’s AEROPRO Application are intended to be used with paint spray guns.

REQUEST NO. 23: Admit that “painting machines” as identified in Applicant’s AEROPRO Application are designed to be used with paint spray guns.

Applicant provided a qualified denial on the basis its “painting machines” can be used with a variety of different goods, not specifically “paint spray guns”:

“Denied inasmuch as Applicant’s goods can be used with many different types of goods.”

The mere fact that Opposer does not like Applicant’s response does not mean it is insufficient. Applicant has plainly answered the question based on its knowledge and understanding of its products. Opposer goes on to argue “Applicant’s website, document production, and the specimen submitted with the Application, suggest Applicant’s spray painting machines are used with paint spray guns.” This argument has nothing to do with this motion. If Opposer disputes the nature of Applicant’s goods, it is free to present evidence during its testimony period.

D. Applicant’s Objections are Proper

Last, Opposer vaguely complains Applicant has improperly asserted “general” objections and “conditional” discovery responses. This is incorrect. Applicant has *specifically* objected to each of Opposer’s discovery requests, including specific explanations of the grounds for each of its objections in response to each request. If Opposer contends a *specific* objection is improper, it is Opposer’s obligation to identify the *specific* request and objection and explain why it is improper. Opposer cannot *generally* complain about all of Applicant’s objections and answers, as this leaves Applicant in the dark about what issues it needs to address during a pre-motion conference.

Opposer should have specifically identified the issues it now raises during a pre-motion conference. Applicant would have addressed Opposer's specific contentions, including withdrawing an objection, if appropriate.

For example, Opposer now complains *for the first time in this motion* that "Applicant has produced no documents responsive to Request No. 2 (selection, clearance, and application to register Applicant's mark); Request No. 11 (identification of Applicant's employees in the United States), and Request No. 12 (Applicant's business locations in the United States)." Had Opposer bothered to explain these specific concerns, Applicant could simply have informed Opposer that it possesses no such materials. To the extent Opposer raises new, specific issues for the first time in this motion, the Board should deny the motion for failure to meet the good faith effort requirement of Trademark Rule 2.120(f)(1).

IV. CONCLUSION

Based on the foregoing, Opposer's Motion should be denied as premature and for failure to meet the good faith effort requirement of Trademark Rule 2.120(f)(1). In addition, Applicant requests leave to amend its application to remove all goods except "painting machines," as well as to amend its Answer to remove all of its "affirmative defenses," which would moot all of the discovery issues raised in this motion.

Respectfully Submitted,

Dated: February 19, 2020

By: /Paulo A. de Almeida/
Paulo A. de Almeida
Alex D. Patel
Patel & Almeida, P.C.
16830 Ventura Blvd., Suite 360
Encino, CA 91436
(818) 380-1900

Attorneys for Applicant,
Zhejiang Rongpeng Air Tools Co., Ltd.

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **APPLICANT'S OPPOSITION**

TO MOTION TO COMPEL DISCOVERY RESPONSES has been served on Stephen R.

Baird, counsel for Opposer, on February 19, 2020, via email to:

bairds@gtlaw.com, chamberst@gtlaw.com, solbergm@gtlaw.com, gtipmail@gtlaw.com

By: /Paulo A. de Almeida/
Paulo A. de Almeida

EXHIBIT A

Patel & Almeida, P.C.

From: Patel & Almeida, P.C. <paulo@paiplaw.com>
Sent: Tuesday, January 7, 2020 11:27 PM
To: 'chamberst@gtlaw.com'; 'nikki@paiplaw.com'; 'chris@paiplaw.com'; 'inbox@paiplaw.com'; 'alex@paiplaw.com'
Cc: 'bairds@gtlaw.com'; 'solbergm@gtlaw.com'; 'Patel & Almeida, P.C.'
Subject: RE: AEROPRO; TTAB Opposition No. 91247343
Attachments: AEROPRO_Applicant's Response to Letter Re Discovery.pdf; AEROPRO_Consented Motion to Amend Application.doc

Dear Tucker:

Please see the attached correspondence.

I have also attached a motion to amend the AEROPRO application. Please let us know if you consent to the filing of this motion.

Applicant's supplemented discovery responses and additional document production will follow in a separate email.

Very Truly Yours,

Paulo A. de Almeida | Attorney At Law

16830 Ventura Blvd., Suite 360 | Encino, CA 91436

T: (818) 380-1900 | F: (818) 380-1908

paulo@paiplaw.com | www.paiplaw.com



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From: chamberst@gtlaw.com <chamberst@gtlaw.com>
Sent: Friday, November 29, 2019 1:45 PM
To: paulo@paiplaw.com; nikki@paiplaw.com; chris@paiplaw.com; inbox@paiplaw.com; alex@paiplaw.com
Cc: bairds@gtlaw.com; solbergm@gtlaw.com
Subject: RE: AEROPRO; TTAB Opposition No. 91247343

Paulo,

Please see the attached correspondence. Please provide some days and times you are available next week for a phone call to discuss.

Also attached is a copy of Applicant's document production with Bates numbering.

Regards,
Tucker

Tucker A. Chambers
Associate

Greenberg Traurig, LLP
90 South 7th Street



From: Patel & Almeida, P.C. [<mailto:paulo@paiplaw.com>]
Sent: Friday, November 22, 2019 7:32 PM
To: Chambers, Tucker A. (Assoc-MSP-IP-Tech) <chamberst@gtlaw.com>; nikki@paiplaw.com; chris@paiplaw.com; inbox@paiplaw.com; alex@paiplaw.com
Cc: Baird, Stephen R. (Shld-MSP-IP-Tech) <bairds@gtlaw.com>; Solberg, Melissa (Secy-MSP-IP-Tech) <solbergm@gtlaw.com>; 'Patel & Almeida, P.C.' <andrew@paiplaw.com>
Subject: RE: AEROPRO; TTAB Opposition No. 91247343

Dear Tucker,

I will obtain a signed verification of the interrogatory responses from the Applicant, and I will address your concern about the motion to amend in a separate email.

Applicant provided sales and marketing documents as sought in the requests. If you believe Applicant's document production is "plainly deficient," you will need to explain what you mean by that, bearing in mind the scope of discovery in an opposition is extremely narrow.

Bates numbering is not required under the Federal Rules or the Trademark Rules of Practice, although you are free to label the documents as you wish.

Very Truly Yours,

Paulo A. de Almeida | Attorney At Law
16830 Ventura Blvd., Suite 360 | Encino, CA 91436
T: (818) 380-1900 | F: (818) 380-1908
paulo@paiplaw.com | www.paiplaw.com



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From: chamberst@gtlaw.com <chamberst@gtlaw.com>
Sent: Thursday, November 14, 2019 7:59 PM
To: paulo@paiplaw.com; nikki@paiplaw.com; chris@paiplaw.com; inbox@paiplaw.com; alex@paiplaw.com
Cc: bairds@gtlaw.com; solbergm@gtlaw.com
Subject: RE: AEROPRO; TTAB Opposition No. 91247343

Paulo,

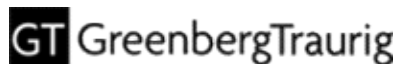
Filing a motion to amend the application does not avoid your client's obligation to provide timely answers to Interrogatory Nos. 9-12, 16, and 25, which are now two weeks late. Please immediately provide the answers to those interrogatories as required by FRCP 33(b). The interrogatory responses also omitted your client's signed verification of all answers under oath as required by FRCP 33(b)(3)—please provide that immediately as well.

The document production you attached below, consisting of 33 total pages, is plainly deficient, and is missing any Bates numbering. Please re-serve with proper Bates numbering.

Regards,
Tucker

Tucker A. Chambers
Associate

Greenberg Traurig, LLP
90 South 7th Street
Suite 3500 | Minneapolis, MN 55402
T +1 612.259.9725
chamberst@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Patel & Almeida, P.C. [<mailto:paulo@paiplaw.com>]
Sent: Friday, November 8, 2019 7:48 PM
To: Chambers, Tucker A. (Assoc-MSP-IP-Tech) <chamberst@gtlaw.com>; nikki@paiplaw.com; chris@paiplaw.com; inbox@paiplaw.com; alex@paiplaw.com
Cc: Baird, Stephen R. (Shld-MSP-IP-Tech) <bairds@gtlaw.com>; Solberg, Melissa (Secy-MSP-IP-Tech) <solbergm@gtlaw.com>
Subject: RE: AEROPRO; TTAB Opposition No. 91247343

Dear Tucker,

Please see the attached service copy of Applicant's document production.

For Interrogatory Nos. 9-12, 16, and 25, we will be filing a motion to amend the application which will address these interrogatories.

I am reviewing a draft motion with my client, and then I will send it to you for your consideration shortly.

If you have any remaining concerns after reviewing these materials and the draft motion to amend, I would be happy to meet and confer via telephone.

Very Truly Yours,

Paulo A. de Almeida | Attorney At Law
16830 Ventura Blvd., Suite 360 | Encino, CA 91436
T: (818) 380-1900 | F: (818) 380-1908
paulo@paiplaw.com | www.paiplaw.com



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From: chamberst@gtlaw.com <chamberst@gtlaw.com>
Sent: Friday, November 1, 2019 11:43 AM
To: paulo@paiplaw.com; nikki@paiplaw.com; chris@paiplaw.com; inbox@paiplaw.com; alex@paiplaw.com
Cc: bairds@gtlaw.com; solbergm@gtlaw.com
Subject: RE: AEROPRO; TTAB Opposition No. 91247343

Paulo,

There are a number of deficiencies in Applicant's discovery responses, which we will address separately. But as the most pressing matter, you have not yet produced documents and you did not respond to Interrogatory Nos. 9-12, 16, and 25 as required, despite Opposer's requests being served 3 months ago. As you know, we had conditioned our second 30-day extension below on Applicant providing full and complete written responses and production of documents by October 31.

You stated below and in the written responses that production and supplementation is forthcoming shortly, but you didn't provide any certain date. In light of the lengthy delay of these untimely responses, if we do not receive at least the responses to Interrogatory Nos. 9-12, 16, and 25 and Applicant's production of documents by November 8, 2019, we will need to seek relief from the Board. After receiving those responses we will address the remaining deficiencies in Applicant's discovery responses.

If you would like us to consider consenting to a motion to amend, we would need to see a draft of the motion.

Please feel free to call my direct line below if you have questions.

Thanks,
Tucker

Tucker A. Chambers
Associate

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90 South 7th Street
Suite 3500 | Minneapolis, MN 55402
T +1 612.259.9725
chamberst@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Patel & Almeida, P.C. [<mailto:paulo@paiplaw.com>]
Sent: Thursday, October 31, 2019 9:09 PM
To: Chambers, Tucker A. (Assoc-MSP-IP-Tech) <chamberst@gtlaw.com>; nikki@paiplaw.com; chris@paiplaw.com; inbox@paiplaw.com
Cc: Baird, Stephen R. (Shld-MSP-IP-Tech) <bairds@gtlaw.com>; Solberg, Melissa (Secy-MSP-IP-Tech) <solbergm@gtlaw.com>; GTIPMail <gtipmail@gtlaw.com>; alex@paiplaw.com
Subject: RE: AEROPRO; TTAB Opposition No. 91247343

Dear Tucker,

Please see the attached service copies of Applicant's discovery responses.

We are processing Applicant's documents and will produce them shortly.

Last, in an effort to simplify the issues in this case, Applicant intends to file a motion to amend its application to remove all goods except "painting machines." Please let us know if you consent to the motion.

Please let me know if you have any questions.

Very Truly Yours,

Paulo A. de Almeida | Attorney At Law
16830 Ventura Blvd., Suite 360 | Encino, CA 91436
T: (818) 380-1900 | F: (818) 380-1908



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From: chamberst@gtlaw.com <chamberst@gtlaw.com>
Sent: Saturday, September 28, 2019 11:43 AM
To: paulo@paiplaw.com; nikki@paiplaw.com; chris@paiplaw.com; inbox@paiplaw.com
Cc: bairds@gtlaw.com; solbergm@gtlaw.com; gtipmail@gtlaw.com
Subject: RE: AEROPRO; TTAB Opposition No. 91247343

Paulo,

We consent to another 30-day extension of the deadline to respond to Opposer's discovery requests, through October 31, 2019, if you consent to and file a 30-day extension of all deadlines in the opposition proceeding.

In light of the significant delay we expect that Applicant will be providing full and complete written responses and production of all responsive documents by October 31.

Thanks,
Tucker

Tucker A. Chambers
Associate

Greenberg Traurig, LLP
90 South 7th Street
Suite 3500 | Minneapolis, MN 55402
T +1 612.259.9725
chamberst@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Patel & Almeida, P.C. [<mailto:paulo@paiplaw.com>]
Sent: Thursday, September 26, 2019 5:56 PM
To: Chambers, Tucker A. (Assoc-MSP-IP-Tech) <chamberst@gtlaw.com>; nikki@paiplaw.com; chris@paiplaw.com; inbox@paiplaw.com
Cc: Baird, Stephen R. (Shld-MSP-IP-Tech) <bairds@gtlaw.com>; Solberg, Melissa (Secy-MSP-IP-Tech) <solbergm@gtlaw.com>; GTIPMail <gtipmail@gtlaw.com>
Subject: RE: AEROPRO; TTAB Opposition No. 91247343

Dear Tucker,

We are diligently working with our client on the AEROPRO discovery responses and document production. Communication has been somewhat difficult because the applicant is a foreign litigant.

May we have a final 30-day extension of time to respond to discovery? I am confident we should be able to produce the responses and document production before October 31, 2019.

Thank you.

Very Truly Yours,

Paulo A. de Almeida | Attorney At Law

16830 Ventura Blvd., Suite 360 | Encino, CA 91436

T: (818) 380-1900 | F: (818) 380-1908

paulo@paiplaw.com | www.paiplaw.com



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From: Patel & Almeida, P.C. <paulo@paiplaw.com>

Sent: Thursday, August 29, 2019 11:41 AM

To: 'chamberst@gtlaw.com' <chamberst@gtlaw.com>; 'nikki@paiplaw.com' <nikki@paiplaw.com>;

'chris@paiplaw.com' <chris@paiplaw.com>; 'inbox@paiplaw.com' <inbox@paiplaw.com>

Cc: 'bairds@gtlaw.com' <bairds@gtlaw.com>; 'solbergm@gtlaw.com' <solbergm@gtlaw.com>; 'gtipmail@gtlaw.com' <gtipmail@gtlaw.com>

Subject: RE: AEROPRO; TTAB Opposition No. 91247343

Dear Tucker,

Thank you.

Very Truly Yours,

Paulo A. de Almeida | Attorney At Law

16830 Ventura Blvd., Suite 360 | Encino, CA 91436

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From: chamberst@gtlaw.com <chamberst@gtlaw.com>

Sent: Thursday, August 29, 2019 8:27 AM

To: paulo@paiplaw.com; nikki@paiplaw.com; chris@paiplaw.com; inbox@paiplaw.com

Cc: bairds@gtlaw.com; solbergm@gtlaw.com; gtipmail@gtlaw.com

Subject: RE: AEROPRO; TTAB Opposition No. 91247343

Hi Paulo,

We consent to your requested 30-day extension of time to respond to Opposer's discovery requests, which will extend the response deadline to October 1, 2019.

Regards,

Tucker

Tucker A. Chambers

Associate

Greenberg Traurig, LLP

90 South 7th Street

Suite 3500 | Minneapolis, MN 55402

T +1 612.259.9725

chamberst@gtlaw.com | www.gtlaw.com | [View GT Biography](#)

From: Patel & Almeida, P.C. [<mailto:paulo@paiplaw.com>]
Sent: Wednesday, August 28, 2019 1:18 PM
To: Baird, Stephen R. (Shld-MSP-IP-Tech) <bairds@gtlaw.com>; Chambers, Tucker A. (Assoc-MSP-IP-Tech) <chamberst@gtlaw.com>; Solberg, Melissa (Secy-MSP-IP-Tech) <solbergm@gtlaw.com>; GTIPMail <gtipmail@gtlaw.com>
Cc: alex@paiplaw.com; 'Patel & Almeida, P.C.' <nikki@paiplaw.com>; chris@paiplaw.com; inbox@paiplaw.com
Subject: RE: AEROPRO; TTAB Opposition No. 91247343

EXTERNAL TO GT

Dear Mr. Baird:

I understand you served interrogatories, document requests, and requests for admission on August 2nd, and Applicant's responses are due on September 1, 2019.

We are gathering the requested materials, but as new counsel for the Applicant, we need a bit more time to prepare the responses.

May we have a 30-day extension of time to respond to discovery? We will extend reciprocal courtesies.

Thank you.

Very Truly Yours,

Paulo A. de Almeida | Attorney At Law
16830 Ventura Blvd., Suite 360 | Encino, CA 91436
T: (818) 380-1900 | F: (818) 380-1908
paulo@paiplaw.com | www.paiplaw.com



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From: Patel & Almeida, P.C. <paulo@paiplaw.com>
Sent: Monday, August 12, 2019 1:34 PM
To: 'bairds@gtlaw.com' <bairds@gtlaw.com>; 'chamberst@gtlaw.com' <chamberst@gtlaw.com>; 'solbergm@gtlaw.com' <solbergm@gtlaw.com>; 'gtipmail@gtlaw.com' <gtipmail@gtlaw.com>
Cc: 'alex@paiplaw.com' <alex@paiplaw.com>; 'Patel & Almeida, P.C.' <nikki@paiplaw.com>; 'chris@paiplaw.com' <chris@paiplaw.com>; 'inbox@paiplaw.com' <inbox@paiplaw.com>
Subject: AEROPRO; TTAB Opposition No. 91247343

Dear Mr. Baird:

This firm represents Zhejiang Rongpeng Air Tools Co., Ltd. in the AEROPRO opposition.

Please see the attached service copies of the Appearance of Counsel and Change of Correspondence filed at the TTAB today.

Applicant's Rule 26(a)(1) Initial Disclosures are also attached.

Very Truly Yours,

Paulo A. de Almeida | Attorney At Law

16830 Ventura Blvd., Suite 360 | Encino, CA 91436

T: (818) 380-1900 | F: (818) 380-1908

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Patel & Almeida, P.C.

From: Patel & Almeida, P.C. <paulo@paiplaw.com>
Sent: Wednesday, February 19, 2020 3:17 PM
To: 'chamberst@gtlaw.com'; 'nikki@paiplaw.com'; 'chris@paiplaw.com'; 'inbox@paiplaw.com'; 'alex@paiplaw.com'; 'andrew@paiplaw.com'
Cc: 'bairds@gtlaw.com'; 'solbergm@gtlaw.com'
Subject: RE: TTAB Opp. No. 91247343 (AEROPRO) // Graco Minnesota Inc. v. Zhejiang Rongpeng Air Tools Co. - 1/30/2020 Opposer's Motion to Compel

Dear Tucker:

Applicant intends to file a motion to amend its Answer to remove all of the affirmative defenses. This would moot many of the issues raised in Opposer's motion to compel and save the time and resources of the parties and the Board.

Please let us know if you consent to the filing of this motion to amend.

Thank you.

Very Truly Yours,

Paulo A. de Almeida | Attorney At Law

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From: chamberst@gtlaw.com <chamberst@gtlaw.com>
Sent: Thursday, January 30, 2020 12:57 PM
To: paulo@paiplaw.com; nikki@paiplaw.com; chris@paiplaw.com; inbox@paiplaw.com; alex@paiplaw.com; andrew@paiplaw.com
Cc: bairds@gtlaw.com; solbergm@gtlaw.com
Subject: TTAB Opp. No. 91247343 (AEROPRO) // Graco Minnesota Inc. v. Zhejiang Rongpeng Air Tools Co. - 1/30/2020 Opposer's Motion to Compel

Paulo,

Attached is a service copy of the motion filed by Opposer today in Opposition No. 91247343.

Regards,
Tucker

Tucker A. Chambers
Associate

Greenberg Traurig, LLP
90 South 7th Street
Suite 3500 | Minneapolis, MN 55402
T +1 612.259.9725

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