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

Proceeding	91248318
Party	Plaintiff LT Overseas North America, Inc.
Correspondence Address	NICOLE R TOWNES KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET, 14TH FLOOR IRVINE, CA 92614 UNITED STATES Primary Email: <a href="mailto:efiling@knobbe.com">efiling@knobbe.com</a> 949-760-0404
Submission	Opposition/Response to Motion
Filer's Name	Nicole R. Townes
Filer's email	<a href="mailto:efiling@knobbe.com">efiling@knobbe.com</a>
Signature	/Nicole R. Townes/
Date	12/01/2020
Attachments	Opposer_s Opposition to Applicant_s Motion to Ext Deadlines.pdf(39059 bytes ) Exhibit 1.pdf(69715 bytes ) Exhibit 2.pdf(65464 bytes ) Exhibit 3.pdf(51848 bytes ) Exhibit 4.pdf(72078 bytes ) Exhibit 5.pdf(90216 bytes ) Exhibit 6.pdf(40515 bytes ) Exhibit 7.pdf(34719 bytes ) Exhibit 8.pdf(34560 bytes ) Exhibit 9.pdf(49142 bytes ) Exhibit 10.pdf(250948 bytes ) Exhibit 11.pdf(258063 bytes ) Exhibit 12.pdf(167572 bytes ) Exhibit 13.pdf(151395 bytes ) Exhibit 14.pdf(76344 bytes )

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

LT Overseas North America, Inc.,	)	Opposition No.: 91248318
	)	
Opposer,	)	Mark: ROYAL GUYANA
	)	
v.	)	
	)	
Steven Yassin,	)	
	)	
Applicant.	)	

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**OPPOSER'S OPPOSITION TO APPLICANT'S MOTION TO EXTEND DEADLINES**

Pursuant to Trademark Trial and Appeal Board Manual of Procedure ("T.B.M.P.") § 509, Opposer LT Overseas North America, Inc. ("Opposer") respectfully requests that the Trademark Trial and Appeal Board (the "Board") deny Applicant Steven Yassin's ("Applicant") Motion to Extend Deadlines. Applicant has failed to show good cause to extend the discovery period by ninety (90) days. The requested extension is necessitated only by Applicant's lack of diligence in discovery in this proceeding.

**I. STATEMENT OF FACTS**

Applicant has not been diligent in pursuing discovery in this action. On April 13, 2020, Applicant filed an unconsented motion to extend the deadlines in this proceeding because Applicant was not diligent in serving his discovery requests prior to the April 25, 2020 close of discovery.<sup>1</sup> Dkt. No. 12. Given the COVID-19 situation, Opposer agreed to an extension of the

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<sup>1</sup> Contrary to Applicant's allegations, Applicant did not file the unconsented motion to extend on April 13, 2020 because he needed additional time to respond to Opposer's discovery requests. Opposer agreed to extend Applicant's deadline to respond to Opposer's discovery requests by 30 days. Dkt. No. 13. However, Opposer was not initially agreeable to extending the close of discovery. *Id.* Applicant filed his motion to extend on April 13, 2020 to obtain additional time to serve his discovery requests because he failed to be diligent in serving discovery requests sufficiently in advance of the close of discovery. Dkt. No. 12

deadlines by ninety days in its response to Applicant's Motion to Extend. Dkt. No. 13. The close of discovery was reset for July 24, 2020. Dkt. No. 14.

Applicant did not serve his discovery requests until June 22, 2020. Townes Decl. ¶ 2, Exs. 1-3. Thus, Opposer's responses were due on July 22, 2020, two days before the July 24, 2020 close of discovery. On July 14, 2020, the parties agreed to a thirty day extension of Opposer's deadline to serve discovery responses and the close of discovery because the parties had resumed settlement discussions. Dkt. No. 15. On August 14, 2020, the parties agreed to another thirty day extension of Opposer's deadline to serve discovery responses, and this time, the parties agreed to a sixty day extension of the close of discovery. Dkt. No. 18. Thus, Opposer's discovery responses were due thirty-two days before the close of discovery.

On September 21, 2020, the parties agreed to another thirty day extension of Opposer's deadline to serve discovery responses and the close of discovery because the parties were continuing settlement discussions. Dkt. No. 20. Opposer served its discovery responses on October 20, 2020, and discovery was not set to close until November 21, 2020. Townes Decl. ¶¶3, Exs. 4-6; Dkt. No. 21. On November 5, 2020, the parties reached an impasse on settlement. To date, Applicant has failed to specifically identify any alleged deficiencies in Opposer's discovery responses or request a meet and confer. Townes Decl. ¶ 4.

In contrast, Opposer served its discovery requests on March 26, 2020. Townes Decl. ¶¶5, Exs. 7-9. Applicant responded to Opposer's discovery requests two months later on May 29, 2020. *Id.* at ¶ 6, Exs. 10-12. On November 12, 2020, after it became clear that the parties had reached an impasse on settlement, Opposer sent Applicant a meet and confer letter identifying the numerous deficiencies in Applicant's discovery responses. *Id.* at ¶ 7, Ex. 13. To date, Applicant's counsel has failed to provide a time that he is available for a meet and confer. *Id.* at ¶ 8, Ex. 14. Applicant, not Opposer, has lacked diligence in pursuing discovery in this proceeding.

## **II. LEGAL STANDARD**

Pursuant to T.B.M.P. § 509, an unconsented motion to extend should only be granted upon a showing of good cause. “[A] party moving to extend time must demonstrate that the requested extension of time is not necessitated by the party’s own lack of diligence or unreasonable delay in taking the required action during the time previously allotted therefor.” T.B.M.P. § 509.01(a). Further, “[t]he Board will ‘scrutinize carefully’ any motion to extend time, to determine whether the requisite good cause has been shown.” *Id.*

## **III. ARGUMENT**

Contrary to Applicant’s assertions, Applicant had the opportunity to work through any alleged deficiencies in Opposer’s discovery responses with Opposer. Applicant had thirty-two days between receiving Opposer’s discovery responses and the close of discovery to meet and confer with Opposer regarding any alleged discovery deficiencies. Townes Decl. ¶ 3, Exs. 4-6. Applicant failed to do so. *Id.* at ¶ 4. Even if Applicant did not want to meet and confer with Opposer while the parties were discussing settlement, Applicant had over two weeks between when the parties reached an impasse on settlement and the close of discovery to discuss any alleged deficiencies in Opposer’s discovery responses. Accordingly, good cause does not exist because Applicant already had the opportunity to confer with Opposer regarding any alleged deficiencies in Opposer’s discovery responses.

Applicant’s failure to conduct follow-up discovery is due to his own lack of diligence in pursuing discovery. Applicant served his discovery requests on June 22, 2020, and at that time, the close of discovery was set for July 24, 2020. Townes Decl. ¶ 2, Exs. 1-3. Thus, Applicant only provided himself with two days left in the discovery period after receiving Opposer’s responses.

Despite Applicant’s lack of diligence in serving his discovery requests, in August 2020, Opposer agreed to extend the deadlines such that Applicant would have thirty-two days in the

discovery period after receiving Opposer's responses. Thus, Applicant could have served follow-up discovery but failed to do so.

Applicant also cites the COVID-19 situation as good cause for an extension of the deadlines. While Opposer is sympathetic to Applicant's situation and is experiencing its own disruptions due to the COVID-19 situation, this is not good cause for a ninety (90) day extension of the deadlines in this proceeding. The pandemic has now been ongoing for over six months, and Applicant should be adjusted to the new working conditions caused by the pandemic. Similarly, Applicant's counsel has been aware of the November 21st close of discovery and should have been able to plan his schedule accordingly.

#### **IV. CONCLUSION**

Because Applicant's motion to extend is due to Applicant's own lack of diligence in pursuing discovery in this proceeding, Applicant's request for an extension should be denied.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 1, 2020

By:           /Nicole R. Townes/            
Steven J. Nataupsky  
Nicole R. Townes  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
(949) 760-0404  
[efiling@knobbe.com](mailto:efiling@knobbe.com)  
Attorneys for Opposer,  
LT Overseas North America, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **OPPOSER'S OPPOSITION TO APPLICANT'S MOTION TO EXTEND DEADLINES** upon Applicant's counsel via email on December 1, 2020, addressed as follows:

Perry S. Clegg  
KUNZLER BEAN & ADAMSON, PC  
pclegg@kba.law, mbartholomew@kba.law, docket@kunzlerlaw.com, mnelson@kba.law,  
kslade@kba.law

/Sarah Couvillion/  
Sarah Beno Couvillion

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

LT Overseas North America, Inc.,	)	Opposition No.: 91248318
	)	
Opposer,	)	Mark: ROYAL GUYANA
	)	
v.	)	
	)	
Steven Yassin,	)	
	)	
Applicant.	)	

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**DECLARATION OF NICOLE R. TOWNES IN SUPPORT OF  
OPPOSER'S OPPOSITION TO APPLICANT'S MOTION TO EXTEND DEADLINES**

1. I am an attorney licensed to practice in the State of California. I am a partner with the law firm of Knobbe, Martens, Olson & Bear LLP, counsel for Opposer, LT Overseas North America, Inc. ("Opposer") in the above-identified Opposition proceeding. I have personal knowledge of the facts set forth below. If called upon and sworn as a witness, I could and would competently testify as set forth below.

2. On June 22, 2020, Applicant served his First Set of Requests for Production of Documents and Things (Nos. 1-41) ("Applicant's Requests for Production"), First Set of Interrogatories (Nos. 1-36) ("Applicant's Interrogatories"), and First Set of Requests for Admissions (Nos. 1-31) ("Applicant's Requests for Admission") (collectively, referred to as "Applicant's Discovery Requests"). Opposer's responses to Applicant's Discovery Requests were due on July 22, 2020. A true and correct copy of Applicant's Requests for Production is attached hereto as Exhibit 1. A true and correct copy of Applicant's Interrogatories is attached hereto as Exhibit 2. A true and correct copy of Applicant's Requests for Admission is attached hereto as Exhibit 3.

3. On October 20, 2020, Opposer served its responses to Applicant's Discovery Requests. A true and correct copy of Opposer's responses to Applicant's Requests for Production is attached hereto as Exhibit 4. A true and correct copy of Opposer's responses to Applicant's Interrogatories is attached hereto as Exhibit 5. A true and correct copy of Opposer's responses to Applicant's Requests for Admission is attached hereto as Exhibit 6.

4. To date, Applicant's counsel has failed to identify any specific alleged deficiencies in Opposer's responses to Applicant's Discovery Requests and has not requested a meet and confer.

5. On March 26, 2020, Opposer served its First Set of Requests for Production of Documents and Things (Nos. 1-50) ("Opposer's Requests for Production"), First Set of Interrogatories (Nos. 1-46) ("Opposer's Interrogatories"), and First Set of Requests for Admissions (Nos. 1-17) ("Opposer's Requests for Admission") (collectively, referred to as "Opposer's Discovery Requests"). A true and correct copy of Opposer's Requests for Production is attached hereto as Exhibit 7. A true and correct copy of Opposer's Interrogatories is attached hereto as Exhibit 8. A true and correct copy of Opposer's Requests for Admission is attached hereto as Exhibit 9.

6. On May 26, 2020, Applicant served his responses to Opposer's Requests for Admission and on May 29, 2020, Applicant served his responses to Opposer's Interrogatories and Requests for Production. A true and correct copy of Applicant's responses to Opposer's Requests for Production is attached hereto as Exhibit 10. A true and correct copy of Applicant's responses to Opposer's Interrogatories is attached hereto as Exhibit 11. A true and correct copy of Applicant's responses to Opposer's Requests for Admission is attached hereto as Exhibit 12.

7. On November 12, 2020, I sent Applicant's counsel a letter identifying the deficiencies in Applicant's responses to Opposer's Discovery Requests and requesting a meet



and confer. A true and correct copy of my letter dated November 12, 2020 is attached hereto as Exhibit 13.

8. On November 18, 2020, I sent Applicant's counsel an email following up on my meet and confer letter dated November 12, 2020, and requesting his availability for a meet and confer. That same day, Applicant's counsel responded that he would not be available for a meet and confer until "some time after November 30, 2020." To date, Applicant's counsel has not provided me with a proposed date and time for a meet and confer. A true and correct copy of the email chain between me and Applicant's counsel dated November 18, 2020 is attached hereto as Exhibit 14.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 1, 2020

By:           /Nicole R. Townes/            
Nicole R. Townes

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **DECLARATION OF NICOLE R. TOWNES IN SUPPORT OF OPPOSER'S OPPOSITION TO APPLICANT'S MOTION TO EXTEND DEADLINES** upon Applicant's counsel via email on December 1, 2020, addressed as follows:

Perry S. Clegg  
KUNZLER BEAN & ADAMSON, PC  
pclegg@kba.law, mbartholomew@kba.law, docket@kunzlerlaw.com, mnelson@kba.law,  
kslade@kba.law

/Sarah Couvillion/  
Sarah Beno Couvillion

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# **EXHIBIT 1**

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

<b>LT OVERSEAS NORTH AMERICA, INC.,</b>  Opposer,  v.  <b>STEVEN YASSIN,</b>  Applicant.	Opposition No. 91248318  Mark: ROYAL GUYANA Int'l Class: 030 Serial No.: 88/050,900 Filed: July 24, 2018 Published: January 22, 2019
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**APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION TO OPPOSER**

Pursuant to Rule 2.120(d) of the U.S. Patent and Trademark Office's ("PTO") Trademark Rules of Practice, 37 C.F.R. § 2.120(d), and Rule 34 of the Federal Rules of Civil Procedure ("FRCP"), Applicant Steven Yassin ("Applicant") hereby requests that Opposer LT Overseas North America, Inc. ("Opposer") produce the following documents and things for inspection and copying at the offices of the undersigned counsel, or such other place as may be agreed between the parties, within thirty (30) days of service hereof in accordance with Rule 2.210(a) of the Trademark Rules of Practice and Rule 34 of the FRCP.

**DEFINITIONS**

The following definitions shall apply to each of the requests herein:

1. The term "Applicant" shall refer to Steven Yassin individually and any representatives acting on his behalf, including, but not limited to, entities or individuals involved in Mr. Yassin's Salmo Corporation business such as any present or former owner, officer, director, employee, servant, agent, attorney, or other representative acting on behalf of Salmo

Corporation, and shall include any related entity, parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor, or affiliate.

2. The term “Opposer” shall refer to LT Overseas North America, Inc. and any present or former owner, officer, director, employee, servant, agent, attorney or other representative acting on behalf of it, and shall include any parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor, or affiliate, including, without limitation, Opposer’s predecessors-in-interest.

3. The term “Opposer’s predecessors-in-interest” shall refer to Basmati Rice Imports Inc., Aromati Foodstuff Trading, and Kusha Inc. and any present or former owner, officer, director, employee, servant, agent, attorney or other representative acting on their behalf, and shall include any parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor or affiliate.

4. The terms “You” or “Your” shall mean Opposer.

5. As used herein, the term “document” shall mean all writings, recordings, photographs, or other documents within the scope of Rule 1001 of the Federal Rules of Evidence or Rule 34 of the Federal Rules of Civil Procedure, including without limitation written, printed, typed, electronically stored, magnetically stored, optically stored, and visually or aurally reproduced material of any kind, whether or not privileged. The term “document” shall include both the original of a document and all distinct copies thereof, including, without limitation, copies that are distinct due to the presence of notes made on or attached to the document.

6. The terms “all” and “each” shall be construed to include all and each.

7. The term “and” shall be construed to include “or” and vice versa, and shall be the logical equivalent of “and/or,” as necessary in order to bring within the scope of the request all responses which might otherwise be construed as outside its scope.

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

9. The phrases “use in commerce,” “use in United States commerce,” “used in commerce” and “used in United States commerce,” and similar phrases, shall mean and refer to the definition provided under 15 U.S.C. § 1127.

10. The term “person” shall include both natural persons and corporate or other business entities, whether or not in the employ of Opposer, and the acts and knowledge of a person are defined to include the acts and knowledge of that person’s directors, officers, members, employees, representatives, agents and attorneys.

11. The term “date” means the exact day, month and year, if ascertainable and, if not, the best approximation thereof.

12. The terms “trademark” or “mark” shall include trademarks, service marks, collective marks, certification marks, and trade names as defined in 15 U.S.C. § 1127.

13. The term “Applicant’s Mark” shall mean and refer to the mark ROYAL GUYANA as shown in U.S. Trademark Application Serial Number 88/050900.

14. The term “Applicant’s Application” shall mean U.S. Trademark Application Serial Number 88/050900.

15. The term “Applicant’s Goods” shall mean and refer to the goods Applicant offers, distributes or sells, has offered, distributed or sold, or intends to offer, distribute or sell, in connection with Applicant’s Mark, including, but not limited to, Applicant’s goods identified in Applicant’s Application, namely, “flour; noodles; sauces; sugar.”

16. The term “Opposer’s Marks” shall collectively refer to any and all of Opposer’s marks alleged in Opposer’s Notice of Opposition No. 91248318.

17. The term “Opposer’s Goods” shall mean and refer to all of the goods sold or offered under Opposer’s Marks or as alleged in Opposer’s Notice of Opposition No. 91248318.

### GENERAL 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, or 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 you withhold any responsive documents or categories of documents based on any objections, you shall state so in writing.

2. Electronically stored information (ESI) must be produced in its original native format with its accompanying metadata. For example: (a) documents created using Microsoft Word must be produced as .doc files; and (b) emails must be produced in a form that readily supports import into standard email client programs (e.g., .msg or .pst files).

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

4. 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.

5. 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 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).

6. To the extent you assert 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 "REDACTED" on the document in an appropriate location that does not obscure the remaining text.

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

8. These requests are continuing, and your response 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 PRODUCTION**

1. All documents identified in Opposer's initial disclosures.

2. All documents and things relating to your response to each discovery request in this Opposition proceeding, including all documents identified, referenced, or mentioned in Opposer's responses to any of the interrogatories propounded by Applicant in this Opposition proceeding, and all documents reviewed or relied on by Opposer in preparing its responses to the interrogatories propounded by Applicant in this Opposition proceeding.



3. All documents evidencing any use by third parties of marks containing the term “royal”.

4. All documents and things produced to Opposer by a third party in connection with this proceeding, whether or not in response to a subpoena or formal discovery request.

5. For each of Opposer’s Marks, documents sufficient to evidence continuous use of said mark by you from three years prior to the filing of the Notice of Opposition through the present.

6. All documents and things relating to destruction or loss by Opposer of documents or things requested in these requests for production.

7. All agreements concerning Opposer’s Marks, including, without limitation, any agreements for the acquisition, transfer, or assignment of Opposer’s Marks, coexistence or concurrent use agreements, and any licensing agreements regarding Opposer’s Marks.

8. All documents concerning, regarding or referencing Opposer’s consideration of marks and selection and clearance of Opposer’s Marks, including but not limited to, searches, investigations, surveys, studies, research, polls, reports and opinions that Opposer has ever conducted, received, or seen concerning the availability for use and/or registration of Opposer’s Marks and of variations thereof.

9. All documents concerning the allegations in paragraph 14 of the Notice of Opposition that the “ROYAL GUYANA mark so resembles Opposer’s ROYAL Marks as to be likely to cause confusion or to cause mistake or to deceive under Section 2(d) of the Trademark Act.”

10. All documents concerning Opposer’s consideration, selection, conception, creation, or adoption of Opposer’s Marks for use on or in connection with any goods or services.

11. All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are "rice," if at all.

12. All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are "flour," if at all.

13. All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are "noodles," if at all.

14. All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are "sauces," if at all.

15. All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are "sugar," if at all.

16. All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are "preparations made from cereals, namely, corn flour, whole grain oat, corn bran, rice," if at all.

17. All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are "regular and organic dried lentils and beans," if at all.

18. All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are related to any of the goods identified in Applicant's Application.

19. All communications by you in which you assert, admit, acknowledge, suggest, or imply that there is not a likelihood confusion between one or more of Opposer's Marks and a mark of any third party that contains or incorporates the term "royal".

20. For each of the goods sold or offered for sale by Opposer in connection with Opposer's Marks, produce all documents, if any, evidencing that such goods are related to Applicant's Goods.

21. Documents sufficient to identify all persons who were responsible for, participated in, or have information or were consulted concerning the consideration, selection, conception, creation, or adoption of Opposer's Marks for use on or in connection with any of Opposer's goods or services.

22. Documents sufficient to show the circumstances of Opposer's first use of Opposer's Marks anywhere in the United States.

23. For each of the goods sold or offered for sale by Opposer in connection with Opposer's Marks, produce documents sufficient to evidence Opposer's first use in the United States of Opposer's Marks in connection with said goods.

24. All documents concerning any state or federal trademark or service mark applications filed by Opposer for Opposer's Marks, including, but not limited to, all documents concerning the decision to file the application and copies of all documents submitted to or received from the United States Patent and Trademark Office in connection with the application.

25. All documents evidencing, referencing, mentioning, suggesting, implying, or relating to whether the term "royal" is generic, descriptive, and/or suggestive, including all admissions relating thereto.

26. Documents sufficient to identify all channels of trade through which Opposer advertises, promotes, distributes, sells, offers, or licenses, or plans or intends to advertise, promote, distribute, sell, offer, or license, any goods or services under or in connection with Opposer's Marks, including, but not limited to, documents identifying the distributors, retail, or

other business outlets that offer or will offer Opposer's goods or services in connection with Opposer's Marks.

27. Documents sufficient to identify the geographic regions in the United States in which Opposer has or has caused to be advertised, promoted, distributed, sold, offered, or licensed, or plans or intends to advertise, promote, market, display, distribute, sell, offer, or license any goods or services under or in connection with Opposer's Marks.

28. Documents sufficient to show each visual, oral, and other manner in which Opposer has presented, or licensed or permitted the presentation of, Opposer's Marks including, but not limited to, all pronunciations of and typestyles, fonts, typefaces, designs, shapes, graphics, and colors used in connection with Opposer's Marks.

29. Representative samples of each type of advertisement and promotional material (e.g., print, radio, television, brochures, catalogues, flyers, press releases, website pages, website banners, in-store displays, point-of-sale promotional items) that has displayed or that will display Opposer's Marks, including documents sufficient to show every manner of presentation of Opposer's Marks in each type of advertisement or promotional material.

30. Documents sufficient to identify any person to or with whom Opposer has marketed, sold, offered, distributed, or licensed, or intends to market, sell, offer, distribute, or license, any goods or services under or in connection with Opposer's Marks.

31. All documents concerning Opposer's knowledge of Applicant or Applicant's Mark, including, but not limited to, all documents reflecting communications about or with Opposer or about Opposer's awareness of Applicant's use of Applicant's Mark.

32. All non-privileged documents concerning any complaint, petition, demand, objection, civil action, or administrative proceeding relating to Opposer's Marks, including, without limitation, the opposition proceedings referenced in your Notice of Opposition.

33. All documents concerning any objection by Opposer to any third party involving Opposer's Marks or any mark similar to, or that Opposer has at any time been alleged to be similar to, Opposer's Marks.

34. All documents concerning any instances of actual or possible confusion, mistake, deception, or association of any kind between Applicant, Applicant's Mark, or Applicant's Goods and Opposer, Opposer's Marks or Opposer's Goods.

35. Documents sufficient to show the volume (in dollars and units) of annual sales of, and any service or license fees or royalties for, all goods or services sold, offered, or licensed, directly or indirectly, by or on behalf of Opposer under or in connection with Opposer's Marks for each of the last five years.

36. Documents sufficient to show the projected volume (in dollars and units) of annual sales of, and any service or license fees or royalties for, goods or services sold, offered, or licensed, or planned or intended to be sold, offered, or licensed, directly or indirectly, by or on behalf of Opposer under or in connection with Opposer's Marks, including, but not limited to, Documents sufficient to show the information on which such calculations are based.

37. Documents sufficient to show, for each of the last five years, all costs and expenses incurred annually by Opposer to promote, market, and advertise goods or services actually or planned or intended to be sold, offered, or licensed under or in connection with Opposer's Marks.

38. All documents concerning any communications in which any person inquired about, commented on, or mentioned Applicant, Applicant's Mark, or Applicant's Goods in any way.

39. All agreements between Opposer and any other person involving Opposer's Marks, or the actual, planned, or intended manufacturing, advertising, promotion, marketing, distribution, sale, offering, or licensing of any goods or services under or in connection with Opposer's Marks.

40. All documents concerning any marks or alleged marks containing the words "Royal Caribbean," including, without limitation, any waivers of any actual or potential conflicts of interest concerning any representation of you by an attorney in connection with any such marks.

41. To the extent not produced in response to the foregoing requests, all documents that support or refute Opposer's contentions in this proceeding, including, but not limited to, any documents that support or refute any factual allegations or legal theories or conclusions Opposer has presented or relied on or intends to present or rely on in connection with such contentions.

Dated: June 22, 2020

Respectfully Submitted,

By: /s/ Perry S. Clegg  
Perry S. Clegg (USB No. 7831)  
**KUNZLER BEAN & ADAMSON, PC**  
50 W. Broadway, Suite 1000  
Salt Lake City, UT 84101  
Tel: (801) 994-4646  
Fax: (801) 531-1929  
pclegg@kba.law

*Attorneys for Applicant,  
Steven Yassin*

### **CERTIFICATE OF SERVICE**

I hereby certify that on June 22, 2020, I caused a copy of the foregoing **APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION TO OPPOSER** to be electronically served on Opposer's counsel of record by email as of the same date as follows:

Nicole R. Townes - [Nicole.Townes@knobbe.com](mailto:Nicole.Townes@knobbe.com), [efiling@knobbe.com](mailto:efiling@knobbe.com)

/Perry S. Clegg/  
Perry S. Clegg



# **EXHIBIT 2**

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

<b>LT OVERSEAS NORTH AMERICA, INC.,</b>  <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <b>STEVEN YASSIN,</b>  <p style="text-align: center;">Applicant.</p>	<p style="text-align: right;">Opposition No. 91248318</p> <p>Mark: ROYAL GUYANA  Int'l Class: 030  Serial No.: 88/050,900  Filed: July 24, 2018  Published: January 22, 2019</p>
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**APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER**

Pursuant to Rule 2.120(d) of the U.S. Patent and Trademark Office's ("PTO") Trademark Rules of Practice, 37 C.F.R. § 2.120(d), and Rule 33 of the Federal Rules of Civil Procedure ("FRCP"), Applicant Steven Yassin ("Applicant") hereby requests that Opposer LT Overseas North America, Inc. ("Opposer") answer separately and fully, in writing and under oath, each of the following Interrogatories, within thirty (30) days of service hereof in accordance with FRCP 33 and Rule 2.120(a) of the PTO's Trademark Rules of Practice.

**DEFINITIONS**

The following definitions shall apply to each of the Interrogatories herein:

1. The term "Applicant" shall refer to Steven Yassin individually and any representatives acting on his behalf, including, but not limited to, entities or individuals involved in Mr. Yassin's Salmo Corporation business such as any present or former owner, officer, director, employee, servant, agent, attorney, or other representative acting on behalf of Salmo

Corporation, and shall include any related entity, parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor, or affiliate.

2. The term “Opposer” shall refer to LT Overseas North America, Inc. and any present or former owner, officer, director, employee, servant, agent, attorney or other representative acting on behalf of it, and shall include any parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor, or affiliate, including, without limitation, Opposer’s predecessors-in-interest.

3. The term “Opposer’s predecessors-in-interest” shall refer to Basmati Rice Imports Inc., Aromati Foodstuff Trading, and Kusha Inc. and any present or former owner, officer, director, employee, servant, agent, attorney or other representative acting on their behalf, and shall include any parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor or affiliate.

4. The terms “You” or “Your” shall mean Opposer.

5. As used herein, the term “document” shall mean all writings, recordings, photographs, or other documents within the scope of Rule 1001 of the Federal Rules of Evidence or Rule 34 of the Federal Rules of Civil Procedure, including without limitation written, printed, typed, electronically stored, magnetically stored, optically stored, and visually or aurally reproduced material of any kind, whether or not privileged. The term “document” shall include both the original of a document and all distinct copies thereof, including, without limitation, copies that are distinct due to the presence of notes made on or attached to the document.

6. The terms “all” and “each” shall be construed to include all and each.

7. The term “and” shall be construed to include “or” and vice versa, and shall be the logical equivalent of “and/or,” as necessary in order to bring within the scope of the Interrogatory all responses which might otherwise be construed as outside its scope.

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

9. The phrases “use in commerce,” “use in United States commerce,” “used in commerce” and “used in United States commerce,” and similar phrases, shall mean and refer to the definition provided under 15 U.S.C. § 1127.

10. The term “person” shall include both natural persons and corporate or other business entities, whether or not in the employ of Opposer, and the acts and knowledge of a person are defined to include the acts and knowledge of that person’s directors, officers, members, employees, representatives, agents and attorneys.

11. The term “date” means the exact day, month and year, if ascertainable and, if not, the best approximation thereof.

12. The terms “trademark” or “mark” shall include trademarks, service marks, collective marks, certification marks, and trade names as defined in 15 U.S.C. § 1127.

13. “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.

14. “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.

15. “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.

16. “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.

17. “State the factual basis” of any allegation, defense, or response means to describe in detail each occurrence, incident, or facts upon which you rely to support such allegation, defense, or response, including (i) the date(s), (ii) the place(s), (iii) the substance of each occurrence, incident, or fact, (iv) the identity of each person who participated, (v) the identity of each person present, and (vi) the source of your knowledge.

18. The term “Applicant’s Mark” shall mean and refer to the mark ROYAL GUYANA as shown in U.S. Trademark Application Serial Number 88/050900.

19. The term “Applicant’s Application” shall mean U.S. Trademark Application Serial Number 88/050900.

20. The term “Applicant’s Goods” shall mean and refer to the goods Applicant offers, distributes or sells, has offered, distributed or sold, or intends to offer, distribute or sell, in

connection with Applicant's Mark, including, but not limited to, Applicant's goods identified in Applicant's Application, namely, "flour; noodles; sauces; sugar."

21. The term "Opposer's Marks" shall collectively refer to all of Opposer's marks alleged in Opposer's Notice of Opposition No. 91248318.

22. The term "Opposer's Goods" shall mean and refer to any and all of the goods sold or offered under Opposer's Marks or as alleged in Opposer's Notice of Opposition No. 91248318.

#### GENERAL INSTRUCTIONS

1. Answers to these interrogatories shall be served upon the undersigned attorneys within thirty (30) days of service of these interrogatories.

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

3. If you object to any interrogatory, in whole or in part, on the grounds of privilege, provide all information required by Federal Rule of Civil Procedure 26(b)(5) and TBMP § 405.04(b).

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

5. If you respond 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.

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

7. These interrogatories are continuing in nature. If you receive or otherwise become aware of information responsive to any interrogatory after you have served your answers to these interrogatories, you must promptly supplement your answers to these interrogatories to provide such information, as required by Federal Rule of Civil Procedure 26(e) and TBMP § 408.03.

### **INTERROGATORIES**

1. Identify all persons you are aware of, other than Opposer, that sell rice under a mark containing the term “royal” and identify each of their respective marks that contain the term “royal”.

2. Identify all persons you are aware of, other than Opposer, that sell sugar under a mark containing the term “royal” and identify each of their respective marks that contain the term “royal”.

3. Identify all persons you are aware of, other than Opposer, that sell noodles under a mark containing the term “royal” and identify each of their respective marks that contain the term “royal”.

4. Identify all persons you are aware of, other than Opposer, that sell flour under a mark containing the term “royal” and identify each of their respective marks that contain the term “royal”.

5. Identify all persons you are aware of, other than Opposer, that sell sauces under a mark containing the term “royal” and identify each of their respective marks that contain the term “royal”.

6. Identify all persons you are aware of, other than Opposer, that use a mark containing the term “royal” to sell any food items or products that are the same or related to any of Opposer’s Goods, identify each of their respective marks that contain the term “royal”, and identify the food items and/or products that are the same or related to Opposer’s Goods that are sold under said marks.

7. Identify all uses by you of any mark incorporating “ROYAL” and/or any variant thereof.

8. State the factual basis of your contention, if any, in paragraph 14 of the Notice of Opposition that “ROYAL GUYANA mark so resembles Opposer’s ROYAL Marks as to be likely to cause confusion or to cause mistake or to deceive under Section 2(d) of the Trademark Act.”

9. State the factual basis of your contention, if any, that any of the goods or services sold or offered for sale under or in connection with Opposer’s Marks are related to Applicant’s Goods.

10. State the factual basis of your contention in paragraph 15 of the Notice of Opposition that “Opposer will be damaged by registration of U.S. Trademark Application Serial No. 88/050900 for the mark ROYAL GUYANA.”

11. Identify all of the goods and services in connection with which you contend that Applicant has used or intends to use any mark in a manner that creates a likelihood of confusion with Opposer’s Marks in any way.

12. Identify and describe in detail the date and circumstances of Opposer first becoming aware of Applicant.

13. Identify and describe in detail the date and circumstances of Opposer first becoming aware of Applicant’s use or intended use of Applicant’s Mark, and of any conduct complained of in the Notice of Opposition.

14. Describe the facts and circumstances concerning the conception, creation, selection, and adoption of Opposer’s Marks.

15. Identify all persons who participated in or were or are responsible for the conception, creation, selection, or adoption of Opposer’s Marks.

16. Identify all of the goods and services that Opposer has offered for sale, sold, or provided under or in connection with Opposer’s Marks in the United States.



17. For each of the goods and services identified in response to Interrogatory No. 16 above, identify each time period greater than 2 years during which you were not selling or offering for sale said good or service under or in connection with Opposer's Marks in the United States, including each of the dates you stopped and dates your started selling said goods or service in connection with Opposer's Marks.

18. Identify all goods and services that Opposer has offered for sale, sold, or provided under or in connection with Opposer's Marks in the United States which you contend constitutes "rice", "flour", "noodles", "sugar", and/or "sauces", if any.

19. Identify all goods and services that Opposer has offered for sale, sold, or provided under or in connection with Opposer's Marks in the United States which you contend constitutes "preparations made from cereals, namely, corn flour, whole grain oat, corn bran, rice," if any.

20. Identify all goods and services that Opposer has offered for sale, sold, or provided under or in connection with Opposer's Marks in the United States which you contend constitutes "regular and organic dried lentils and beans," if any.

21. Identify all efforts to enforce and/or police Opposer's Marks over the past ten years.

22. Identify all persons who participated in or were or are responsible for the marketing or advertising of any goods or services offered for sale, sold, or intended to be offered for sale or sold by or for Opposer under or in connection with Opposer's Marks.

23. Describe all channels of trade in the United States through which Opposer has offered for sale, sold, or intends to offer for sale or sell goods or services under or in connection with Opposer's Marks.

24. Describe all classes and/or types of customers (for example, age, gender, socioeconomic group) that comprise the intended market for goods or services offered for sale, sold, or intended to be offered for sale or sold under or in connection with Opposer's Marks.

25. Identify the geographic regions in the United States in which Opposer has or has caused to be advertised, promoted, marketed, displayed, distributed, offered for sale, or sold, or plans or intends to advertise, promote, market, display, distribute, offer for sale, or sell, either directly or through others, any goods or services under or in connection with Opposer's Marks.

26. Identify and describe, for each of the last five years, the volume (in dollars and units) of annual sales of, and any service or license fees or royalties for, all goods or services sold, offered, or licensed, directly or indirectly, by or on behalf of Opposer under or in connection with Opposer's Marks.

27. Identify and describe, for each of the last five years, all costs and expenses incurred annually by Opposer to promote, market, and advertise goods or services sold, offered, or licensed under or in connection with Opposer's Marks, including by identifying the nature and amount of each expenditure.

28. Identify each trademark search, investigation, or any other inquiry conducted by or for Opposer concerning the availability to use or register Opposer's Marks.

29. Identify all surveys, studies, investigations, or research conducted by or on behalf of Opposer in connection with any third-party mark that contains, or incorporates in whole or in part, the term "royal", by date, title, the entity conducting the survey, and the person requesting the survey.

30. Identify all agreements concerning Opposer's Marks, including, without limitation, any agreements for the acquisition, transfer, or assignment of Opposer's Marks, coexistence or concurrent use agreements, and any licensing agreements regarding Opposer's Marks, by date, parties to the agreement, and the subject matter of the agreement.

31. Identify and describe in detail all administrative proceedings and litigations related to any of Opposer's Marks other than this proceeding.

32. Identify all communications between you and any third parties regarding confusion, potential confusion, or a likelihood of confusion between any of Opposer's Marks and any mark by said third parties.

33. Identify any and all communications between you and any third parties in which you assert, admit, acknowledge, suggest, or imply that there is not a likelihood confusion between one or more of Opposer's Marks and a mark of said third party that contains or incorporates the term "royal".

34. State the factual basis of your alleged grounds for Opposition of "common law rights as asserted in the Notice of Opposition."

35. Identify all persons furnishing information for the responses to these interrogatories, designating the number of each interrogatory for which such persons furnished information.

36. To the extent that you deny any of Applicant's Requests for Admission, in whole or in part, state the factual basis for any such denials.

Dated: June 22, 2020

Respectfully Submitted,

By: /s/ Perry S. Clegg  
Perry S. Clegg (USB No. 7831)  
**KUNZLER BEAN & ADAMSON, PC**  
50 W. Broadway, Suite 1000  
Salt Lake City, UT 84101  
Tel: (801) 994-4646  
Fax: (801) 531-1929  
pclegg@kba.law

*Attorneys for Applicant,  
Steven Yassin*

### **CERTIFICATE OF SERVICE**

I hereby certify that on June 22, 2020, I caused a copy of the foregoing **APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER** to be electronically served on Opposer's counsel of record by email as of the same date as follows:

Nicole R. Townes - [Nicole.Townes@knobbe.com](mailto:Nicole.Townes@knobbe.com), [efiling@knobbe.com](mailto:efiling@knobbe.com)

/Perry S. Clegg/  
Perry S. Clegg

# **EXHIBIT 3**

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

<p><b>LT OVERSEAS NORTH AMERICA, INC.,</b></p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p><b>STEVEN YASSIN,</b></p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91248318</p> <p>Mark: ROYAL GUYANA</p> <p>Int'l Class: 030</p> <p>Serial No.: 88/050,900</p> <p>Filed: July 24, 2018</p> <p>Published: January 22, 2019</p>
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**APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER**

Pursuant to the Rules of Practice of the United States Trademark Trial and Appeal Board, and Rule 36 of the Federal Rules of Civil Procedure ("FRCP"), Applicant Steven Yassin ("Applicant") hereby requests that Opposer LT Overseas North America, Inc. ("Opposer") within thirty (30) days, admit or deny, in writing and under oath, each of the following Requests for Admissions subject to the following definitions and instructions.

**DEFINITIONS**

As used herein, the following terms shall have the meanings set forth below:

1. The term "Applicant" shall refer to Steven Yassin individually and any representatives acting on his behalf, including, but not limited to, entities or individuals involved in Mr. Yassin's Salmo Corporation business such as any present or former owner, officer, director, employee, servant, agent, attorney, or other representative acting on behalf of Salmo Corporation, and shall include any related entity, parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor, or affiliate.

2. The term “Opposer” shall refer to LT Overseas North America, Inc. and any present or former owner, officer, director, employee, servant, agent, attorney or other representative acting on behalf of it, and shall include any parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor, or affiliate, including, without limitation, any of Opposer’s predecessors-in-interest.

3. The term “Opposer’s predecessors-in-interest” shall refer to Basmati Rice Imports Inc., Aromati Foodstuff Trading, and Kusha Inc. and any present or former owner, officer, director, employee, servant, agent, attorney or other representative acting on their behalf, and shall include any parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor or affiliate.

4. The terms “You” or “Your” shall mean Applicant.

5. The terms “trademark” or “mark” shall include trademarks, service marks, collective marks, certification marks, and trade names as defined in 15 U.S.C. § 1127.

6. The phrases “use in commerce,” “use in United States commerce,” “used in commerce” and “used in United States commerce,” and similar phrases, shall mean and refer to the definition provided under 15 U.S.C. § 1127.

7. The term “Applicant’s Mark” shall mean the mark ROYAL GUYANA as shown in U.S. Trademark Application Serial Number 88/050900.

8. The term “Applicant’s Application” shall mean U.S. Trademark Application Serial Number 88/050900.

9. The term “Notice of Opposition” shall refer to the Notice of Opposition filed in connection with Opposition No. 91248318.

10. The term “Applicant’s Goods” shall mean and refer to the goods Applicant offers, distributes or sells, has offered, distributed or sold, or intends to offer, distribute or sell, in connection with Applicant’s Mark, including, but not limited to, Applicant’s goods identified in Applicant’s Application, namely, “flour; noodles; sauces; sugar.”

11. The term “Opposer’s Marks” shall collectively refer to all of Opposer’s marks alleged in Opposer’s Notice of Opposition No. 91248318.

12. The term “Opposer’s Goods” shall mean and refer to any and all of the goods sold, distributed or offered under Opposer’s Marks or as alleged in Opposer’s Notice of Opposition No. 91248318.

#### GENERAL INSTRUCTIONS

1. Unless you properly object to a request, you must admit, specifically deny, or state in detail why you cannot truthfully admit or deny each of the following requests based on knowledge and information in your possession, custody, or control, or in the possession, custody, or control of your representatives, agents, or attorneys. If you do not respond to each of these requests within thirty (30) days, the requests will be deemed admitted, as described in Federal Rule of Civil Procedure 36 and TBMP § 407.03.

2. You may not give lack of information or knowledge as a reason for failure to admit or deny a requested admission unless you in good faith state that you have made a reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny the requested admission.

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

4. These requests are continuing in nature. If you receive or otherwise become aware of information responsive to any request after you have served your responses to these requests,



you must promptly supplement your responses to these requests to provide such information, as required by Federal Rule of Civil Procedure 26(e) and TBMP § 408.03.

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

### **REQUESTS FOR ADMISSION**

1. Admit that you have never sold any flour in the United States under any mark containing the term “royal”.

2. Admit that you have never sold any noodles in the United States under any mark containing the term “royal”.

3. Admit that you have never sold any sugar in the United States under any mark containing the term “royal”.

4. Admit that you have not sold any sauces in the United States under any mark containing the term “royal”.

5. Admit that during the past three years you have not sold any flour in the United States under any mark containing the term “royal”.

6. Admit that during the past three years you have not sold any noodles in the United States under any mark containing the term “royal”.

7. Admit that during the past three years you have not sold any sugar in the United States under any mark containing the term “royal”.

8. Admit that during the past three years you have not sold any sauces in the United States under any mark containing the term “royal”.

9. Admit that you have never offered for sale any flour in the United States under or in connection with Opposer’s Marks.

10. Admit that you have never offered for sale any noodles in the United States under or in connection with Opposer’s Marks.

11. Admit that you have never offered for sale any sugar in the United States under or in connection with Opposer's Marks.

12. Admit that you have never offered for sale any sauces in the United States under or in connection with Opposer's Marks.

13. Admit that one or more third parties sell, under marks containing the term "royal", goods related to Opposer's Goods.

14. Admit that one or more third parties offer for sale, under marks containing the term "royal", goods related to Opposer's Goods.

15. Admit that you have not licensed any of Opposer's Marks to any third parties.

16. Admit that in U.S. Trademark Registration No. 3990952, you disclaimed the term "royal" apart from the mark shown in said registration.

17. Admit that, prior to filing the Notice of Opposition, you never made any written request to any third-party to stop using any mark containing the term "royal" for the sale of flour.

18. Admit that, prior to filing the Notice of Opposition, you never made any written request to any third-party to stop using any mark containing the term "royal" for the sale of rice.

19. Admit that, prior to filing the Notice of Opposition, you never made any written request to any third-party to stop using any mark containing the term "royal" for the sale of sugar.

20. Admit that, prior to filing the Notice of Opposition, you never made any written request to any third-party to stop using any mark containing the term "royal" for the sale of noodles.

21. Admit that, prior to filing the Notice of Opposition, you never made any written request to any third-party to stop using any mark containing the term "royal" for the sale of sauces.

22. Admit that you have never made any written request to any third-party to stop using the mark ROYAL CARIBBEAN for the sale of sugar.

23. Admit that you have never made any written request to any third-party to stop using the mark ROYAL CARIBBEAN for the sale of flour.

24. Admit that you have never made any written request to any third-party to stop using the mark ROYAL CARIBBEAN for the sale of noodles.

25. Admit that you have never made any written request to any third-party to stop using the mark ROYAL CARIBBEAN for the sale of sauces.

26. Admit that you have never made any written request to any third-party to stop using the mark ROYAL CARIBBEAN for the sale of rice.

27. Admit that you have never made any written request to any third-party to stop using the mark ROYAL CARIBBEAN for the sale of any food products.

28. Admit that you are aware that your counsel of record represents a third party for the enforcement by said third-party of the mark ROYAL CARIBBEAN for use in connection with food products.

29. Admit that you are aware that your counsel of record represents a third party for the enforcement by said third-party of the mark ROYAL CARIBBEAN for use in connection with sugar.

30. Admit that you waived any conflict of interest arising from your counsel-of-records' concurrent representation of you in the present matter and of a third party in connection with the enforcement by said third-party of the mark ROYAL CARIBBEAN.

31. Admit that you have not waived any conflict of interest arising from your counsel-of-records' concurrent representation of you in the present matter and of a third party in connection with the enforcement by said third-party of the mark ROYAL CARIBBEAN.

Dated: June 22, 2020

Respectfully submitted,

By: /s/ Perry S. Clegg

Perry S. Clegg (USB No. 7831)

**KUNZLER BEAN & ADAMSON, PC**

50 W. Broadway, Suite 1000

Salt Lake City, UT 84101

Tel: (801) 994-4646

Fax: (801) 531-1929

pclegg@kba.law

*Attorneys for Applicant,*

*Steven Yassin*

### **CERTIFICATE OF SERVICE**

I hereby certify that on June 22, 2020, I caused a copy of the foregoing **APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION** to be electronically served on Opposer's counsel of record by email as of the same date as follows:

Nicole R. Townes - [Nicole.Townes@knobbe.com](mailto:Nicole.Townes@knobbe.com), [efiling@knobbe.com](mailto:efiling@knobbe.com)

/Perry S. Clegg/  
Perry S. Clegg

# **EXHIBIT 4**

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

LT Overseas North America, Inc.,	)	Opposition No.: 91248318
	)	
Opposer,	)	
	)	Mark: ROYAL GUYANA
v.	)	
	)	
Steven Yassin,	)	
	)	
Applicant.	)	
	)	

## OPPOSER LT OVERSEAS NORTH AMERICA, INC.'S RESPONSES TO APPLICANT

**STEVEN YASSIN'S FIRST SET OF REQUESTS FOR PRODUCTION (NOS. 1-41)**

Pursuant to Rule 2.120(e) of the U.S. Patent and Trademark Office's ("PTO") Trademark Rules of Practice, 37 C.F.R. § 2.120(e), and Rule 34 of the Federal Rules of Civil Procedure ("FRCP"), Opposer LT Overseas North America, Inc. ("Opposer") hereby responds to Applicant Steven Yassin's ("Applicant") First Set of Requests for Production (Nos. 1-41) as follows:

## PRELIMINARY STATEMENT

1. The following responses are based upon information presently available to and located by Opposer and its counsel and reflect the current state of Opposer's knowledge, understanding and belief respecting the matters about which inquiry was made. Opposer has not completed its investigation of the facts relating to this Opposition or preparation for trial and anticipates that as this Opposition proceeds, further facts may be discovered. Without obligating itself to do so, Opposer reserves the right to modify or supplement these responses with any such pertinent information.

2. Opposer's responses are made without in any way waiving or intending to waive, but, on the contrary, intending to preserve and preserving:

- a. The right to raise all questions of authenticity, relevancy, materiality, privilege, and admissibility as evidence for any purpose of the information and the documents identified and/or produced in response to these Requests, which may arise in any subsequent proceeding in, or the trial of, this or any other action;
- b. The right to object to the use of the information and/or documents in any subsequent proceeding in, or the trial of, this or any other action on any grounds;
- c. The right to object on any ground at any time to other interrogatories, requests or other discovery involving the information and/or documents or the subject matter thereof; and
- d. The right to make subsequent answers if Opposer uncovers additional information and/or documents called for by these Requests and/or documents called for by these Requests as discovery is still ongoing and Opposer's investigation of the facts and the evidence pertinent to this action has not been completed.

3. Words and terms used in the following responses shall be construed in accordance with their normal meaning and connotations, and shall in no way be interpreted as terms of art or statutorily defined terms used in the patent and trademark laws, and Opposer specifically disavows any such meaning or connotation that might be accorded to such terms.

4. A statement that Opposer will produce responsive documents and/or things represents only that they will be produced or made available if they exist, are in Opposer's possession, custody, or control, and not that such documents and/or things exist or ever have existed, or are in Opposer's possession, custody, or control.

Specific objections to various requests are made in the responses set forth below. In addition to those specific objections, Opposer generally objects to the Requests as set forth below.



### **GENERAL OBJECTIONS**

The following General Objections are incorporated by reference in response to each and every request set forth below and are not waived with respect to any response.

1. Opposer generally objects to the instructions in the Requests to the extent that those instructions fail to comply with or impose obligations in excess of Rule 34 of the Federal Rules of Civil Procedure.

2. Opposer generally objects to the Requests to the extent they seek “all” records, documents or tangible things concerning a particular subject on the ground that Opposer would be required to search for documents from every person in the company and such requests are not proportional to the needs of this Opposition and are unduly burdensome and therefore violate Fed. R. Civ. P. 26(b)(2)(C). Therefore, Opposer objects to performing searches of such breadth on the grounds of undue burden and expense. Searching for relevant documents, Opposer has made, and will make, inquiry of all persons who are reasonably likely to have such documents.

3. Opposer generally objects to the Requests to the extent that they call for the production of information, documents or things protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity or other limitation on discovery. Opposer has stated its privilege objections expressly in its response to each request that would, in its view, reasonably be interpreted to encompass privileged information, documents or things. Should any other request encompass privileged information, documents or things, however, Opposer hereby asserts this general objection. Moreover, should any such response by Opposer occur, it was inadvertent and shall not constitute a waiver of privilege or of Opposer’s right to object during this opposition or otherwise to the use of any such information, documents or things.

4. Opposer generally objects to the Requests to the extent that they call for the production or identification of attorney-client privilege and/or work product documents generated

by Opposer's counsel or its agents for internal use and/or privileged communications between or among Opposer and its counsel since the commencement of this Opposition. The applicability of the attorney-client privilege and/or work product doctrine to such documents is so clear and the burden of identifying each such document is so great that requiring Opposer to do so would be so burdensome as to result in injustice and would be oppressive in that the burden imposed thereby would be incommensurate with the result sought by Applicant.

5. Opposer generally objects to the Requests to the extent that they seek information, documents or things that are not relevant to the opposition or are not proportional to the needs of this Opposition.

6. Opposer generally objects to the Requests to the extent that they seek information, documents or things not in Opposer's possession, custody or control.

7. Opposer generally objects to the Requests to the extent that they are overbroad, unduly burdensome, or fail to describe the information, documents or things sought with a reasonable degree of specificity, including as to the time periods purportedly covered by the Requests.

8. Opposer further objects to the Requests to the extent that they call for the production of information that is protected from disclosure by agreements Opposer has with another entity, if any, or obligations Opposer has to another entity, if any.

9. Some of Applicant's Requests contain discrete subparts. To the extent Applicant considers any request having discrete subparts to constitute a single request, Opposer considers the subpart(s) of the request to count towards the total number of requests that one party may serve pursuant to 37 C.F.R. § 2.120(e).

10. Opposer generally objects to Applicant's request that Opposer produce documents within 30 days of the date of service of the Requests. Opposer's collection and review of documents is continuing, and Opposer will produce documents responsive to the Requests on an ongoing basis.

11. Opposer generally objects to Applicant's definitions and instructions in the Requests to the extent they make the individual requests vague, ambiguous or unintelligible, in that Applicant attributes new meanings to ordinary words or defines the same word to have multiple meanings. Opposer will attempt to construe the terms and phrases used by Applicant in ways to give those terms and phrases meanings that will result in the production of relevant information, documents and things designed to lead to the discovery of admissible evidence.

12. As used herein, the phrase "Opposer will produce" documents or things does not constitute a representation that such information, documents or things exist, but only that Opposer will take reasonable efforts to ascertain whether such documents or things exist, and if so, to produce such documents and things.

13. As used herein, the term "non-privileged documents" refers to documents which are not protected by the attorney-client privilege, the work product doctrine or any other privileges or immunity precluding discovery.

14. As used herein, the term "Opposer's Marks" shall collectively refer to all of Opposer's trademarks alleged in Opposer's Notice of Opposition No. 91248318.

15. As used herein, the term "Opposer's Goods" shall mean and refer to all of the goods covered under Opposer's Marks or as alleged in Opposer's Notice of Opposition No. 91248318.

16. As used herein, the term "Applicant" refers to Steven Yassin.

17. As used herein, the term "Applicant's Mark" shall mean and refer to the ROYAL GUYANA mark that is the subject of U.S. Trademark Application Serial No. 88/050,900.

18. As used herein, the term "Applicant's Goods" shall mean and refer to the goods Applicant offers or sells, has offered or sold, or intends to offer or sell in connection with Applicant's Mark, including, but not limited to, Applicant's goods identified in Applicant's Application for Applicant's Mark, namely, "flour; noodles; sauces; sugar" in International Class 30.

19. Discovery is ongoing, and Opposer's investigation is continuing. Therefore, Opposer reserves its right to supplement its responses herein and its production with any responsive, non-privileged information, documents, or things that may be subsequently discovered.

## **REQUESTS AND RESPONSES**

### **REQUEST FOR PRODUCTION NO. 1:**

All documents identified in Opposer's initial disclosures.

### **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity.

Subject to and without waiving the foregoing objections, Opposer will produce nonprivileged documents responsive to this Request to the extent that such documents exist, are within Opposer's possession, custody or control, and are located after a reasonable search.

### **REQUEST FOR PRODUCTION NO. 2:**

All documents and things relating to your response to each discovery request in this Opposition proceeding, including all documents identified, referenced, or mentioned in Opposer's responses to any of the interrogatories propounded by Applicant in this Opposition proceeding, and all documents reviewed or relied on by Opposer in preparing its responses to the interrogatories propounded by Applicant in this Opposition proceeding.

### **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further incorporates by reference its objections to each of Applicant's Interrogatories and Requests for Admission. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the

parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent that it seeks "[a]ll documents and things." Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity.

Subject to and without waiving the foregoing general and specific objections, Opposer will produce non-privileged documents specifically identified in Opposer's responses to Applicant's First Set of Interrogatories and First Set of Requests for Admission and that are responsive to this Request to the extent that such documents exist, are within Opposer's possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 3:**

All documents evidencing any use by third parties of marks containing the term "royal".

**RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll documents."

Subject to and without waiving the foregoing objections, Opposer will produce nonprivileged documents sufficient to identify enforcement efforts for Opposer's Marks responsive to this Request and to the extent that such documents exist, are within Opposer's possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 4:**

All documents and things produced to Opposer by a third party in connection with this proceeding, whether or not in response to a subpoena or formal discovery request.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein.

Subject to and without waiving the foregoing objections, Opposer is not aware of any non-privileged documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 5:**

For each of Opposer's Marks, documents sufficient to evidence continuous use of said mark by you from three years prior to the filing of the Notice of Opposition through the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition.

Subject to and without waiving the foregoing objections, Opposer will produce nonprivileged documents responsive to this Request to the extent that such documents exist, are within Opposer's possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 6:**

All documents and things relating to destruction or loss by Opposer of documents or things requested in these requests for production.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity.

Subject to and without waiving the foregoing objections, Opposer is not aware of any non-privileged documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 7:**

All agreements concerning Opposer's Marks, including, without limitation, any agreements for the acquisition, transfer, or assignment of Opposer's Marks, coexistence or concurrent use agreements, and any licensing agreements regarding Opposer's Marks.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll agreements." Opposer further objects to this Request to the extent it seeks documents that are subject to confidentiality obligations to third parties.

**REQUEST FOR PRODUCTION NO. 8:**

All documents concerning, regarding or referencing Opposer's consideration of marks and selection and clearance of Opposer's Marks, including but not limited to, searches, investigations, surveys, studies, research, polls, reports and opinions that Opposer has ever conducted, received, or seen concerning the availability for use and/or registration of Opposer's Marks and of variations thereof.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as overbroad, unduly

burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll documents." Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the term "consideration."

**REQUEST FOR PRODUCTION NO. 9:**

All documents concerning the allegations in paragraph 14 of the Notice of Opposition that the "ROYAL GUYANA mark so resembles Opposer's ROYAL Marks as to be likely to cause confusion or to cause mistake or to deceive under Section 2(d) of the Trademark Act."

**RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll [d]ocuments." Opposer further objects to this Request as vague and ambiguous and fails to sufficiently define the set of documents for which a reasonable search can be conducted.

Subject to and without waiving the foregoing general and specific objections, Opposer will produce non-privileged documents that Opposer intends to rely on in this Opposition.

**REQUEST FOR PRODUCTION NO. 10:**

All documents concerning Opposer's consideration, selection, conception, creation, or adoption of Opposer's Marks for use on or in connection with any goods or services.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable



privilege or immunity. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll documents." Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the term "consideration."

**REQUEST FOR PRODUCTION NO. 11:**

All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are "rice," if at all.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll documents." Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "any goods that Opposer contends are 'rice.'"

Subject to and without waiving the foregoing objections, Opposer will produce nonprivileged documents sufficient to identify use of Opposer's Marks in connection with rice responsive to this Request and to the extent that such documents exist, are within Opposer's possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 12:**

All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are "flour," if at all.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll documents." Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "any goods that Opposer contends are 'flour.'"

Subject to and without waiving the foregoing objections, Opposer will produce nonprivileged documents sufficient to identify use of Opposer's Marks in connection with flour responsive to this Request and to the extent that such documents exist, are within Opposer's possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 13:**

All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are "noodles," if at all.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll documents." Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "any goods that Opposer contends are 'noodles.'"

Subject to and without waiving the foregoing objections, Opposer is not aware of any non-privileged documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 14:**

All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are "sauces," if at all.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll documents." Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "any goods that Opposer contends are 'sauces.'"

Subject to and without waiving the foregoing objections, Opposer will produce nonprivileged documents sufficient to identify use of Opposer's Marks in connection with sauces responsive to this Request and to the extent that such documents exist, are within Opposer's possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 15:**

All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are "sugar," if at all.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll

documents.” Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “any goods that Opposer contends are ‘sugar.’”

Subject to and without waiving the foregoing objections, Opposer is not aware of any non-privileged documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 16:**

All documents concerning Opposer’s use in commerce of Opposer’s Marks in connection with any goods that Opposer contends are “preparations made from cereals, namely, corn flour, whole grain oat, corn bran, rice,” if at all.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks “[a]ll documents.” Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “Opposer contends are ‘preparations made from cereals, namely, corn flour, whole grain oat, corn bran, rice.’”

Subject to and without waiving the foregoing objections, Opposer will produce nonprivileged documents sufficient to identify use of Opposer’s Marks in connection with preparations made from cereals, namely, corn flour, whole grain oat, corn bran, rice responsive to this Request and to the extent that such documents exist, are within Opposer’s possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 17:**

All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are "regular and organic dried lentils and beans," if at all.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll documents." Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "any goods that Opposer contends are 'regular and organic dried lentils and beans.'"

Subject to and without waiving the foregoing objections, Opposer will produce nonprivileged documents sufficient to identify use of Opposer's Marks in connection with regular and organic dried lentils and beans responsive to this Request and to the extent that such documents exist, are within Opposer's possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 18:**

All documents concerning Opposer's use in commerce of Opposer's Marks in connection with any goods that Opposer contends are related to any of the goods identified in Applicant's Application.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly

burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll documents." Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "any goods that Opposer contends are related to any of the goods identified in Applicant's Application."

Subject to and without waiving the foregoing objections, Opposer will produce nonprivileged documents sufficient to identify use of Opposer's Marks in connection with Opposer's Goods responsive to this Request and to the extent that such documents exist, are within Opposer's possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 19:**

All communications by you in which you assert, admit, acknowledge, suggest, or imply that there is not a likelihood confusion between one or more of Opposer's Marks and a mark of any third party that contains or incorporates the term "royal".

**RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll communications" and communications relating to third party marks. Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity.

**REQUEST FOR PRODUCTION NO. 20:**

For each of the goods sold or offered for sale by Opposer in connection with Opposer's Marks, produce all documents, if any, evidencing that such goods are related to Applicant's Goods.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll documents." Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "such goods are related to Applicant's Goods."

Subject to and without waiving the foregoing objections, Opposer will produce nonprivileged documents sufficient to identify use of Opposer's Marks in connection with Opposer's Goods responsive to this Request and to the extent that such documents exist, are within Opposer's possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 21:**

Documents sufficient to identify all persons who were responsible for, participated in, or have information or were consulted concerning the consideration, selection, conception, creation, or adoption of Opposer's Marks for use on or in connection with any of Opposer's goods or services.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and

not proportional to the needs of this Opposition. Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “consideration.”

**REQUEST FOR PRODUCTION NO. 22:**

Documents sufficient to show the circumstances of Opposer’s first use of Opposer’s Marks anywhere in the United States.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition.

Subject to and without waiving the foregoing objections, Opposer will produce nonprivileged documents sufficient to identify the date of first use of Opposer’s Marks responsive to this Request to the extent that such documents exist, are within Opposer’s possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 23:**

For each of the goods sold or offered for sale by Opposer in connection with Opposer’s Marks, produce documents sufficient to evidence Opposer’s first use in the United States of Opposer’s Marks in connection with said goods.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition.



Subject to and without waiving the foregoing objections, Opposer will produce nonprivileged documents sufficient to identify the date of first use of Opposer's Marks responsive to this Request to the extent that such documents exist, are within Opposer's possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 24:**

All documents concerning any state or federal trademark or service mark applications filed by Opposer for Opposer's Marks, including, but not limited to, all documents concerning the decision to file the application and copies of all documents submitted to or received from the United States Patent and Trademark Office in connection with the application.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll documents." Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity.

Subject to and without waiving the foregoing objections, Opposer will produce the nonprivileged the file histories for Opposer's Marks responsive to this Request to the extent that such documents exist, are within Opposer's possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 25:**

All documents evidencing, referencing, mentioning, suggesting, implying, or relating to whether the term "royal" is generic, descriptive, and/or suggestive, including all admissions relating thereto.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll documents." Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request to the extent it calls for a legal conclusion, legal contention, or expert opinion.

**REQUEST FOR PRODUCTION NO. 26:**

Documents sufficient to identify all channels of trade through which Opposer advertises, promotes, distributes, sells, offers, or licenses, or plans or intends to advertise, promote, distribute, sell, offer, or license, any goods or services under or in connection with Opposer's Marks, including, but not limited to, documents identifying the distributors, retail, or other business outlets that offer or will offer Opposer's goods or services in connection with Opposer's Marks.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks an identification of "all channels of trade." Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "other business outlets."

Subject to and without waiving the foregoing general and specific objections, Opposer will produce representative non-privileged documents responsive to this Request to the extent

that such documents exist, are within Opposer's possession, custody, or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 27:**

Documents sufficient to identify the geographic regions in the United States in which Opposer has or has caused to be advertised, promoted, distributed, sold, offered, or licensed, or plans or intends to advertise, promote, market, display, distribute, sell, offer, or license any goods or services under or in connection with Opposer's Marks.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition.

Subject to and without waiving the foregoing general and specific objections, Opposer will produce representative non-privileged documents responsive to this Request to the extent that such documents exist, are within Opposer's possession, custody, or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 28:**

Documents sufficient to show each visual, oral, and other manner in which Opposer has presented, or licensed or permitted the presentation of, Opposer's Marks including, but not limited to, all pronunciations of and typestyles, fonts, typefaces, designs, shapes, graphics, and colors used in connection with Opposer's Marks.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Request as

vague and ambiguous, particularly as to its use of the phrase “visual, oral, and other manner in which Opposer has presented, or licensed or permitted the presentation of.” Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity.

Subject to and without waiving the foregoing general and specific objections, Opposer will produce representative non-privileged documents responsive to this Request to the extent that such documents exist, are within Opposer’s possession, custody, or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 29:**

Representative samples of each type of advertisement and promotional material (e.g., print, radio, television, brochures, catalogues, flyers, press releases, website pages, website banners, in-store displays, point-of-sale promotional items) that has displayed or that will display Opposer’s Marks, including documents sufficient to show every manner of presentation of Opposer’s Marks in each type of advertisement or promotional material.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

Opposer incorporates its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome, and seeking materials that are not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “every manner of presentation.”

Subject to and without waiving the foregoing general and specific objections, Opposer will produce non-privileged documents responsive to this Request to the extent that such documents exist, are within Opposer’s possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 30:**

Documents sufficient to identify any person to or with whom Opposer has marketed, sold, offered, distributed, or licensed, or intends to market, sell, offer, distribute, or license, any goods or services under or in connection with Opposer's Marks.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

Opposer incorporates its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome, and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks documents relating to "any person."

Subject to and without waiving the foregoing general and specific objections, Opposer will produce non-privileged documents responsive to this Request to the extent that such documents exist, are within Opposer's possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 31:**

All documents concerning Opposer's knowledge of Applicant or Applicant's Mark, including, but not limited to, all documents reflecting communications about or with Opposer or about Opposer's awareness of Applicant's use of Applicant's Mark.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "about Opposer's awareness." Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll documents."

Subject to and without waiving the foregoing objections, Opposer is not aware of any non-privileged documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 32:**

All non-privileged documents concerning any complaint, petition, demand, objection, civil action, or administrative proceeding relating to Opposer's Marks, including, without limitation, the opposition proceedings referenced in your Notice of Opposition.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll non-privileged documents." Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of "the opposition proceedings referenced in your Notice of Opposition."

Subject to and without waiving the foregoing general and specific objections, Opposer will produce representative non-privileged documents showing its enforcement efforts in the U.S. for Opposer's Marks to the extent that such documents exist, are within Opposer's possession, custody, or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 33:**

All documents concerning any objection by Opposer to any third party involving Opposer's Marks or any mark similar to, or that Opposer has at any time been alleged to be similar to, Opposer's Marks.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly

burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll documents." Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity.

Subject to and without waiving the foregoing general and specific objections, Opposer will produce representative non-privileged documents showing its enforcement efforts in the U.S. for Opposer's Marks to the extent that such documents exist, are within Opposer's possession, custody, or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 34:**

All documents concerning any instances of actual or possible confusion, mistake, deception, or association of any kind between Applicant, Applicant's Mark, or Applicant's Goods and Opposer, Opposer's Marks or Opposer's Goods.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks "[a]ll [d]ocuments." Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity.

Subject to and without waiving the foregoing general and specific objections, Opposer will produce non-privileged documents responsive to this Request to the extent that such documents exist, are within Opposer's possession, custody, or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 35:**

Documents sufficient to show the volume (in dollars and units) of annual sales of, and any service or license fees or royalties for, all goods or services sold, offered, or licensed, directly or indirectly, by or on behalf of Opposer under or in connection with Opposer's Marks for each of the last five years.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Request to the extent it seeks documents outside of Opposer's possession, custody, or control.

Subject to and without waiving the foregoing objections, Opposer will produce nonprivileged documents sufficient to identify sales for Opposer's Goods responsive to this Request and to the extent that such documents exist, are within Opposer's possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 36:**

Documents sufficient to show the projected volume (in dollars and units) of annual sales of, and any service or license fees or royalties for, goods or services sold, offered, or licensed, or planned or intended to be sold, offered, or licensed, directly or indirectly, by or on behalf of Opposer under or in connection with Opposer's Marks, including, but not limited to, Documents sufficient to show the information on which such calculations are based.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks documents



relating to the “projected volume ... of annual sales... and any service or license fees or royalties.”

**REQUEST FOR PRODUCTION NO. 37:**

Documents sufficient to show, for each of the last five years, all costs and expenses incurred annually by Opposer to promote, market, and advertise goods or services actually or planned or intended to be sold, offered, or licensed under or in connection with Opposer’s Marks.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition.

Subject to and without waiving the foregoing objections, Opposer will produce nonprivileged documents responsive to this Request to the extent that such documents exist, are within Opposer’s possession, custody or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 38:**

All documents concerning any communications in which any person inquired about, commented on, or mentioned Applicant, Applicant’s Mark, or Applicant’s Goods in any way.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks “[a]ll [d]ocuments.” Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or

immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “inquired about, commented on, or mentioned.”

Subject to and without waiving the foregoing general and specific objections, Opposer will produce non-privileged documents concerning communications relating to Applicant, Applicant’s Mark, or Applicant’s Goods, to the extent that such documents exist, are within Opposer’s possession, custody, or control, and are located after a reasonable search.

**REQUEST FOR PRODUCTION NO. 39:**

All agreements between Opposer and any other person involving Opposer’s Marks, or the actual, planned, or intended manufacturing, advertising, promotion, marketing, distribution, sale, offering, or licensing of any goods or services under or in connection with Opposer’s Marks.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks “[a]ll agreements.” Opposer further objects to this Request to the extent it seeks documents that are subject to confidentiality obligations to third parties.

**REQUEST FOR PRODUCTION NO. 40:**

All documents concerning any marks or alleged marks containing the words “Royal Caribbean,” including, without limitation, any waivers of any actual or potential conflicts of interest concerning any representation of you by an attorney in connection with any such marks.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties’ claims or defenses and

not proportional to the needs of this Opposition, including to the extent it seeks documents relating to “the words ‘Royal Caribbean.’” Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity.

**REQUEST FOR PRODUCTION NO. 41:**

To the extent not produced in response to the foregoing requests, all documents that support or refute Opposer’s contentions in this proceeding, including, but not limited to, any documents that support or refute any factual allegations or legal theories or conclusions Opposer has presented or relied on or intends to present or rely on in connection with such contentions.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overbroad, unduly burdensome and seeking materials that are not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks “all documents.” Opposer further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous and fails to sufficiently define the set of documents for which a reasonable search can be conducted. Opposer further objects to this Request as premature. Opposer further objects to this Request to the extent it calls for a legal conclusion, legal contention, or expert opinion.

Subject to and without waiving the foregoing general and specific objections, Opposer will produce non-privileged documents Opposer intends to rely on in this Opposition.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 20, 2020

By: /Nicole Townes/

Steven J. Nataupsky  
Nicole Rossi Townes  
2040 Main Street, 14<sup>th</sup> Floor  
Irvine, CA 92614  
(949) 760-0404  
[efiling@knobbe.com](mailto:efiling@knobbe.com)  
Attorneys for Opposer,  
LT Overseas North America, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **OPPOSER'S RESPONSES TO FIRST SET OF REQUESTS FOR PRODUCTION (NOS. 1-41)** upon Applicant's counsel on October 20, 2020 via electronic mail to:

Perry S. Clegg  
KUNZLER BEAN & ADAMSON, PC  
[pclegg@kba.law](mailto:pclegg@kba.law), [mbartholomew@kba.law](mailto:mbartholomew@kba.law), [aorr@kba.law](mailto:aorr@kba.law), [docket@kunzlerlaw.com](mailto:docket@kunzlerlaw.com),  
[bpartis@kba.law](mailto:bpartis@kba.law), [mnelson@kba.law](mailto:mnelson@kba.law)

/Sarah Couvillion/  
\_\_\_\_\_  
Sarah Beno Couvillion

33037863

# **EXHIBIT 5**



- a. The right to raise all questions of authenticity, relevancy, materiality, privilege and admissibility as evidence for any purpose of the information and the documents identified and/or produced in response to these Interrogatories, which may arise in any subsequent proceeding in, or trial of, this or any other action;
  - b. The right to object to the use of the information and/or documents in any subsequent proceeding in, or the trial of, this or any other action on any grounds;
  - c. The right to object on any ground at any time to other interrogatories, requests, or other discovery involving the information and/or documents or the subject matter thereof; and
  - d. The right to make subsequent responses if Opposer uncovers additional information and/or documents called for by these Interrogatories, as discovery is still ongoing and Opposer's investigation of the facts and the evidence pertinent to this action has not been completed.
3. Words and terms used in the following responses shall be construed in accordance with their normal meanings and connotations, and shall in no way be interpreted as terms of art or statutorily defined terms used in the patent and trademark laws, and Opposer specifically disavows any such meaning or connotation that might be accorded to such terms.
4. Without waiving objections set forth below, and subject to the limitations stated above, Opposer has provided the information it believes is responsive and the subject of legitimate discovery that has been uncovered by reasonable investigation.

Specific objections to various interrogatories are made in the responses set forth below. In addition to those specific objections, Opposer generally objects to the Interrogatories as follows:

#### **GENERAL OBJECTIONS**

The following General Objections are incorporated by reference in response to each Interrogatory set forth below and are not waived with respect to any response. The following responses are based upon information and writings presently available to Opposer.



1. Opposer generally objects to the Interrogatories to the extent that they call for the production of information, documents, or things protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or other limitation on discovery. Opposer hereby asserts this general objection with respect to each Interrogatory to the extent the Interrogatory is broadly interpreted to encompass privileged information, documents or things. Moreover, should any such response by Opposer occur, it was inadvertent and shall not constitute a waiver of privilege or of Opposer's right to object during this Opposition or otherwise to the use of any such information, documents, or things. Opposer objects to the Interrogatories to the extent that they seek information, documents or things that are not relevant to this Opposition, or are not proportional to the needs of this Opposition.

2. Opposer generally objects to Applicant's Interrogatories to the extent that Applicant purports to require Opposer to identify any documents or information protected by the attorney-client privilege, the work product doctrine, or other applicable privilege that were generated by its counsel or agents for internal use and/or privileged communications between or among Opposer and its counsel since the commencement of this proceeding. The applicability of the attorney-client privilege and/or work product doctrine is so clear and the burden of identifying each such document is so great that requiring Opposer to do so would be so burdensome as to result in injustice and would be oppressive in that the burden imposed thereby would be incommensurate with the result sought by Applicant.

3. Opposer generally objects to the Interrogatories to the extent that they seek information, documents or things not in Opposer's possession, custody or control.

4. Opposer generally objects to the Interrogatories to the extent that they are overbroad, unduly burdensome, or fail to describe the information, documents or things sought with a reasonable degree of specificity.

5. Opposer generally objects to the Interrogatories to the extent that they call for the production of information, documents, or things that Opposer received or obtained from a third

party under a non-disclosure agreement or any other obligation in the nature of a non-disclosure agreement.

6. Some of Applicant's Interrogatories contain discrete subparts. To the extent Opposer considers any Interrogatory having discrete subparts to constitute a single Interrogatory, Opposer objects to each such Interrogatory as being contrary to FRCP 33(a) and 37 CFR § 2.120(d).

7. Opposer generally objects to Applicant's Interrogatories, including the instructions and definitions, to the extent they purport to impose upon Opposer obligations greater than those imposed by the applicable FRCP, 37 CFR § 2.120(d), or other applicable rules or law.

8. Opposer generally objects to Applicant's Interrogatories to the extent that they seek information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition or to the extent that Applicant's Interrogatories seek the disclosure of information, documents or things beyond the scope of discovery as provided by the Federal Rules of Civil Procedure, 37 C.F.R. § 2.120(d), or other applicable rules or law.

9. Opposer generally objects to Applicant's Interrogatories to the extent they seek information concerning "all" or "any" information, documents, persons or entities concerning a particular subject on the grounds that performing searches of such breadth is unduly burdensome. In responding to the Interrogatories, Opposer has made, or will make, a reasonable search as required by the Federal Rules of Civil Procedure.

10. Opposer further objects to Applicant's definitions and instructions in the Interrogatories to the extent they make the individual Interrogatories vague, ambiguous, or unintelligible, in that Applicant attributes new meanings to ordinary words or defines the same word to have multiple meanings.

11. As used herein, the term "non-privileged information, documents, or things" refers to information, documents, or things that are not protected by the attorney-client privilege, the work-product doctrine, or any other privilege or immunity precluding discovery.

12. As used herein, the term “Opposer’s Marks” shall collectively refer to all of Opposer’s trademarks alleged in Opposer’s Notice of Opposition No. 91248318.

13. As used herein, the term “Opposer’s Goods” shall mean and refer to all of the goods covered under Opposer’s Marks or as alleged in Opposer’s Notice of Opposition No. 91248318.

14. As used herein, the term “Applicant” refers to Steven Yassin.

15. As used herein, the term “Applicant’s Mark” shall mean and refer to the ROYAL GUYANA mark that is the subject of U.S. Trademark Application Serial No. 88/050,900.

16. As used herein, the term “Applicant’s Goods” shall mean and refer to the goods Applicant offers or sells, has offered or sold, or intends to offer or sell in connection with Applicant’s Mark, including, but not limited to, Applicant’s goods identified in Applicant’s Application for Applicant’s Mark, namely, “flour; noodles; sauces; sugar” in International Class 30.

### **REQUESTS AND RESPONSES**

#### **INTERROGATORY NO. 1:**

Identify all persons you are aware of, other than Opposer, that sell rice under a mark containing the term “royal” and identify each of their respective marks that contain the term “royal”.

#### **RESPONSE TO INTERROGATORY NO. 1:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Pursuant to Fed. R. Civ. P. 33(d), Opposer will produce non-privileged documents sufficient to identify Opposer's enforcement actions for Opposer's Marks.

**INTERROGATORY NO. 2:**

Identify all persons you are aware of, other than Opposer, that sell sugar under a mark containing the term "royal" and identify each of their respective marks that contain the term "royal".

**RESPONSE TO INTERROGATORY NO. 2:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Pursuant to Fed. R. Civ. P. 33(d), Opposer will produce non-privileged documents sufficient to identify Opposer's enforcement actions for Opposer's Marks.

**INTERROGATORY NO. 3:**

Identify all persons you are aware of, other than Opposer, that sell noodles under a mark containing the term "royal" and identify each of their respective marks that contain the term "royal".

**RESPONSE TO INTERROGATORY NO. 3:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and

not proportional to the needs of this Opposition. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Pursuant to Fed. R. Civ. P. 33(d), Opposer will produce non-privileged documents sufficient to identify Opposer's enforcement actions for Opposer's Marks.

**INTERROGATORY NO. 4:**

Identify all persons you are aware of, other than Opposer, that sell flour under a mark containing the term "royal" and identify each of their respective marks that contain the term "royal".

**RESPONSE TO INTERROGATORY NO. 4:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Pursuant to Fed. R. Civ. P. 33(d), Opposer will produce non-privileged documents sufficient to identify Opposer's enforcement actions for Opposer's Marks.

**INTERROGATORY NO. 5:**

Identify all persons you are aware of, other than Opposer, that sell sauces under a mark containing the term "royal" and identify each of their respective marks that contain the term "royal".

**RESPONSE TO INTERROGATORY NO. 5:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product doctrine or other applicable

privilege or immunity. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Pursuant to Fed. R. Civ. P. 33(d), Opposer will produce non-privileged documents sufficient to identify Opposer's enforcement actions for Opposer's Marks.

**INTERROGATORY NO. 6:**

Identify all persons you are aware of, other than Opposer, that use a mark containing the term "royal" to sell any food items or products that are the same or related to any of Opposer's Goods, identify each of their respective marks that contain the term "royal", and identify the food items and/or products that are the same or related to Opposer's Goods that are sold under said marks.

**RESPONSE TO INTERROGATORY NO. 6:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Interrogatory as vague and ambiguous, particularly as to its use of the phrase "related to any of Opposer's Goods." Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Pursuant to Fed. R. Civ. P. 33(d), Opposer will produce non-privileged documents sufficient to identify Opposer's enforcement actions for Opposer's Marks.

**INTERROGATORY NO. 7:**

Identify all uses by you of any mark incorporating "ROYAL" and/or any variant thereof.

**RESPONSE TO INTERROGATORY NO. 7:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Interrogatory as vague and ambiguous, particularly as to its use of the phrase "uses." Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Opposer uses the following ROYAL-inclusive marks: ROYAL®,



®, ROYAL AUTHENTIC ADVENTURES®, ROYAL AUTHENTIC



CHEF'S BLEND, ®, and ROYAL CHEF'S SECRET, among others.

Pursuant to Fed. R. Civ. P. 33(d), Opposer will produce non-privileged documents from which additional information responsive to this Interrogatory can be determined.

**INTERROGATORY NO. 8:**

State the factual basis of your contention, if any, in paragraph 14 of the Notice of Opposition that "ROYAL GUYANA mark so resembles Opposer's ROYAL Marks as to be likely to cause confusion or to cause mistake or to deceive under Section 2(d) of the Trademark Act."

**RESPONSE TO INTERROGATORY NO. 8:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory as overbroad and unduly burdensome. Opposer further objects to this Interrogatory as premature, as Opposer's

investigation of this matter is ongoing and it has not completed discovery. Opposer further objects to this Interrogatory to the extent that it calls for a legal conclusion, legal contention, or expert opinion. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Applicant's Mark is highly similar in appearance and commercial impression to Opposer's Marks. Further, Applicant has applied for Applicant's Mark in connection with flour, noodles, sauces and sugar, which are identical and highly related to goods offered in connection with Opposer's Marks. These identical and highly related goods are marketed, offered, and sold through the same channels of trade. Moreover, Applicant's Application contains no restrictions as to the channels of trade, and thus, the parties' goods are presumed to travel through the same normal channels of trade. In addition, Opposer's Marks have become well-known by virtue of Opposer's substantial use, marketing, and promotion of the marks, which also makes it likely that Applicant's use of Applicant's Mark will cause confusion with Opposer's Marks.

Pursuant to Fed. R. Civ. P. 33(d), Opposer will produce representative non-privileged documents from which additional information responsive to this Interrogatory can be determined. Opposer reserves the right to supplement this interrogatory as discovery progresses and additional information is obtained from Applicant.

**INTERROGATORY NO. 9:**

State the factual basis of your contention, if any, that any of the goods or services sold or offered for sale under or in connection with Opposer's Marks are related to Applicant's Goods.

**RESPONSE TO INTERROGATORY NO. 9:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, work product doctrine or other



applicable privilege or immunity. Opposer further objects to this Interrogatory as overbroad and unduly burdensome. Opposer further objects to this Interrogatory as premature, as Opposer's investigation of this matter is ongoing and it has not completed discovery. Opposer further objects to this Interrogatory to the extent that it calls for a legal conclusion, legal contention, or expert opinion. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Applicant has applied for Applicant's Mark in connection with flour, sauces, noodles, and sugar, which are identical and highly related to goods offered in connection with Opposer's Marks.

**INTERROGATORY NO. 10:**

State the factual basis of your contention in paragraph 15 of the Notice of Opposition that "Opposer will be damaged by registration of U.S. Trademark Application Serial No. 88/050900 for the mark ROYAL GUYANA."

**RESPONSE TO INTERROGATORY NO. 10:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory as overbroad and unduly burdensome. Opposer further objects to this Interrogatory as premature, as Opposer's investigation of this matter is ongoing and it has not completed discovery. Opposer further objects to this Interrogatory to the extent that it calls for a legal conclusion, legal contention, or expert opinion. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Applicant's Mark is highly similar in appearance and commercial impression to Opposer's Marks. Further, Applicant has applied for Applicant's Mark in connection with flour, noodles, sauces and sugar, which are identical and highly related to goods offered in

connection with Opposer's Marks. These identical and highly related goods are marketed, offered, and sold through the same channels of trade. Moreover, Applicant's Application contains no restrictions as to the channels of trade, and thus, the parties' goods are presumed to travel through the same normal channels of trade. In addition, Opposer's Marks have become well-known by virtue of Opposer's substantial use, marketing, and promotion of the marks, which also makes it likely that Applicant's use of Applicant's Mark will cause confusion with Opposer's Marks.

Thus, Opposer will be damaged by registration of Applicant's Mark in that Applicant's Mark so resembles Opposer's Marks registered in the United States Patent and Trademark Office, and in which Opposer owns common law trademark rights, as to be likely, when used on or in connection with the goods identified in Applicant's Application, to cause confusion, or cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act of 15 U.S.C. § 1052(d).

Opposer reserves the right to supplement this interrogatory as discovery progresses and additional information is obtained from Applicant.

**INTERROGATORY NO. 11:**

Identify all of the goods and services in connection with which you contend that Applicant has used or intends to use any mark in a manner that creates a likelihood of confusion with Opposer's Marks in any way.

**RESPONSE TO INTERROGATORY NO. 11:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory as overbroad and unduly burdensome. Opposer further objects to this Interrogatory as premature, as Opposer's investigation of this matter is ongoing and it has not completed discovery. Opposer further

objects to this Interrogatory to the extent that it calls for a legal conclusion, legal contention, or expert opinion. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Applicant has applied for Applicant's Mark in connection with flour, noodles, sauces, and sugar, which are identical and highly related to goods offered in connection with Opposer's Marks.

**INTERROGATORY NO. 12:**

Identify and describe in detail the date and circumstances of Opposer first becoming aware of Applicant.

**RESPONSE TO INTERROGATORY NO. 12:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Opposer first learned of Applicant and Applicant's Mark around the date of publication of Applicant's Application.

**INTERROGATORY NO. 13:**

Identify and describe in detail the date and circumstances of Opposer first becoming aware of Applicant's use or intended use of Applicant's Mark, and of any conduct complained of in the Notice of Opposition.

**RESPONSE TO INTERROGATORY NO. 13:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent it seeks

information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Opposer first learned of Applicant and Applicant's Mark around the date of publication of Applicant's Application.

**INTERROGATORY NO. 14:**

Describe the facts and circumstances concerning the conception, creation, selection, and adoption of Opposer's Marks.

**RESPONSE TO INTERROGATORY NO. 14:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity.

**INTERROGATORY NO. 15:**

Identify all persons who participated in or were or are responsible for the conception, creation, selection, or adoption of Opposer's Marks.

**RESPONSE TO INTERROGATORY NO. 15:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Interrogatory to

the extent it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity.

**INTERROGATORY NO. 16:**

Identify all of the goods and services that Opposer has offered for sale, sold, or provided under or in connection with Opposer's Marks in the United States.

**RESPONSE TO INTERROGATORY NO. 16:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Opposer has used its ROYAL® mark in connection with rice, grains, dried fruit, sauces and chutneys, tea, and flour, among other goods.

**INTERROGATORY NO. 17:**

For each of the goods and services identified in response to Interrogatory No. 16 above, identify each time period greater than 2 years during which you were not selling or offering for sale said good or service under or in connection with Opposer's Marks in the United States, including each of the dates you stopped and dates your started selling said goods or service in connection with Opposer's Marks.

**RESPONSE TO INTERROGATORY NO. 17:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition.

**INTERROGATORY NO. 18:**

Identify all goods and services that Opposer has offered for sale, sold, or provided under or in connection with Opposer's Marks in the United States which you contend constitutes "rice", "flour", "noodles", "sugar", and/or "sauces", if any.

**RESPONSE TO INTERROGATORY NO. 18:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Interrogatory as vague and ambiguous, particularly as to its use of the phrase "which you contend constitutes." Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Opposer uses Opposer's Marks in connection with the following flour products: Royal Sharbati Atta and Chakki Atta Flour products. Opposer uses Opposer's Marks in connection with the following rice products: its Spicy Korean Gochujang Seasoned Basmati Rice, Garlic & Ghee Seasoned Basmati Rice, White Jasmine Rice, White Basmati Rice, Tikka Masala Seasoned Basmati Rice, Cilantro Lime Seasoned Basmati Rice, Chicken & Herb Flavored Basmati Rice, Basmati Rice, Brown Basmati Rice, Royal Chef's Secret Basmati Rice, Royal Sella Basmati Rice, Jasmine Thai Hom Mali Rice, Brown Jasmine Thai Hom Mali Rice, Superfino Arborio Rice, Sona Masoori Rice, and Organic Sona Masoori Rice. Opposer has used Opposer's Marks in connection with the following sauces: Royal Curry Delights sauces and chutneys.

**INTERROGATORY NO. 19:**

Identify all goods and services that Opposer has offered for sale, sold, or provided under or in connection with Opposer's Marks in the United States which you contend constitutes "preparations made from cereals, namely, corn flour, whole grain oat, corn bran, rice," if any.

**RESPONSE TO INTERROGATORY NO. 19:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Interrogatory as vague and ambiguous, particularly as to its use of the phrase "which you contend constitutes." Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Opposer uses Opposer's Marks in connection with the following "preparations made from cereals, namely, corn flour, whole grain oat, corn bran, rice" products: Royal Sharbati Atta, Chakki Atta Flour, Spicy Korean Gochujang Seasoned Basmati Rice, Garlic & Ghee Seasoned Basmati Rice, White Jasmine Rice, White Basmati Rice, Tikka Masala Seasoned Basmati Rice, Cilantro Lime Seasoned Basmati Rice, Chicken & Herb Flavored Basmati Rice, Basmati Rice, Brown Basmati Rice, Royal Chef's Secret Basmati Rice, Royal Sella Basmati Rice, Jasmine Thai Hom Mali Rice, Brown Jasmine Thai Hom Mali Rice, Superfino Arborio Rice, Sona Masoori Rice, Organic Sona Masoori Rice, Original Couscous, White & Brown Basmati, Red Rice, Wild Rice and Quinoa.

**INTERROGATORY NO. 20:**

Identify all goods and services that Opposer has offered for sale, sold, or provided under or in connection with Opposer's Marks in the United States which you contend constitutes "regular and organic dried lentils and beans," if any.

**RESPONSE TO INTERROGATORY NO. 20:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Interrogatory as

vague and ambiguous, particularly as to its use of the phrase “which you contend constitutes.” Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Opposer uses Opposer’s Marks in connection with the following “regular and organic dried lentils and beans” products: Chana Dal Split Chick Peas, Urad Whole Black Lentils, Moong Dal Split Mung Beans, Masoor Dal Split Red Lentils, and Moong Whole Green Mung Beans.

**INTERROGATORY NO. 21:**

Identify all efforts to enforce and/or police Opposer’s Marks over the past ten years.

**RESPONSE TO INTERROGATORY NO. 21:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Interrogatory as vague and ambiguous, particularly as to its use of the phrase “enforce and/or police.” Opposer further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Pursuant to Fed. R. Civ. P. 33(d), Opposer will produce non-privileged documents sufficient to identify Opposer’s enforcement actions for Opposer’s Marks.

**INTERROGATORY NO. 22:**

Identify all persons who participated in or were or are responsible for the marketing or advertising of any goods or services offered for sale, sold, or intended to be offered for sale or sold by or for Opposer under or in connection with Opposer’s Marks.



**RESPONSE TO INTERROGATORY NO. 22:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks an identification of "all persons." Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Abhinav Arora, President of LT Overseas North America, Inc. and Andrew Cops, Senior Vice President of Marketing at LT Overseas North America, Inc. are responsible for marketing and advertising Opposer's Goods.

**INTERROGATORY NO. 23:**

Describe all channels of trade in the United States through which Opposer has offered for sale, sold, or intends to offer for sale or sell goods or services under or in connection with Opposer's Marks.

**RESPONSE TO INTERROGATORY NO. 23:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks information regarding "all channels of trade." Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Opposer's Goods are sold or have been sold in grocery stores such as Albertson's, Harris Teeter, Hy-Vee, Kroger, and Whole Foods, specialty grocery stores such as Arash market, Azadi supermarket, and Mother India Foods, and mass merchandise stores such as Costco, Sam's Club, and Wal-Mart, among other outlets. Opposer's Goods are also sold through the Internet, including on [www.amazon.com](http://www.amazon.com).

**INTERROGATORY NO. 24:**

Describe all classes and/or types of customers (for example, age, gender, socioeconomic group) that comprise the intended market for goods or services offered for sale, sold, or intended to be offered for sale or sold under or in connection with Opposer's Marks.

**RESPONSE TO INTERROGATORY NO. 24:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as vague and ambiguous, particularly as to its use of the phrase "all classes and/or types of customers." Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Opposer's target market is anyone who is looking to purchase rice, grains, lentils, beans, sauces and chutneys, and flour products, among other food products.

**INTERROGATORY NO. 25:**

Identify the geographic regions in the United States in which Opposer has or has caused to be advertised, promoted, marketed, displayed, distributed, offered for sale, or sold, or plans or intends to advertise, promote, market, display, distribute, offer for sale, or sell, either directly or through others, any goods or services under or in connection with Opposer's Marks.

**RESPONSE TO INTERROGATORY NO. 25:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Opposer has offered or sold Opposer's Goods in connection with Opposer's Mark nationwide.

**INTERROGATORY NO. 26:**

Identify and describe, for each of the last five years, the volume (in dollars and units) of annual sales of, and any service or license fees or royalties for, all goods or services sold, offered, or licensed, directly or indirectly, by or on behalf of Opposer under or in connection with Opposer's Marks.

**RESPONSE TO INTERROGATORY NO. 26:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Interrogatory to the extent it seeks information outside of Opposer's possession, custody, or control. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Pursuant to Fed. R. Civ. P. 33(d), Opposer will produce representative, non-privileged documents from which information responsive to this Interrogatory can be determined.

**INTERROGATORY NO. 27:**

Identify and describe, for each of the last five years, all costs and expenses incurred annually by Opposer to promote, market, and advertise goods or services sold, offered, or licensed under or in connection with Opposer's Marks, including by identifying the nature and amount of each expenditure.

**RESPONSE TO INTERROGATORY NO. 27:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Pursuant to Fed. R. Civ. P. 33(d), Opposer will produce representative, non-privileged documents from which information responsive to this Interrogatory can be determined.

**INTERROGATORY NO. 28:**

Identify each trademark search, investigation, or any other inquiry conducted by or for Opposer concerning the availability to use or register Opposer's Marks.

**RESPONSE TO INTERROGATORY NO. 28:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory as vague and ambiguous, particularly as to its use of the phrases "investigation or any other inquiry" and "availability to use or register."

**INTERROGATORY NO. 29:**

Identify all surveys, studies, investigations, or research conducted by or on behalf of Opposer in connection with any third-party mark that contains, or incorporates in whole or in part, the term "royal", by date, title, the entity conducting the survey, and the person requesting the survey.

**RESPONSE TO INTERROGATORY NO. 29:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks information regarding "any third-party mark." Opposer further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work product doctrine or other

applicable privilege or immunity. Opposer further objects to this Interrogatory as vague and ambiguous, particularly as to its use of the phrase “investigations, or research.”

**INTERROGATORY NO. 30:**

Identify all agreements concerning Opposer’s Marks, including, without limitation, any agreements for the acquisition, transfer, or assignment of Opposer’s Marks, coexistence or concurrent use agreements, and any licensing agreements regarding Opposer’s Marks, by date, parties to the agreement, and the subject matter of the agreement.

**RESPONSE TO INTERROGATORY NO. 30:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks information regarding “all agreements.” Opposer further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity.

**INTERROGATORY NO. 31:**

Identify and describe in detail all administrative proceedings and litigations related to any of Opposer’s Marks other than this proceeding.

**RESPONSE TO INTERROGATORY NO. 31:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks information regarding “all administrative proceedings and litigations.” Opposer further objects to this

Interrogatory to the extent it seeks information that is publicly available, equally available to Applicant, and/or obtainable from other sources that are more convenient and less burdensome. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Pursuant to Fed. R. Civ. P. 33(d), Opposer will produce non-privileged documents sufficient to identify enforcement actions initiated by Opposer related to Opposer's Marks.

**INTERROGATORY NO. 32:**

Identify all communications between you and any third parties regarding confusion, potential confusion, or a likelihood of confusion between any of Opposer's Marks and any mark by said third parties.

**RESPONSE TO INTERROGATORY NO. 32:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory as overbroad, unduly burdensome and not proportional to the needs of this Opposition. Opposer further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory on the grounds that it contains discrete subparts contrary to Fed. R. Civ. P. 33(a) and thus, consists of multiple interrogatories. Opposer further objects to this Interrogatory as premature, as Opposer's investigation of this matter is ongoing and it has not completed discovery. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Opposer is not currently aware of any documented instances of actual confusion received by Opposer between Opposer's Mark or Opposer's Goods and Applicant's Mark or Applicant's Goods. However, Applicant does not appear to be using Applicant's Mark yet. Opposer further responds that Opposer's investigation and discovery is ongoing, and Opposer expressly reserves the right to supplement its response.

**INTERROGATORY NO. 33:**

Identify any and all communications between you and any third parties in which you assert, admit, acknowledge, suggest, or imply that there is not a likelihood confusion between one or more of Opposer's Marks and a mark of said third party that contains or incorporates the term "royal".

**RESPONSE TO INTERROGATORY NO. 33:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks information regarding instances of confusion with third-parties.

**INTERROGATORY NO. 34:**

State the factual basis of your alleged grounds for Opposition of "common law rights as asserted in the Notice of Opposition."

**RESPONSE TO INTERROGATORY NO. 34:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Since at least as early as 1989, long before Applicant filed his Application, Opposer has been and still is, using its ROYAL® mark in connection with flour, rice, grains, and other food items.

Opposer's Goods are sold or have been sold in grocery stores such as Albertson's, Harris Teeter, Hy-Vee, Kroger, and Whole Foods, specialty grocery stores such as Arash market, Azadi supermarket, and Mother India Foods, and mass merchandise stores such as Costco, Sam's Club, and Wal-Mart, among other outlets. Opposer's Goods are also sold through the Internet, including on [www.amazon.com](http://www.amazon.com).

Opposer maintains a website at [www.authenticroyal.com](http://www.authenticroyal.com) which prominently displays Opposer's ROYAL® mark. Opposer also markets and promotes its ROYAL® mark through social media. For example, Opposer prominently displays its ROYAL® mark on its Facebook page, Pinterest page, Instagram page, YouTube page, and Twitter page. Opposer has also promoted its ROYAL® mark through printed publications and television commercials.

Pursuant to Fed. R. Civ. P. 33(d), Opposer will produce non-privileged documents from which additional information responsive to this Interrogatory can be determined.

**INTERROGATORY NO. 35:**

Identify all persons furnishing information for the responses to these interrogatories, designating the number of each interrogatory for which such persons furnished information.

**RESPONSE TO INTERROGATORY NO. 35:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory as overbroad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows:

Abhinav Arora, President of LT Overseas North America, Inc., Andrew Cops, Senior Vice President of Marketing at LT Overseas North America, Inc., Mukesh Agrawal, Chief



Finance Officer at LT Overseas North America, Inc., and attorneys at Knobbe Martens participated in the preparation of these answers to Applicant's Interrogatories.

**INTERROGATORY NO. 36:**

To the extent that you deny any of Applicant's Requests for Admission, in whole or in part, state the factual basis for any such denials.

**RESPONSE TO INTERROGATORY NO. 36:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege or immunity. Opposer further objects to this Interrogatory on the grounds that it contains discrete subparts contrary to Fed. R. Civ. P. 33(a) and thus, consists of multiple interrogatories.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 20, 2020

By: /Nicole Townes/

Steven J. Nataupsky  
Nicole Rossi Townes  
2040 Main Street, 14<sup>th</sup> Floor  
Irvine, CA 92614  
(949) 760-0404  
[efiling@knobbe.com](mailto:efiling@knobbe.com)  
Attorneys for Opposer,  
LT Overseas North America, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **OPPOSER'S RESPONSES TO FIRST SET OF INTERROGATORIES (NOS. 1-36)** upon Applicant's counsel on October 20, 2020 via electronic mail to:

Perry S. Clegg  
KUNZLER BEAN & ADAMSON, PC  
[pclegg@kba.law](mailto:pclegg@kba.law), [mbartholomew@kba.law](mailto:mbartholomew@kba.law), [aorr@kba.law](mailto:aorr@kba.law), [docket@kunzlerlaw.com](mailto:docket@kunzlerlaw.com),  
[bpartis@kba.law](mailto:bpartis@kba.law), [mnelson@kba.law](mailto:mnelson@kba.law)

/Sarah Couvillion/  
\_\_\_\_\_  
Sarah Beno Couvillion

33037897

# **EXHIBIT 6**



- a. The right to raise all questions of authenticity, relevancy, materiality, privilege and admissibility as evidence for any purpose of the information and the documents identified and/or produced in response to these requests, which may arise in any subsequent proceeding in, or trial of, this or any other action;
- b. The right to object to the use of the information and/or documents in any subsequent proceeding in, or the trial of, this or any other action on any grounds;
- c. The right to object on any ground at any time to other requests or other discovery involving the information and/or documents or the subject matter thereof; and
- d. The right to make subsequent answers if Opposer uncovers additional information and/or documents called for by these Requests as discovery is still ongoing and Opposer's investigation of the facts and the evidence pertinent to this action has not been completed.

3. Without waiving objections set forth below, and subject to the limitations stated above, Opposer has provided the information it believes is responsive and the subject of legitimate discovery which has been uncovered by reasonable investigation.

4. Specific objections to various Requests are made in the responses set forth below. In addition to those specific objections, Opposer generally objects to the Requests as follows:

### **GENERAL OBJECTIONS**

The following General Objections are incorporated by reference to each response set forth below and are not waived with respect to any response.

1. Opposer generally objects to Applicant's Requests to the extent that they seek disclosure of any information protected, privileged or immune, or otherwise exempt from

discovery pursuant to applicable state and federal statutes, the Federal Rules of Civil Procedure, case law, regulations, administrative orders or any other applicable rules, decisions or laws including, but not limited to, information protected by the attorney-client privilege, the work product doctrine and/or other applicable privilege. The specific objections stated below on the grounds of attorney-client privilege and/or work product in no way limit the generality of this objection. Nothing contained in these responses is intended to be nor should be considered a waiver of any attorney-client privilege, work product protection, the right of privacy or any other applicable privilege or doctrine, and to the extent that any request may be construed as calling for disclosure of information protected by such privileges or doctrines, a continuing objection to each and every such Request is hereby imposed. Any such protected information will not be provided.

2. Opposer generally objects to the Requests, including the instructions and definitions, to the extent they purport to impose upon Opposer obligations greater than those imposed by the Federal Rules of Civil Procedure, 37 C.F.R. § 2.120(i), or other applicable rules or laws.

3. Opposer generally objects to the Requests to the extent they ask Opposer to admit or deny facts that are protected from disclosure by agreements Opposer has with another entity, if any, or obligations Opposer has to another entity, if any.

4. Opposer generally objects to Applicant's definitions and instructions in the Requests to the extent they make the individual Requests vague, ambiguous or unintelligible, in that Applicant attributes new meanings to ordinary words or defines the same word to have multiple meanings.

5. Opposer generally objects to Applicant's Requests to the extent that they are overbroad, unduly burdensome or fail to describe the facts sought to be admitted or denied with a reasonable degree of specificity.

6. Opposer generally objects to the Requests to the extent that they ask Opposer to admit or deny facts that are not relevant to the parties' claims or defenses in this Opposition, or are not proportional to the needs of this Opposition. Opposer further objects to providing information pertaining to activities occurring outside of the United States.

7. Opposer generally objects to Applicant's Requests to the extent that they ask Opposer to admit or deny facts based on information that is not in Opposer's possession, custody or control.

### **REQUESTS AND RESPONSES**

#### **REQUEST FOR ADMISSION NO. 1:**

Admit that you have never sold any flour in the United States under any mark containing the term "royal".

#### **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiving the foregoing objections, Opposer responds as follows:

Denied.

#### **REQUEST FOR ADMISSION NO. 2:**

Admit that you have never sold any noodles in the United States under any mark containing the term "royal".

#### **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiving the foregoing objections, Opposer responds as follows:

Admitted.

**REQUEST FOR ADMISSION NO. 3:**

Admit that you have never sold any sugar in the United States under any mark containing the term “royal”.

**RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiving the foregoing objections, Opposer responds as follows:

Admitted.

**REQUEST FOR ADMISSION NO. 4:**

Admit that you have not sold any sauces in the United States under any mark containing the term “royal”.

**RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiving the foregoing objections, Opposer responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 5:**

Admit that during the past three years you have not sold any flour in the United States under any mark containing the term “royal”.

**RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiving the foregoing objections, Opposer responds as follows:

Denied.



**REQUEST FOR ADMISSION NO. 6:**

Admit that during the past three years you have not sold any noodles in the United States under any mark containing the term “royal”.

**RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiving the foregoing objections, Opposer responds as follows:

Admitted.

**REQUEST FOR ADMISSION NO. 7:**

Admit that during the past three years you have not sold any sugar in the United States under any mark containing the term “royal”.

**RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiving the foregoing objections, Opposer responds as follows:

Admitted.

**REQUEST FOR ADMISSION NO. 8:**

Admit that during the past three years you have not sold any sauces in the United States under any mark containing the term “royal”.

**RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiving the foregoing objections, Opposer responds as follows:

Admitted.

**REQUEST FOR ADMISSION NO. 9:**

Admit that you have never offered for sale any flour in the United States under or in connection with Opposer's Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiving the foregoing objections, Opposer responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 10:**

Admit that you have never offered for sale any noodles in the United States under or in connection with Opposer's Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiving the foregoing objections, Opposer responds as follows:

Admitted.

**REQUEST FOR ADMISSION NO. 11:**

Admit that you have never offered for sale any sugar in the United States under or in connection with Opposer's Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiving the foregoing objections, Opposer responds as follows:

Admitted.

**REQUEST FOR ADMISSION NO. 12:**

Admit that you have never offered for sale any sauces in the United States under or in connection with Opposer's Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiving the foregoing objections, Opposer responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 13:**

Admit that one or more third parties sell, under marks containing the term "royal", goods related to Opposer's Goods.

**RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request on the grounds that it seeks information protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "goods related to Opposer's Goods." Opposer further objects to this Request as seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Request on the grounds that it seeks information outside of its possession, custody, or control.

**REQUEST FOR ADMISSION NO. 14:**

Admit that one or more third parties offer for sale, under marks containing the term "royal", goods related to Opposer's Goods.

**RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request on the grounds that it seeks

information protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “goods related to Opposer’s Goods.” Opposer further objects to this Request as seeking information that is not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Request on the grounds that it seeks information outside of its possession, custody, or control.

**REQUEST FOR ADMISSION NO. 15:**

Admit that you have not licensed any of Opposer’s Marks to any third parties.

**RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as seeking information that is not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition. Subject to and without waiving the foregoing objections, Opposer responds as follows:

Admitted.

**REQUEST FOR ADMISSION NO. 16:**

Admit that in U.S. Trademark Registration No. 3990952, you disclaimed the term “royal” apart from the mark shown in said registration

**RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as seeking information that is not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “disclaimed the term ‘royal’ apart from the mark.” Subject to and without waiving the foregoing objections, Opposer responds as follows:

Admitted.

**REQUEST FOR ADMISSION NO. 17:**

Admit that, prior to filing the Notice of Opposition, you never made any written request to any third-party to stop using any mark containing the term “royal” for the sale of flour.

**RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as seeking information that is not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “written request to any third-party to stop using.” Subject to and without waiving the foregoing objections, Opposer responds as follows:

Admitted.

**REQUEST FOR ADMISSION NO. 18:**

Admit that, prior to filing the Notice of Opposition, you never made any written request to any third-party to stop using any mark containing the term “royal” for the sale of rice.

**RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overly broad and unduly burdensome and seeking information that is not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “written request to any third-party to stop using.” Subject to and without waiving the foregoing objections, Opposer responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 19:**

Admit that, prior to filing the Notice of Opposition, you never made any written request to any third-party to stop using any mark containing the term “royal” for the sale of sugar.

**RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overly broad and unduly burdensome and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "written request to any third-party to stop using." Subject to and without waiving the foregoing objections, Opposer responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 20:**

Admit that, prior to filing the Notice of Opposition, you never made any written request to any third-party to stop using any mark containing the term "royal" for the sale of noodles.

**RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overly broad and unduly burdensome and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "written request to any third-party to stop using." Subject to and without waiving the foregoing objections, Opposer responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 21:**

Admit that, prior to filing the Notice of Opposition, you never made any written request to any third-party to stop using any mark containing the term "royal" for the sale of sauces.

**RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overly broad and unduly burdensome and seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "written request to any third-party to stop using." Subject to and without waiving the foregoing objections, Opposer responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 22:**

Admit that you have never made any written request to any third-party to stop using the mark ROYAL CARIBBEAN for the sale of sugar.

**RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks information regarding "the mark ROYAL CARIBBEAN." Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "written request to any third-party to stop using."

**REQUEST FOR ADMISSION NO. 23:**

Admit that you have never made any written request to any third-party to stop using the mark ROYAL CARIBBEAN for the sale of flour.

**RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this

Opposition, including to the extent it seeks information regarding “the mark ROYAL CARIBBEAN.” Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “written request to any third-party to stop using.”

**REQUEST FOR ADMISSION NO. 24:**

Admit that you have never made any written request to any third-party to stop using the mark ROYAL CARIBBEAN for the sale of noodles.

**RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as seeking information that is not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks information regarding “the mark ROYAL CARIBBEAN.” Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “written request to any third-party to stop using.”

**REQUEST FOR ADMISSION NO. 25:**

Admit that you have never made any written request to any third-party to stop using the mark ROYAL CARIBBEAN for the sale of sauces.

**RESPONSE TO REQUEST FOR ADMISSION NO. 25:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as seeking information that is not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks information regarding “the mark ROYAL CARIBBEAN.” Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “written request to any third-party to stop using.”

**REQUEST FOR ADMISSION NO. 26:**

Admit that you have never made any written request to any third-party to stop using the mark ROYAL CARIBBEAN for the sale of rice.



**RESPONSE TO REQUEST FOR ADMISSION NO. 26:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks information regarding the mark ROYAL CARIBBEAN." Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "written request to any third-party to stop using."

**REQUEST FOR ADMISSION NO. 27:**

Admit that you have never made any written request to any third-party to stop using the mark ROYAL CARIBBEAN for the sale of any food products.

**RESPONSE TO REQUEST FOR ADMISSION NO. 27:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks information regarding "the mark ROYAL CARIBBEAN." Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "written request to any third-party to stop using."

**REQUEST FOR ADMISSION NO. 28:**

Admit that you are aware that your counsel of record represents a third party for the enforcement by said third-party of the mark ROYAL CARIBBEAN for use in connection with food products.

**RESPONSE TO REQUEST FOR ADMISSION NO. 28:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks information regarding "the mark ROYAL

CARIBBEAN.” Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “represents a third party for the enforcement by said third-party.”

**REQUEST FOR ADMISSION NO. 29:**

Admit that you are aware that your counsel of record represents a third party for the enforcement by said third-party of the mark ROYAL CARIBBEAN for use in connection with sugar.

**RESPONSE TO REQUEST FOR ADMISSION NO. 29:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as overly broad and unduly burdensome and seeking information that is not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks information regarding “the mark ROYAL CARIBBEAN.” Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “represents a third party for the enforcement by said third-party.”

**REQUEST FOR ADMISSION NO. 30:**

Admit that you waived any conflict of interest arising from your counsel-of-records’ concurrent representation of you in the present matter and of a third party in connection with the enforcement by said third-party of the mark ROYAL CARIBBEAN.

**RESPONSE TO REQUEST FOR ADMISSION NO. 30:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as seeking information that is not relevant to the parties’ claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks information regarding “the mark ROYAL CARIBBEAN.” Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase “represents a third party for the enforcement by said third-party.”

Opposer further objects to this Request on the grounds that it seeks information protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity.

**REQUEST FOR ADMISSION NO. 31:**

Admit that you have not waived any conflict of interest arising from your counsel-of-records' concurrent representation of you in the present matter and of a third party in connection with the enforcement by said third-party of the mark ROYAL CARIBBEAN.

**RESPONSE TO REQUEST FOR ADMISSION NO. 31:**

Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein. Opposer further objects to this Request as seeking information that is not relevant to the parties' claims or defenses and not proportional to the needs of this Opposition, including to the extent it seeks information regarding "the mark ROYAL CARIBBEAN. Opposer further objects to this Request as vague and ambiguous, particularly as to its use of the phrase "represents a third party for the enforcement by said third-party." Opposer further objects to this Request on the grounds that it seeks information protected by the attorney-client privilege, work product doctrine, or other applicable privilege or immunity.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 20, 2020

By: /Nicole Townes/

Steven J. Nataupsky  
Nicole Rossi Townes  
2040 Main Street, 14<sup>th</sup> Floor  
Irvine, CA 92614  
(949) 760-0404  
[efiling@knobbe.com](mailto:efiling@knobbe.com)  
Attorneys for Opposer,  
LT Overseas North America, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **OPPOSER'S RESPONSES TO FIRST SET OF REQUESTS FOR ADMISSION (NOS. 1-31)** upon Applicant's counsel on October 20, 2020 via electronic mail to:

Perry S. Clegg  
KUNZLER BEAN & ADAMSON, PC  
[pclegg@kba.law](mailto:pclegg@kba.law), [mbartholomew@kba.law](mailto:mbartholomew@kba.law), [aorr@kba.law](mailto:aorr@kba.law), [docket@kunzlerlaw.com](mailto:docket@kunzlerlaw.com),  
[bpartis@kba.law](mailto:bpartis@kba.law), [mnelson@kba.law](mailto:mnelson@kba.law)

/Sarah Couvillion/  
\_\_\_\_\_  
Sarah Beno Couvillion

33037917

# **EXHIBIT 7**

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

LT Overseas North America, Inc.,	)	Opposition No.: 91248318
	)	
Opposer,	)	Mark: ROYAL GUYANA
	)	
v.	)	
	)	
Steven Yassin,	)	
	)	
Applicant.	)	

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**OPPOSER’S FIRST SET OF REQUESTS FOR THE  
PRODUCTION OF DOCUMENTS AND THINGS (NOS. 1–50)**

Pursuant to Rule 2.120(d) of the U.S. Patent and Trademark Office’s (“PTO”) Trademark Rules of Practice, 37 C.F.R. § 2.120(d), and Rule 34 of the Federal Rules of Civil Procedure (“FRCP”), Opposer LT Overseas North America, Inc. (“Opposer”) hereby requests that Applicant Steven Yassin (“Applicant”) produce the following documents and things for inspection and copying at the offices of Knobbe, Martens, Olson & Bear LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, or such other place as may be agreed between the parties, within thirty (30) days of service hereof in accordance with Rule 2.210(a) of the Trademark Rules of Practice and Rule 34 of the FRCP.

**DEFINITIONS**

The following definitions shall apply to each of the Document Requests herein:

1. The term “Applicant” shall refer to Steven Yassin individually and any representatives acting on his behalf, including, but not limited to, entities or individuals involved in Mr. Yassin’s Salmo Corporation business such as any present or former owner, officer, director, employee, servant, agent, attorney, or other representative acting on behalf of Salmo Corporation, and shall include any related entity, parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor, or affiliate.

2. The term “Opposer” shall refer to LT Overseas North America, Inc. and any present or former owner, officer, director, employee, servant, agent, attorney or other representative acting on behalf of it, and shall include any parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor, or affiliate.

3. The term “Opposer’s predecessors-in-interest” shall refer to Basmati Rice Imports Inc., Aromati Foodstuff Trading, and Kusha Inc. and any present or former owner, officer, director, employee, servant, agent, attorney or other representative acting on their behalf, and shall include any parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor or affiliate.

4. The terms “You” or “Your” shall mean Applicant.

5. As used herein, the term “document” shall mean all writings, recordings, photographs, or other documents within the scope of Rule 1001 of the Federal Rules of Evidence or Rule 34 of the Federal Rules of Civil Procedure, including without limitation written, printed, typed, electronically stored, magnetically stored, optically stored, and visually or aurally reproduced material of any kind, whether or not privileged. The term “document” shall include both the original of a document and all distinct copies thereof, including, without limitation, copies that are distinct due to the presence of notes made on or attached to the document.

6. A document or thing “relating” or which “relates” to any given subject means any document or thing that comprises, constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject, including, without limitation, documents concerning the preparation of other documents.

7. The term “person” shall include both natural persons and corporate or other business entities, whether or not in the employ of Applicant, and the acts and knowledge of a person are defined to include the acts and knowledge of that person’s directors, officers, members, employees, representatives, agents and attorneys.

8. The terms “trademark” or “mark” shall include trademarks, service marks, collective marks, certification marks, and trade names as defined in 15 U.S.C. § 1127.

9. The phrases “use in commerce,” “use in United States commerce,” “used in commerce” and “used in United States commerce,” and similar phrases, shall mean and refer to the definition provided under 15 U.S.C. § 1127.

10. The terms “all” and “each” shall be construed to include all and each.

11. The term “and” shall be construed to include “or” and *vice versa*, and shall be the logical equivalent of “and/or,” as necessary in order to bring within the scope of the Document Request all responses which might otherwise be construed as outside its scope.

12. The term “Applicant’s Mark” shall mean the mark ROYAL GUYANA as shown in U.S. Trademark Application Serial Number 88/050900.

13. The term “Applicant’s Application” shall mean U.S. Trademark Application Serial Number 88/050900.

14. The term “Notice of Opposition” shall refer to the Notice of Opposition filed in connection with Opposition No. 91248318.

15. The term “Applicant’s Goods” shall mean and refer to the goods Applicant offers, distributes or sells, has offered, distributed or sold, or intends to offer, distribute or sell, in connection with Applicant’s Mark, including, but not limited to, Applicant’s goods identified in Applicant’s Application, namely, “flour; noodles; sauces; sugar.”

16. The term “Opposer’s Marks” shall collectively refer to all of Opposer’s marks alleged in Opposer Notice of Opposition No. 91248318.

17. The term “Opposer’s Goods” shall mean and refer to all of the goods rendered or offered under Opposer’s Marks or as alleged in Opposer’s Notice of Opposition No. 91248318.

### **GENERAL INSTRUCTIONS**

1. If You claim that any documents or things requested are privileged, please provide all information falling within the scope of the Document Request which is not privileged,



and identify with sufficient particularity for purposes of a Motion to Compel each item, document or thing, separately, with respect to which You claim a privilege, and state:

- a. the basis on which the privilege is claimed;
- b. the author of the document, if applicable;
- c. each individual or other person to whom the document or copy thereof was sent or otherwise disclosed;
- d. the date of the document;
- e. the type of document (e.g., letter, memorandum, etc.); and
- f. the general subject matter of the document.

You are not requested to provide privileged information, documents or things for which You claim privilege but only to identify such information, documents or things.

2. Applicant's responses to the following Document Requests are to be promptly supplemented to include subsequently acquired information in accordance with the requirements of Rule 26(e) of the FRCP.

### **REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

#### **REQUEST FOR PRODUCTION NO. 1:**

All documents referring or relating to the origin, conception, creation, development, derivation, selection and/or adoption of Applicant's Mark, including, but not limited to, how Applicant created, conceived, selected, cleared, or acquired Applicant's Mark.

#### **REQUEST FOR PRODUCTION NO. 2:**

Documents and things sufficient to identify all individuals who assisted with or were otherwise involved in the conception, creation, development, derivation, selection, or adoption of Applicant's Mark.

#### **REQUEST FOR PRODUCTION NO. 3:**

All documents and things referring or relating to all variations and versions of Applicant's Mark, whether final or not and whether used or not, which were considered or developed for

Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 4:**

All communications regarding the design, development, creation, conception, derivation, selection, adoption, or approval of Applicant's Mark, including, but not limited to, the date of such communications.

**REQUEST FOR PRODUCTION NO. 5:**

All documents referring or relating to the reasons Applicant selected Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 6:**

All documents and things referring or relating to any searches (including trademark searches), research, inquiries or investigations relating to Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 7:**

All documents and things referring or relating to any searches (including trademark searches), research, inquiries or investigations relating to Opposer's Marks.

**REQUEST FOR PRODUCTION NO. 8:**

All documents relating to the first use in commerce of Applicant's Mark in the U.S., including, but not limited to, samples, invoices, advertisements, and marketing plans.

**REQUEST FOR PRODUCTION NO. 9:**

For any goods not yet in use, all documents referring or relating to the projected first use in commerce date of Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 10:**

All documents referring or relating to Applicant's use or intended use of any marks incorporating the word "ROYAL."

**REQUEST FOR PRODUCTION NO. 11:**

Documents sufficient to show the U.S. sales (in units and dollars) of Applicant's Goods by month and year from the date of first use of Applicant's Mark to the present by geographic area.

**REQUEST FOR PRODUCTION NO. 12:**

Documents sufficient to show anticipated U.S. sales of Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 13:**

Documents and things referring or relating to advertising, marketing, and/or promotion of Applicant's Mark or Applicant's Goods, including, but not limited to, media in which Applicant's Mark appears, labels, boxes, packaging, stickers, advertisements, brochures, flyers, pamphlets, promotional materials, magazines, articles, Internet advertisements, or other printed or electronic publications, websites, or domain names.

**REQUEST FOR PRODUCTION NO. 14:**

Documents sufficient to show Applicant's annual expenditures or anticipated annual expenditures in connection with marketing and/or promoting Applicant's Mark and/or Applicant's Goods in the U.S. since the date of first use in commerce to present.

**REQUEST FOR PRODUCTION NO. 15:**

All documents referring or relating to business plans, marketing plans, advertising plans, and/or business forecasts for Applicant's Goods and/or Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 16:**

All documents referring or relating to any advertising agencies or other person(s) which Applicant has used or intends to use in advertising or promoting any of Applicant's Goods or Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 17:**

All documents relating to market research conducted by Applicant in connection with Applicant's Mark or Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 18:**

Documents sufficient to identify Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 19:**

Documents sufficient to identify any marks that are used by You in connection with

Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 20:**

All documents relating to plans or steps toward expansion by Applicant of the types of products and/or services in connection with which Applicant's Mark is used or will be used.

**REQUEST FOR PRODUCTION NO. 21:**

Documents sufficient to identify each state within the United States where You have shipped or sold Applicant's Goods or where You intend to ship or sell Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 22:**

All documents relating to plans or steps to alter or expand the present channels of trade/distribution for Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 23:**

All documents relating to plans or steps to alter or expand the geographic areas where Applicant's Goods are sold.

**REQUEST FOR PRODUCTION NO. 24:**

All documents relating to plans or steps to expand the customer base for Applicant's Goods or to sell to persons other than Applicant's present purchasers of Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 25:**

Documents sufficient to identify the types of stores or channels of trade/distribution through which Applicant's Goods have been sold, are sold, or will be sold.

**REQUEST FOR PRODUCTION NO. 26:**

All documents and things referring or relating to plans to alter the present channels of trade/distribution for Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 27:**

All documents relating to the types, characteristics, demographics, geographic markets, or classes of persons who purchase or obtain Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 28:**

Documents sufficient to identify the level of sophistication/degree of care of the average consumer of Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 29:**

All documents and things referring or relating to the types, characteristics, demographics, geographic markets, classes or types of persons who purchase or obtain Applicant's Goods or who You intend to purchase or obtain Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 30:**

All documents relating to Your target market for Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 31:**

All documents referring or relating to plans to expand the customer base for Applicant's Goods or to sell Applicant's Goods to persons other than the present purchasers of Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 32:**

Documents sufficient to show the actual or anticipated wholesale or retail prices for Applicant's Goods, including, but not limited to, price lists for Applicant's Goods since the date of first use in commerce.

**REQUEST FOR PRODUCTION NO. 33:**

All documents relating to any analysis or investigation conducted by Applicant regarding Applicant's Mark or Opposer's Marks.

**REQUEST FOR PRODUCTION NO. 34:**

All documents relating to the circumstances surrounding Applicant's first awareness of Opposer, Opposer's predecessors-in-interest, Opposer's Marks and/or Opposer's Goods.

**REQUEST FOR PRODUCTION NO. 35:**

All documents relating to Opposer, Opposer's predecessors-in-interest, Opposer's Marks and/or Opposer's Goods, including, but not limited to, documents in connection with the

design and development of Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 36:**

All documents relating to any possible or actual confusion between Applicant, Applicant's Mark or Applicant's Goods, on the one hand, and Opposer, Opposer's predecessors-in-interest, Opposer's Marks or Opposer's Goods, on the other hand.

**REQUEST FOR PRODUCTION NO. 37:**

All communications between Applicant and any third-party referring or relating to Opposer, Opposer's predecessors-in-interest, Opposer's Marks, and/or Opposer's Goods.

**REQUEST FOR PRODUCTION NO. 38:**

Documents sufficient to show Applicant's efforts to enforce its rights in Applicant's Mark against any third party.

**REQUEST FOR PRODUCTION NO. 39:**

All documents referring or relating to Applicant's policies regarding retention, storage, filing and/or destruction of documents.

**REQUEST FOR PRODUCTION NO. 40:**

All documents and things identified in Applicant's responses to Opposer's Interrogatories or that were reviewed or relied upon in the preparation of Applicant's responses to Opposer's Interrogatories.

**REQUEST FOR PRODUCTION NO. 41:**

All documents and things relied upon in preparing Your responses to Opposer's Requests for Admission.

**REQUEST FOR PRODUCTION NO. 42:**

Documents sufficient to show any mention in the press of Applicant's Mark, including any Internet web pages, magazines, newspapers, or other printed publications that contain an article or other story relating to goods sold or offered for sale in connection with Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 43:**

All documents referring or relating to any promotional activities Applicant has undertaken in connection with Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 44:**

Documents and things sufficient to show Your continuous use of Applicant's Mark in connection with Applicant's Goods since the date of first use in commerce to present.

**REQUEST FOR PRODUCTION NO. 45:**

Documents and things referring or relating to all federal or state trademark registrations, applications, or common law marks owned or used by Applicant, or any third party, upon which Applicant will rely for any purpose in connection with the opposition filed against Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 46:**

Documents and things referring or relating to all trademark registrations or applications for Applicant's Mark in foreign countries.

**REQUEST FOR PRODUCTION NO. 47:**

Documents and things that Applicant will rely on in support of any defense Applicant has or will assert in this Opposition proceeding.

**REQUEST FOR PRODUCTION NO. 48:**

Documents sufficient to identify all retailers and distributors or anticipated retailers and distributors for Applicant's Goods.

**REQUEST FOR PRODUCTION NO. 49:**

All documents relating to any objections made by Applicant to the use by others of marks believed by Applicant to be confusingly similar to Applicant's Mark or otherwise relating to Applicant's efforts to enforce its rights in Applicant's Mark against any third-party.

**REQUEST FOR PRODUCTION NO. 50:**

All documents referring or relating to any contract or agreement, whether formal or

informal, that concern Applicant's Mark or any variation thereof.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 26, 2020

By: /Nicole Townes/  
Steven J. Nataupsky  
Nicole R. Townes  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
(949) 760-0404  
[efiling@knobbe.com](mailto:efiling@knobbe.com)  
Attorneys for Opposer,  
LT Overseas North America, Inc.



CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS (NOS. 1–50)** upon Applicant's counsel via email on March 26, 2020, addressed as follows.

Perry S. Clegg  
KUNZLER BEAN & ADAMSON, PC  
pclegg@kba.law, mbartholomew@kba.law, aorr@kba.law, docket@kunzlerlaw.com,  
bpartis@kba.law

/Sarah Couvillion/

Sarah Beno Couvillion

32412944

# **EXHIBIT 8**

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

LT Overseas North America, Inc.,	)	Opposition No.: 91248318
	)	
Opposer,	)	Mark: ROYAL GUYANA
	)	
v.	)	
	)	
Steven Yassin,	)	
	)	
Applicant.	)	

---

**OPPOSER'S FIRST SET OF INTERROGATORIES (NOS. 1-46)**

Pursuant to Rule 2.120(d) of the U.S. Patent and Trademark Office's ("PTO") Trademark Rules of Practice, 37 C.F.R. § 2.120(d), and Rule 33 of the Federal Rules of Civil Procedure ("FRCP"), Opposer LT Overseas North America, Inc. ("Opposer"), hereby requests that Applicant Steven Yassin ("Applicant"), answer separately and fully, in writing and under oath, each of the following Interrogatories, within thirty (30) days of service hereof in accordance with FRCP 33 and Rule 2.120(a) of the PTO's Trademark Rules of Practice.

**DEFINITIONS**

The following definitions shall apply to each of the Interrogatories herein:

1. The term "Applicant" shall refer to Steven Yassin individually and any representatives acting on his behalf, including, but not limited to, entities or individuals involved in Mr. Yassin's Salmo Corporation business such as any present or former owner, officer, director, employee, servant, agent, attorney, or other representative acting on behalf of Salmo Corporation, and shall include any related entity, parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor, or affiliate.

2. The term "Opposer" shall refer to LT Overseas North America, Inc. and any present or former owner, officer, director, employee, servant, agent, attorney or other

representative acting on behalf of it, and shall include any parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor, or affiliate.

3. The term “Opposer’s predecessors-in-interest” shall refer to Basmati Rice Imports Inc., Aromati Foodstuff Trading, and Kusha Inc. and any present or former owner, officer, director, employee, servant, agent, attorney or other representative acting on their behalf, and shall include any parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor or affiliate.

4. The terms “You” or “Your” shall mean Applicant.

5. As used herein, the term “document” shall mean all writings, recordings, photographs, or other documents within the scope of Rule 1001 of the Federal Rules of Evidence or Rule 34 of the Federal Rules of Civil Procedure, including without limitation written, printed, typed, electronically stored, magnetically stored, optically stored, and visually or aurally reproduced material of any kind, whether or not privileged. The term “document” shall include both the original of a document and all distinct copies thereof, including, without limitation, copies that are distinct due to the presence of notes made on or attached to the document.

6. The terms “all” and “each” shall be construed to include all and each.

7. The term “and” shall be construed to include “or” and *vice versa*, and shall be the logical equivalent of “and/or,” as necessary in order to bring within the scope of the Interrogatory all responses which might otherwise be construed as outside its scope.

8. The use of the singular form of any word also includes the plural and *vice versa*.

9. The phrases “use in commerce,” “use in United States commerce,” “used in commerce” and “used in United States commerce,” and similar phrases, shall mean and refer to the definition provided under 15 U.S.C. § 1127.

10. The term “person” shall include both natural persons and corporate or other business entities, whether or not in the employ of Applicant, and the acts and knowledge of a

person are defined to include the acts and knowledge of that person's directors, officers, members, employees, representatives, agents and attorneys.

11. The term "date" means the exact day, month and year, if ascertainable and, if not, the best approximation thereof.

12. The terms "trademark" or "mark" shall include trademarks, service marks, collective marks, certification marks, and trade names as defined in 15 U.S.C. § 1127.

13. The term "Applicant's Mark" shall mean and refer to the mark ROYAL GUYANA as shown in U.S. Trademark Application Serial Number 88/050900.

14. The term "Applicant's Application" shall mean U.S. Trademark Application Serial Number 88/050900.

15. The term "Applicant's Goods" shall mean and refer to the goods Applicant offers, distributes or sells, has offered, distributed or sold, or intends to offer, distribute or sell, in connection with Applicant's Mark, including, but not limited to, Applicant's goods identified in Applicant's Application, namely, "flour; noodles; sauces; sugar."

16. The term "Opposer's Marks" shall collectively refer to all of Opposer's marks alleged in Opposer's Notice of Opposition No. 91248318.

17. The term "Opposer's Goods" shall mean and refer to all of the goods sold or offered under Opposer's Marks or as alleged in Opposer's Notice of Opposition No. 91248318.

### **GENERAL INSTRUCTIONS**

1. All requests contained in the following Interrogatories to identify a person are to be answered by providing sufficient information to enable the undersigned to contact the person by telephone and mail and to serve legal documents on such person. If such person is a natural person, please state his or her full name and current business (including employer name) and residence addresses and telephone numbers. If such person is other than a natural person, please state its full name and designation (i.e. corporation, LLC, etc.), principal business address, and telephone number.

2. All requests contained in the following Interrogatories to identify a document means to provide a description in terms sufficient that the document can be readily and unambiguously sought in a Request for Production of Documents under Rule 34 of the Federal Rules of Civil Procedure. In lieu of such identification, Opposer will accept a clear and legible copy of the document at the time Applicant answers this set of Interrogatories with a correlation of the produced document to the Interrogatory number.

3. Applicant's obligation to respond to these Interrogatories is continuing, and the responses to the following Interrogatories are to be promptly supplemented to include subsequently acquired information in accordance with the requirements of Rule 26(e) of the Federal Rules of Civil Procedure.

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

Identify each person involved with the design, development, creation, conception, derivation, selection, adoption, or approval of Applicant's Mark.

#### **INTERROGATORY NO. 2:**

For each person identified in response to Interrogatory No. 1, describe the person's involvement in the design, development, creation, conception, derivation, selection, adoption, or approval of Applicant's Mark.

#### **INTERROGATORY NO. 3:**

Describe in detail the circumstances surrounding Applicant's selection and adoption of Applicant's Mark.

#### **INTERROGATORY NO. 4:**

Identify any variations of Applicant's Mark that were considered, but not adopted or used by You in connection with Applicant's Goods.

#### **INTERROGATORY NO. 5:**

Identify all uses by You of any mark incorporating "ROYAL" and/or any variant thereof.

**INTERROGATORY NO. 6:**

Describe all goods that have been promoted, sold, rendered or offered under Applicant's Mark in the U.S.

**INTERROGATORY NO. 7:**

Describe all goods that You plan or intend to offer, render or sell under Applicant's Mark in the U.S.

**INTERROGATORY NO. 8:**

For each of Applicant's Goods, identify the date that the good was first promoted, sold or distributed in connection with Applicant's Mark in the U.S.

**INTERROGATORY NO. 9:**

Describe in detail circumstances surrounding when Applicant ceased using Applicant's Mark in connection with any of Applicant's Goods for any period of time.

**INTERROGATORY NO. 10:**

State the net gross sales or anticipated sales on an annual basis (in units and dollars) of each of Applicant's Goods in the United States since the first use of Applicant's Mark in commerce until present.

**INTERROGATORY NO. 11:**

Describe the manner in which You advertise or plan to advertise Applicant's Mark and/or Applicant's Goods, including identifying the publications, radio stations, television stations, websites, advertising programs, or other media channels through which You have promoted or plan to promote the mark and/or goods.

**INTERROGATORY NO. 12:**

Identify the amount You have spent and plan to spend on advertising Applicant's Mark and/or Applicant's Goods.

**INTERROGATORY NO. 13:**

If You have not yet offered or sold certain goods and/or services under Applicant's Mark that You intend to offer or sell in the future, describe all steps undertaken by You to offer these goods and/or services under Applicant's Mark.

**INTERROGATORY NO. 14:**

Describe the trade channels, including identifying by name all retail stores, websites, and other outlets through which Applicant's Goods have been sold, are currently being sold, or will be sold.

**INTERROGATORY NO. 15:**

Describe any plans by You to expand the trade channels through which Applicant's Goods are sold.

**INTERROGATORY NO. 16:**

Identify the geographic locations (by state) where Applicant's Goods have been sold or distributed since the first use of Applicant's Mark in commerce until present.

**INTERROGATORY NO. 17:**

With respect to each geographic location identified in Interrogatory No. 16, state the period of time during which Applicant's Goods were offered, rendered, distributed and/or sold.

**INTERROGATORY NO. 18:**

Identify any geographic locations (by state) where You intend to sell or distribute Applicant's Goods.

**INTERROGATORY NO. 19:**

State the average wholesale and retail price or the average anticipated wholesale or retail price for each of Applicant's Goods.

**INTERROGATORY NO. 20:**

Describe any research (including, but not limited to, surveys, polls, market research, investigations, analyses, studies or searches) conducted by You or on Your behalf involving



Applicant's Mark and/or Applicant's Goods, including but not limited to, stating the person(s) who authorized the research, when the research was conducted, the person(s) who conducted the research, the reason the research was conducted, the results of the research, and identifying all documents relating to the research.

**INTERROGATORY NO. 21:**

Describe any research (including, but not limited to, surveys, polls, market research, investigations, analyses, studies or searches) conducted by You or on Your behalf involving Opposer's Marks, including but not limited to, stating the person(s) who authorized the research, when the research was conducted, the person(s) who conducted the research, the reason the research was conducted, the results of the research, and identifying all documents relating to the research.

**INTERROGATORY NO. 22:**

Describe the circumstances under which You first became aware of Opposer or Opposer's predecessors-in-interest, including identifying when You first became aware of Opposer or Opposer's predecessors-in-interest.

**INTERROGATORY NO. 23:**

Describe the circumstances under which You first became aware of Opposer's Marks, including identifying when You first became aware of Opposer's Marks.

**INTERROGATORY NO. 24:**

Describe the circumstances under which You first became aware of Opposer's Goods, including identifying when You first became aware of Opposer's Goods.

**INTERROGATORY NO. 25:**

Describe in what way any of Opposer's Marks were considered during the conception, creation, development and selection of Applicant's Mark.

**INTERROGATORY NO. 26:**

Describe any instances of actual or possible confusion of which You are aware between Applicant, Applicant's Mark, or Applicant's Goods, on the one hand, and Opposer, Opposer's predecessors-in-interest, Opposer's Marks, or Opposer's Goods, on the other hand.

**INTERROGATORY NO. 27:**

Identify each person whom You intend to call as a witness or expect will give evidence in this proceeding and state the subject matter about which each witness is expected to testify.

**INTERROGATORY NO. 28:**

Identify the target market and/or customer base for Applicant's Goods, including identifying and describing the type of individual and demographics (such as age and gender) to which You market or aim to market Applicant's Goods.

**INTERROGATORY NO. 29:**

Identify all websites (including social media), online ad agencies, or online search engines on which Applicant has promoted or intends to promote Applicant's Mark or Applicant's Goods.

**INTERROGATORY NO. 30:**

Identify every person or entity that Applicant has authorized to use Applicant's Mark.

**INTERROGATORY NO. 31:**

Describe in detail any license agreement between Applicant and any third party relating to Applicant's Mark.

**INTERROGATORY NO. 32:**

Describe any trademark searches conducted by or on behalf of Applicant in connection with Applicant's Mark.

**INTERROGATORY NO. 33:**

Identify all advertising agencies, public relations agencies or market research agencies which Applicant has used, participated with or cooperated with in connection with advertising, marketing, or promoting Applicant's Mark or Applicant's Goods.

**INTERROGATORY NO. 34:**

Describe all third-party uses of Opposer's Marks or marks that You contend are similar to Opposer's Marks, including identifying the third-party and describing the goods or services in connection with which the mark was used by the third-party.

**INTERROGATORY NO. 35:**

Identify any trade shows, conferences, or expositions attended by Applicant at which Applicant displayed or promoted Applicant's Mark or Applicant's Goods.

**INTERROGATORY NO. 36:**

Describe in detail every instance in which Applicant has ever disclaimed any association with Opposer, Opposer's predecessors-in-interest, Opposer's Goods and/or Opposer's Marks.

**INTERROGATORY NO. 37:**

Identify all persons who were consulted or participated in preparation of answers to Opposer's Interrogatories.

**INTERROGATORY NO. 38:**

Describe all promotional activities Applicant has undertaken in connection with Applicant's Mark.

**INTERROGATORY NO. 39:**

To the extent You contend that there is no likelihood of confusion between Applicant's Mark and Opposer's Marks, state the basis for Your contention.

**INTERROGATORY NO. 40:**

Describe in detail the level of sophistication/degree of care of the average consumer of Applicant's Goods.

**INTERROGATORY NO. 41:**

Identify all opinions, written or oral, You have received relating to Opposer's Goods and/or Opposer's Marks, including, but not limited to, identifying the person(s) who sought the opinion, the date the opinion was sought, the date the opinion was received, the person(s) who provided the opinion, the person(s) who received the opinion, and the subject matter of the opinion.

**INTERROGATORY NO. 42:**

Identify and describe any inquiries or comments You have received from third-parties relating to Opposer, Opposer's predecessors-in-interest, Opposer's Goods, or Opposer's Marks, including, but not limited to, stating who made the inquiry/comment, who received the inquiry/comment, when the inquiry/comment was received, the content of the inquiry/comment, and any steps taken by You after receiving the inquiry/comment.

**INTERROGATORY NO. 43:**

State the complete factual and legal basis for Your defense that "Opposer's alleged marks have not acquired distinctiveness for any related goods or are otherwise descriptive, highly diluted, and/or otherwise weak and should be limited in scope."

**INTERROGATORY NO. 44:**

State the complete factual and legal basis for Your defense that "[t]here is not a likelihood of confusion between Opposer's marks and the mark set forth in Application No. 88/050,900 for ROYAL GUYANA with respect to the goods identified therein."

**INTERROGATORY NO. 45:**

State the complete factual and legal basis for Your defense that "Opposer's alleged marks are not famous in any relevant field of goods or services. To the extent any of Opposer's marks have become famous in any relevant field of goods or services, which is hereby expressly denied, on information and belief, such alleged fame arose, if at all, after the filing date of Application No. 88/050,900 for ROYAL GUYANA."

State the complete factual and legal basis for Your defense that “[a]ny claims alleged by Opposer in the Notice of Opposition are barred by the equitable doctrine of laches, estoppel, acquiescence, waiver, or such other equitable doctrine as may be applicable.”

KNOBBE, MARTENS, OLSON & BEAR, LLP

By: Nicole Townes/  
Steven J. Nataupsky  
Nicole R. Townes  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
(949) 760-0404  
[efiling@knobbe.com](mailto:efiling@knobbe.com)  
Attorneys for Opposer,  
LT Overseas North America, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **OPPOSER'S FIRST SET OF INTERROGATORIES (NOS. 1–46)** upon Applicant's counsel via email on March 26, 2020, addressed as follows:

Perry S. Clegg  
KUNZLER BEAN & ADAMSON, PC  
pclegg@kba.law, mbartholomew@kba.law, aorr@kba.law, docket@kunzlerlaw.com,  
bpartis@kba.law

/Sarah Couvillion/

Sarah Beno Couvillion

32412438

# **EXHIBIT 9**

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

LT Overseas North America, Inc.,	)	Opposition No.: 91248318
	)	
Opposer,	)	Mark: ROYAL GUYANA
	)	
v.	)	
	)	
Steven Yassin,	)	
	)	
Applicant.	)	
	)	

**OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS (NOS. 1-17)**

Pursuant to the Rules of Practice of the United States Trademark Trial and Appeal Board, and Rule 36 of the Federal Rules of Civil Procedure (“FRCP”), Opposer LT Overseas North America, Inc. (“Opposer”) hereby request that Applicant Steven Yassin (“Applicant”) within thirty (30) days, admit or deny, in writing and under oath, each of the following Requests for Admissions subject to the following definitions and instructions.

## DEFINITIONS

As used herein, the following terms shall have the meanings set forth below:

1. The term “Applicant” shall refer to Steven Yassin individually and any representatives acting on his behalf, including, but not limited to, entities or individuals involved in Mr. Yassin’s Salmo Corporation business such as any present or former owner, officer, director, employee, servant, agent, attorney, or other representative acting on behalf of Salmo Corporation, and shall include any related entity, parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor, or affiliate.

2. The term “Opposer” shall refer to LT Overseas North America, Inc. and any present or former owner, officer, director, employee, servant, agent, attorney or other representative acting on behalf of it, and shall include any parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor, or affiliate.



3. The term “Opposer’s predecessors-in-interest” shall refer to Basmati Rice Imports Inc., Aromati Foodstuff Trading, and Kusha Inc. and any present or former owner, officer, director, employee, servant, agent, attorney or other representative acting on their behalf, and shall include any parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor or affiliate.

4. The terms “You” or “Your” shall mean Applicant.

5. The terms “trademark” or “mark” shall include trademarks, service marks, collective marks, certification marks, and trade names as defined in 15 U.S.C. § 1127.

6. The phrases “use in commerce,” “use in United States commerce,” “used in commerce” and “used in United States commerce,” and similar phrases, shall mean and refer to the definition provided under 15 U.S.C. § 1127.

7. The term “Applicant’s Mark” shall mean the mark ROYAL GUYANA as shown in U.S. Trademark Application Serial Number 88/050900.

8. The term “Applicant’s Application” shall mean U.S. Trademark Application Serial Number 88/050900.

9. The term “Notice of Opposition” shall refer to the Notice of Opposition filed in connection with Opposition No. 91248318.

10. The term “Applicant’s Goods” shall mean and refer to the goods Applicant offers, distributes or sells, has offered, distributed or sold, or intends to offer, distribute or sell, in connection with Applicant’s Mark, including, but not limited to, Applicant’s goods identified in Applicant’s Application, namely, “flour; noodles; sauces; sugar.”

11. The term “Opposer’s Marks” shall collectively refer to all of Opposer’s marks alleged in Opposer’s Notice of Opposition No. 91248318.

12. The term “Opposer’s Goods” shall mean and refer to all of the goods sold, distributed or offered under Opposer’s Marks or as alleged in Opposer’s Notice of Opposition No. 91248318.

## **GENERAL INSTRUCTIONS**

1. If Applicant denies any of Opposer's Requests for Admission, any such denial shall deny specifically the matter or explain why Applicant cannot admit or deny the matter. A denial shall fairly meet the substance of the Request for Admission, and when good faith requires Applicant to qualify its answer or deny only a portion of a Request for Admission, Applicant shall admit so much of it as true and qualify or deny the remainder.

2. Applicant shall not give lack of information or knowledge as a reason for failure to admit or deny unless it states that it has made a reasonable inquiry and that the information known or readily obtainable by Applicant is insufficient to enable it to admit or deny.

## **REQUESTS FOR ADMISSIONS**

### **REQUEST FOR ADMISSION NO. 1:**

Admit that Opposer's or Opposer's predecessors-in-interest use of Opposer's Marks predates the filing date of Applicant's Application.

### **REQUEST FOR ADMISSION NO. 2:**

Admit that Opposers or Opposer's predecessors-in-interest used Opposer's Marks before Applicant used Applicant's Mark.

### **REQUEST FOR ADMISSION NO. 3:**

Admit that prior to selecting Applicant's Mark, Applicant was aware of Opposer or Opposer's predecessors-in-interest.

### **REQUEST FOR ADMISSION NO. 4:**

Admit that prior to selecting Applicant's Mark, Applicant was aware of one or more of Opposer's Marks.

### **REQUEST FOR ADMISSION NO. 5:**

Admit that Applicant's Mark and Opposer's Marks could be encountered by the same class of consumers.

### **REQUEST FOR ADMISSION NO. 6:**

Admit that Applicant's Mark and Opposer's Marks are encountered by the same class of

consumers.

**REQUEST FOR ADMISSION NO. 7:**

Admit that Applicant's Goods and Opposer's Goods travel through the same channels of trade.

**REQUEST FOR ADMISSION NO. 8:**

Admit that Applicant's Application does not contain any restrictions as to the channels of trade.

**REQUEST FOR ADMISSION NO. 9:**

Admit that use of Applicant's Mark in connection with Applicant's Goods damages Opposer's Marks.

**REQUEST FOR ADMISSION NO. 10:**

Admit that registration of Applicant's Mark in connection with Applicant's Goods damages Opposer's Marks.

**REQUEST FOR ADMISSION NO. 11:**

Admit that Applicant's Mark and Opposer's Marks are similar in sound.

**REQUEST FOR ADMISSION NO. 12:**

Admit that Applicant's Mark and Opposer's Marks are similar in meaning.

**REQUEST FOR ADMISSION NO. 13:**

Admit that Applicant's Mark and Opposer's Marks are similar in appearance.

**REQUEST FOR ADMISSION NO. 14:**

Admit that Applicant's Mark and Opposer's Marks are similar in commercial impression.

**REQUEST FOR ADMISSION NO. 15:**

Admit that Applicant is aware of instances of confusion between Applicant's Mark and Opposer's Marks.

**REQUEST FOR ADMISSION NO. 16:**

Admit that Applicant has received inquiries regarding Opposer, Opposer's predecessors-in-interest, Opposer's Marks or Opposer's Goods.

**REQUEST FOR ADMISSION NO. 17:**

Admit that a likelihood of confusion exists between Applicant's Mark and Opposer's Marks.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 26, 2020

By:                     /Nicole Townes/  
Steven J. Nataupsky  
Nicole R. Townes  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
(949) 760-0404  
[efiling@knobbe.com](mailto:efiling@knobbe.com)  
Attorneys for Opposer,  
LT Overseas North America, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS (NOS. 1–17)** upon Applicant's counsel via email on March 26, 2020, addressed as follows:

Perry S. Clegg  
KUNZLER BEAN & ADAMSON, PC  
pclegg@kba.law, mbartholomew@kba.law, aorr@kba.law, docket@kunzlerlaw.com,  
bpartis@kba.law

/Sarah Couvillion/  
\_\_\_\_\_  
Sarah Beno Couvillion

32413117

# **EXHIBIT 10**

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

<b>LT OVERSEAS NORTH AMERICA, INC.,</b>  Opposer,  v.  <b>STEVEN YASSIN,</b>  Applicant.	Opposition No. 91248318  Mark: ROYAL GUYANA Int'l Class: 030 Serial No.: 88/050,900 Filed: July 24, 2018 Published: January 22, 2019
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**APPLICANT'S RESPONSES TO OPPOSER'S  
FIRST SET OF REQUESTS FOR PRODUCTION**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant Steven Yassin ("Yassin" or "Applicant"), by his attorneys, hereby responds to the First Set of Requests for Production served by Opposer LT Overseas North America ("LT Overseas" or "Opposer"), as follows:

**PRELIMINARY STATEMENTS AND OBJECTIONS TO DEFINITIONS**

1. Applicant objects to the Definitions in Opposer's Requests to the extent that such matters attempt to expand the requirements or scope of the Federal Rules of Civil Procedure or any applicable regulations and rules, thereby making the definitions overly broad and unduly burdensome.

2. By responding to a particular Request, Applicant does not intend to represent, nor does he represent, that any particular document or information exists or has ever existed in his possession, custody, or control.

3. In responding to these discovery Requests, Applicant does not in any manner waive or intend to waive, but rather intends to preserve and is preserving: (1) all objections as to competency, relevance, materiality, and admissibility; (2) all rights to object on any ground to the use of any of the responses herein or documents in any proceeding, motion, hearing, or the trial of this or any other action; and (3) all rights to object on any ground to further discovery requests involving or related to any of the Requests herein.

4. If Applicant states that he “will produce” documents or things in response to any Request herein, it shall not be deemed an admission that any such documents or things actually exist, but should merely be construed to mean that, subject to Applicant’s objections, Applicant will only produce such responsive documents as actually exist and are in the possession, custody, or control of Applicant and which have not already been produced.

### **DEFINITIONS OF SPECIFIC OBJECTIONS**

1. “Vague and ambiguous” is defined to mean: Applicant objects on the basis that and insofar as the Request is vague, uncertain and ambiguous.

2. “Overbroad” is defined to mean: Applicant objects on the basis that and insofar as the Request is overbroad and calls for an expansive potential breadth of documents that is unreasonable in scope and parameter. See Fed. R. Civ. P. 26(b)(1).

3. “Irrelevant” is defined to mean: Applicant objects on the basis that and insofar as the Request calls for documents that are irrelevant to the subject matter of this action. See Fed. R. Civ. P. 26(b)(1).

4. “Disproportionate” is defined to mean: Applicant objects on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to



relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the proposed Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b)(1).

5. "Duplicative" is defined to mean: Applicant objects on the basis that and insofar as the Request calls for documents that are unreasonably cumulative or duplicative of other discovery. See Fed. R. Civ. P. 26(b)(2)(C)(i).

6. "Burdensome" is defined to mean: Applicant objects on the basis that the Request is so broad and uncertain that it creates an unreasonable and undue burden, and/or the documents sought are more readily obtainable through other, more convenient, less burdensome, or less expensive sources. See Fed. R. Civ. P. 26(b)(2)(C)(i).

7. "Compound" is defined to mean: Applicant objects on the basis that and insofar as the Request contains one or more discrete subparts each of which constitutes a separate Request. See Fed. R. Civ. P. 33(a)(1).

8. "Privileged" is defined to mean: Applicant objects on the basis that and insofar as the Request calls for information that is (1) protected by the attorney-client privilege; (2) protected by the work-product doctrine; (3) protected because it consists, in whole or in part, of trial preparation materials and/or contains mental impressions, conclusions, opinions or legal theories of counsel; (4) otherwise protected under Rule 26 of the Federal Rules of Civil Procedure; and/or (5) protected under any other valid privilege.

9. "Premature" is defined to mean: Applicant objects on the basis that the Request calls for information not available at this stage of the litigation or calls for conclusions, opinions or theories that cannot be ascertained or developed prior to the completion of discovery or without the benefit of expert analysis.

10. “Assumes facts” is defined to mean: Applicant objects on the basis that and insofar as the Request is based upon a premise or upon assumed facts that are or may be untrue or unsupported by the evidence in this matter.

11. The phrase “Subject to and without waiving its objections,” or words having similar effect, is defined to mean: Notwithstanding the fact that Applicant will produce certain information and/or documents in response to a Request, information sought by the Request which is covered by a specific objection may not be produced.

12. Additional responsive and non-privileged documents, if any, will be produced by Applicant at a time mutually agreeable to the parties and/or by supplementation of these Responses. Applicant reserves the right to supplement its Responses as additional information becomes available to Applicant and its counsel.

### **ANSWERS TO REQUESTS FOR PRODUCTION**

#### **REQUEST FOR PRODUCTION NO. 1:**

All documents referring or relating to the origin, conception, creation, development, derivation, selection and/or adoption of Applicant’s Mark, including, but not limited to, how Applicant created, conceived, selected, cleared, or acquired Applicant’s Mark.

#### **RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request

on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce “all” documents “referring or relating to the origin, conception, creation, development, derivation, selection and/or adoption of Applicant’s Mark. . .” Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

#### **REQUEST FOR PRODUCTION NO. 2:**

Documents and things sufficient to identify all individuals who assisted with or were otherwise involved in the conception, creation, development, derivation, selection, or adoption of Applicant’s Mark.

#### **RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce documents regarding “all individuals who assisted with or

were otherwise involved in the conception, creation, development, derivation, selection, or adoption of Applicant's Mark . . ." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

### **REQUEST FOR PRODUCTION NO. 3:**

All documents and things referring or relating to all variations and versions of Applicant's Mark, whether final or not and whether used or not, which were considered or developed for Applicant's Goods.

#### **RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to

produce documents regarding “all variations and versions of Applicant’s Mark, whether final or not and whether used or not, which were considered or developed for Applicant’s Goods.”

Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

#### **REQUEST FOR PRODUCTION NO. 4:**

All communications regarding the design, development, creation, conception, derivation, selection, adoption, or approval of Applicant’s Mark, including, but not limited to, the date of such communications.

#### **RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce documents regarding “the design, development, creation, conception, derivation, selection, adoption, or approval of Applicant’s Mark.” Applicant further

objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

#### **REQUEST FOR PRODUCTION NO. 5:**

All documents referring or relating to the reasons Applicant selected Applicant's Mark.

#### **RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce all documents "referring or relating to the reasons Applicant selected Applicant's Mark." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged

documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 6:**

All documents and things referring or relating to any searches (including trademark searches), research, inquiries or investigations relating to Applicant's Mark.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce all documents "referring or relating to any searches (including trademark searches), research, inquiries or investigations relating to Applicant's Mark." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 7:**

All documents and things referring or relating to any searches (including trademark searches), research, inquiries or investigations relating to Opposer's Marks.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce all documents "referring or relating to any searches (including trademark searches), research, inquiries or investigations relating to Opposer's Marks." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 8:**

All documents relating to the first use in commerce of Applicant's Mark in the U.S., including, but not limited to, samples, invoices, advertisements, and marketing plans.



RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce all documents "relating to the first use in commerce of Applicant's Mark in the U.S. . . ." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 9:**

For any goods not yet in use, all documents referring or relating to the projected first use in commerce date of Applicant's Mark.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce all documents "referring or relating to the projected first use in commerce date. . . ." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 10:**

All documents referring or relating to Applicant's use or intended use of any marks incorporating the word "ROYAL."

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the

discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce all documents "referring or relating to Applicant's use or intended use of any marks incorporating the word "ROYAL." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

#### **REQUEST FOR PRODUCTION NO. 11:**

Documents sufficient to show the U.S. sales (in units and dollars) of Applicant's Goods by month and year from the date of first use of Applicant's Mark to the present by geographic area.

#### **RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the

discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce all documents "U.S. sales (in units and dollars) of Applicant's Goods by month and year from the date of first use of Applicant's Mark to the present by geographic area." Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 12:**

Documents sufficient to show anticipated U.S. sales of Applicant's Goods.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the

parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce all documents sufficient to show "anticipated sales."

Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

#### **REQUEST FOR PRODUCTION NO. 13:**

Documents and things referring or relating to advertising, marketing, and/or promotion of Applicant's Mark or Applicant's Goods, including, but not limited to, media in which Applicant's Mark appears, labels, boxes, packaging, stickers, advertisements, brochures, flyers, pamphlets, promotional materials, magazines, articles, Internet advertisements, or other printed or electronic publications, websites, or domain names.

#### **RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs

of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce all documents "referring or relating to advertising, marketing, and/or promotion of Applicant's Mark or Applicant's Goods." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 14:**

Documents sufficient to show Applicant's annual expenditures or anticipated annual expenditures in connection with marketing and/or promoting Applicant's Mark and/or Applicant's Goods in the U.S. since the date of first use in commerce to present.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs

of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce all documents "sufficient to show Applicant's annual expenditures or anticipated annual expenditures in connection with marketing and/or promoting." Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 15:**

All documents referring or relating to business plans, marketing plans, advertising plans, and/or business forecasts for Applicant's Goods and/or Applicant's Mark.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce all documents "referring or relating to business plans, marketing plans, advertising plans, and/or business forecasts for Applicant's Goods and/or Applicant's Mark." Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.



## **REQUEST FOR PRODUCTION NO. 16:**

All documents referring or relating to any advertising agencies or other person(s) which Applicant has used or intends to use in advertising or promoting any of Applicant's Goods or Applicant's Mark.

### **RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce all documents "referring or relating to any advertising agencies or other person(s) which Applicant has used or intends to use in advertising or promoting . . . ." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged

documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 17:**

All documents relating to market research conducted by Applicant in connection with Applicant's Mark or Applicant's Goods.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce all documents "relating to market research conducted by Applicant . . . ." Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 18:**

Documents sufficient to identify Applicant's Goods.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 19:**

Documents sufficient to identify any marks that are used by You in connection with Applicant's Goods.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 20:**

All documents relating to plans or steps toward expansion by Applicant of the types of products and/or services in connection with which Applicant's Mark is used or will be used.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous in seeking for Applicant to produce all documents "relating to plans or steps toward expansion. . . ." Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

## **REQUEST FOR PRODUCTION NO. 21:**

Documents sufficient to identify each state within the United States where You have shipped or sold Applicant's Goods or where You intend to ship or sell Applicant's Goods.

### RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "each state . . . where You have shipped or sold," and "where You intend to ship or sell . . . ." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 22:**

All documents relating to plans or steps to alter or expand the present channels of trade/distribution for Applicant's Goods.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "plans or steps to alter or expand the present channels of trade/distribution . . . ." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 23:**

All documents relating to plans or steps to alter or expand the geographic areas where Applicant's Goods are sold.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "plans or steps to alter or expand the geographic areas . . . ." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.



**REQUEST FOR PRODUCTION NO. 24:**

All documents relating to plans or steps to expand the customer base for Applicant's Goods or to sell to persons other than Applicant's present purchasers of Applicant's Goods.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "plans or steps to expand the customer base . . . or to sell to persons other than Applicant's present purchasers. . . ." Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged

documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 25:**

Documents sufficient to identify the types of stores or channels of trade/distribution through which Applicant's Goods have been sold, are sold, or will be sold.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "types of stores or channels of trade/distribution through which Applicant's Goods have been sold, are sold, or will be sold. . . ." Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 26:**

All documents and things referring or relating to plans to alter the present channels of trade/distribution for Applicant's Goods.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "documents and things referring or relating to plans to alter the present channels of trade/distribution . . . ." Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the

mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 27:**

All documents relating to the types, characteristics, demographics, geographic markets, or classes of persons who purchase or obtain Applicant's Goods.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "documents relating to the types, characteristics, demographics, geographic markets, or classes of persons . . . ." Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers.

Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 28:**

Documents sufficient to identify the level of sophistication/degree of care of the average consumer of Applicant's Goods.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "level of sophistication/degree of care of the average consumer of Applicant's Goods." Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly

sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 29:**

All documents and things referring or relating to the types, characteristics, demographics, geographic markets, classes or types of persons who purchase or obtain Applicant's Goods or who You intend to purchase or obtain Applicant's Goods.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "referring or

relating to the types, characteristics, demographics, geographic markets, classes or types of persons.” Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 30:**

All documents relating to Your target market for Applicant’s Goods.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant’s Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding “relating to Your

target market . . .” Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 31:**

All documents referring or relating to plans to expand the customer base for Applicant’s Goods or to sell Applicant’s Goods to persons other than the present purchasers of Applicant’s Goods.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant’s Mark. Applicant further objects to this Request on the basis that it is unduly



burdensome, overbroad, disproportionate, and vague and ambiguous regarding “plans to expand the customer base . . . or to sell Applicant’s Goods to persons other than the present purchasers. . . .” Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

#### **REQUEST FOR PRODUCTION NO. 32:**

Documents sufficient to show the actual or anticipated wholesale or retail prices for Applicant’s Goods, including, but not limited to, price lists for Applicant’s Goods since the date of first use in commerce.

#### **RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is

not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "actual or anticipated wholesale or retail prices for Applicant's Goods . . . ." Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 33:**

All documents relating to any analysis or investigation conducted by Applicant regarding Applicant's Mark or Opposer's Marks.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request

on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding “analysis or investigation conducted by Applicant . . . .” Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 34:**

All documents relating to the circumstances surrounding Applicant’s first awareness of Opposer, Opposer’s predecessors-in-interest, Opposer’s Marks and/or Opposer’s Goods.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding “circumstances surrounding Applicant’s first awareness of . . . .” Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental

impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 35:**

All documents relating to Opposer, Opposer's predecessors-in-interest, Opposer's Marks and/or Opposer's Goods, including, but not limited to, documents in connection with the design and development of Applicant's Mark.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "relating to Opposer, Opposer's predecessors-in-interest, Opposer's Marks and/or Opposer's Goods . . . ." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 36:**

All documents relating to any possible or actual confusion between Applicant, Applicant's Mark or Applicant's Goods, on the one hand, and Opposer, Opposer's predecessors-in-interest, Opposer's Marks or Opposer's Goods, on the other hand.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "any possible or actual confusion . . . ." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 37:**

All communications between Applicant and any third-party referring or relating to Opposer, Opposer's predecessors-in-interest, Opposer's Marks, and/or Opposer's Goods.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "referring or relating to Opposer . . . ." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 38:**

Documents sufficient to show Applicant's efforts to enforce its rights in Applicant's Mark against any third party.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "efforts to enforce its rights . . . ." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 39:**

All documents referring or relating to Applicant's policies regarding retention, storage, filing and/or destruction of documents.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "policies regarding retention, storage, filing and/or destruction of documents . . . ." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 40:**

All documents and things identified in Applicant's responses to Opposer's Interrogatories or that were reviewed or relied upon in the preparation of Applicant's responses to Opposer's Interrogatories.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs



of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

#### **REQUEST FOR PRODUCTION NO. 41:**

All documents and things relied upon in preparing Your responses to Opposer's Requests for Admission.

#### **RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal

counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 42:**

Documents sufficient to show any mention in the press of Applicant's Mark, including any Internet web pages, magazines, newspapers, or other printed publications that contain an article or other story relating to goods sold or offered for sale in connection with Applicant's Mark.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 43:**

All documents referring or relating to any promotional activities Applicant has undertaken in connection with Applicant's Mark.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "promotional activities Applicant has undertaken in connection with Applicant's Mark." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 44:**

Documents and things sufficient to show Your continuous use of Applicant's Mark in connection with Applicant's Goods since the date of first use in commerce to present.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 45:**

Documents and things referring or relating to all federal or state trademark registrations, applications, or common law marks owned or used by Applicant, or any third party, upon which Applicant will rely for any purpose in connection with the opposition filed against Applicant's Mark.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request to the extent it seeks information and documents that are publicly available, including through the USPTO. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 46:**

Documents and things referring or relating to all trademark registrations or applications for Applicant's Mark in foreign countries.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request to the extent it seeks information and documents that are publicly available. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 47:**

Documents and things that Applicant will rely on in support of any defense Applicant has or will assert in this Opposition proceeding.

RESPONSE:

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the

discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 48:**

Documents sufficient to identify all retailers and distributors or anticipated retailers and distributors for Applicant's Goods.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Request is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "all retailers and

distributors or anticipated retailers and distributors . . . .” Applicant also objects to this Request on grounds that it is vague and ambiguous regarding “Applicant’s Goods,” to the extent that Opposer defines such term to include, among other goods, goods that Applicant may “intend[] to offer, distribute or sell” “in connection with Applicant’s Mark.” Applicant further objects to this Request to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 49:**

All documents relating to any objections made by Applicant to the use by others of marks believed by Applicant to be confusingly similar to Applicant’s Mark or otherwise relating to Applicant’s efforts to enforce its rights in Applicant’s Mark against any third-party.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request



outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

**REQUEST FOR PRODUCTION NO. 50:**

All documents referring or relating to any contract or agreement, whether formal or informal, that concern Applicant's Mark or any variation thereof.

**RESPONSE:**

Applicant objects to this Request as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Request on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous regarding "any contract or agreement . . . that concern Applicant's Mark or any variation thereof." Applicant further objects to this Request to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Applicant may supplement or amend his response upon receipt of additional information.

Subject to and without waiving its objections, and to the extent that responsive documents have not already been produced, Applicant will produce responsive, non-privileged documents, if any, in his possession, custody, or control at a time and place mutually agreeable to the parties.

Dated: May 29, 2020

Respectfully Submitted,

By: /s/ Perry S. Clegg  
Perry S. Clegg (USB No. 7831)  
**KUNZLER BEAN & ADAMSON, PC**  
50 W. Broadway, Suite 1000  
Salt Lake City, UT 84101  
Tel: (801) 994-4646  
Fax: (801) 531-1929  
pclegg@kba.law

*Attorneys for Applicant,  
Steven Yassin*

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 29, 2020, I caused a copy of the foregoing **APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION** to be electronically served on Opposer's counsel of record by email as of the same date as follows:

Nicole R. Townes - [Nicole.Townes@knobbe.com](mailto:Nicole.Townes@knobbe.com), [efiling@knobbe.com](mailto:efiling@knobbe.com)

/Perry S. Clegg/  
Perry S. Clegg

# **EXHIBIT 11**

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

<b>LT OVERSEAS NORTH AMERICA, INC.,</b>  Opposer,  v.  <b>STEVEN YASSIN,</b>  Applicant.	Opposition No. 91248318  Mark: ROYAL GUYANA Int'l Class: 030 Serial No.: 88/050,900 Filed: July 24, 2018 Published: January 22, 2019
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**APPLICANT'S RESPONSES TO 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, Applicant Steven Yassin ("Yassin" or "Applicant"), by his attorneys, hereby responds to the First Set of Interrogatories (the "Interrogatories" or "Requests") served by Opposer LT Overseas North America ("LT Overseas" or "Opposer"), as follows:

**PRELIMINARY STATEMENTS AND OBJECTIONS TO DEFINITIONS**

1. Applicant objects to the Definitions in Opposer's Interrogatories to the extent that such matters attempt to expand the requirements or scope of the Federal Rules of Civil Procedure or any applicable regulations and rules, thereby making the definitions overly broad and unduly burdensome.

2. By responding to a particular Interrogatory, Applicant does not intend to represent, nor does it represent, that any particular document or information exists or has ever existed in his possession, custody, or control.

3. In responding to these Interrogatories, Applicant does not in any manner waive or intend to waive, but rather intends to preserve and is preserving: (1) all objections as to competency, relevance, materiality, and admissibility; (2) all rights to object on any ground to the use of any of the responses herein or documents in any proceeding, motion, hearing, or the trial of this or any other action; and (3) all rights to object on any ground to further discovery requests involving or related to any of the Interrogatories herein.

#### DEFINITIONS OF SPECIFIC OBJECTIONS

1. “Vague and ambiguous” is defined to mean: Applicant objects on the basis that and insofar as the Interrogatory is vague, uncertain and ambiguous.

2. “Overbroad” is defined to mean: Applicant objects on the basis that and insofar as the Interrogatory is overbroad and calls for an expansive potential breadth of documents that is unreasonable in scope and parameter. See Fed. R. Civ. P. 26(b)(1).

3. “Irrelevant” is defined to mean: Applicant objects on the basis that and insofar as the Interrogatory calls for documents that are irrelevant to the subject matter of this action. See Fed. R. Civ. P. 26(b)(1).

4. “Disproportionate” is defined to mean: Applicant objects on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b)(1).

5. “Duplicative” is defined to mean: Applicant objects on the basis that and insofar as the Interrogatory calls for documents that are unreasonably cumulative or duplicative of other discovery. See Fed. R. Civ. P. 26(b)(2)(C)(i).

6. “Burdensome” is defined to mean: Applicant objects on the basis that the Interrogatory is so broad and uncertain that it creates an unreasonable and undue burden, and/or the documents sought are more readily obtainable through other, more convenient, less burdensome, or less expensive sources. See Fed. R. Civ. P. 26(b)(2)(C)(i).

7. “Compound” is defined to mean: Applicant objects on the basis that and insofar as the Interrogatory contains one or more discrete subparts each of which constitutes a separate Interrogatory. See Fed. R. Civ. P. 33(a)(1).

8. “Privileged” is defined to mean: Applicant objects on the basis that and insofar as the Interrogatory calls for information that is (1) protected by the attorney-client privilege; (2) protected by the work-product doctrine; (3) protected because it consists, in whole or in part, of trial preparation materials and/or contains mental impressions, conclusions, opinions or legal theories of counsel; (4) otherwise protected under Rule 26 of the Federal Rules of Civil Procedure; and/or (5) protected under any other valid privilege.

9. “Premature” is defined to mean: Applicant objects on the basis that the Interrogatory calls for information not available at this stage of the litigation or calls for conclusions, opinions or theories that cannot be ascertained or developed prior to the completion of discovery or without the benefit of expert analysis.

10. “Assumes facts” is defined to mean: Applicant objects on the basis that and insofar as the Interrogatory is based upon a premise or upon assumed facts that are or may be untrue or unsupported by the evidence in this matter.

11. The phrase “Subject to and without waiving its objections,” or words having similar effect, is defined to mean: Notwithstanding the fact that Applicant will produce certain information and/or documents in response to an Interrogatory, information sought by the Interrogatory which is covered by a specific objection may not be produced. Applicant will identify the scope of documents produced notwithstanding specific objections.

12. Additional responsive and non-privileged documents, if any, will be produced by Applicant at a time mutually agreeable to the parties and/or by supplementation of these Responses. Applicant reserves the right to supplement his Responses as additional information becomes available to Applicant and his counsel.

### **ANSWERS TO INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

Identify each person involved with the design, development, creation, conception, derivation, selection, adoption, or approval of Applicant’s Mark.

#### **RESPONSE:**

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to “involved with the design, development, creation, conception, derivation, selection, adoption, or approval of Applicant’s Mark.” Applicant further objects to

this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Steven Yassin.

**INTERROGATORY NO. 2:**

For each person identified in response to Interrogatory No. 1, describe the person's involvement in the design, development, creation, conception, derivation, selection, adoption, or approval of Applicant's Mark.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to "involvement in the design, development, creation, conception, derivation, selection, adoption, or approval of Applicant's Mark." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

*See Response to Interrogatory No. 3.*



**INTERROGATORY NO. 3:**

Describe in detail the circumstances surrounding Applicant's selection and adoption of Applicant's Mark.

**RESPONSE:**

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to "the circumstances surrounding Applicant's selection and adoption of Applicant's Mark." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Mr. Yassin created Applicant's Mark in early 2018 and filed an intent to use application for Applicant's Mark on July 24, 2018. Mr. Yassin's took into consideration his family heritage when selecting the mark.

**INTERROGATORY NO. 4:**

Identify any variations of Applicant's Mark that were considered, but not adopted or used by You in connection with Applicant's Goods.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to "considered, but not adopted or used . . . ." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

None.

**INTERROGATORY NO. 5:**

Identify all uses by You of any mark incorporating "ROYAL" and/or any variant thereof.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus,

the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to the applicable time frame. Applicant objects to this interrogatory on the basis that and insofar as the interrogatory calls for documents or information that are irrelevant to the subject matter of this action. Applicant interprets the Interrogatory as seeking information about present uses of any mark incorporating "ROYAL" that is not otherwise subject to an objection. Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

**INTERROGATORY NO. 6:**

Describe all goods that have been promoted, sold, rendered or offered under Applicant's Mark in the U.S.

**RESPONSE:**

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as ". . .

goods that have been . . . rendered or offered under Applicant's Mark in the U.S." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

None.

**INTERROGATORY NO. 7:**

Describe all goods that You plan or intend to offer, render or sell under Applicant's Mark in the U.S.

RESPONSE:

Applicant objects to this interrogatory as overly broad and unduly burdensome in that it seeks information already in the possession, custody, or control of Opposer and the burden to Opposer to obtain the answer is as easy or no greater than the burden to Applicant. Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to "all goods that You plan or intend to offer, render or sell under Applicant's Mark . . . ." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Application No. 88/050,900 for ROYAL GUYANA is an intent-to-use trademark registration application, and thus reflects Applicant's intent with respect to Applicant's Mark in the U.S. Accordingly, Applicant refers Opposer to the publicly available identification of goods set forth in Application No. 88/050,900.

**INTERROGATORY NO. 8:**

For each of Applicant's Goods, identify the date that the good was first promoted, sold or distributed in connection with Applicant's Mark in the U.S.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to ". . . goods that have been promoted, sold, rendered or offered under Applicant's Mark in the U.S." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet sold any goods in the U.S. under Applicant's Mark.

**INTERROGATORY NO. 9:**

Describe in detail circumstances surrounding when Applicant ceased using Applicant's Mark in connection with any of Applicant's Goods for any period of time.

RESPONSE:

Applicant objects to this interrogatory on the basis that and insofar as the interrogatory is based upon a premise or upon assumed facts that are or may be untrue or unsupported by the evidence in this matter. Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to "... ceased using Applicant's Mark in connection with any of Applicant's Goods for any period of time." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet sold any goods in the U.S. under Applicant's Mark.

**INTERROGATORY NO. 10:**

State the net gross sales or anticipated sales on an annual basis (in units and dollars) of each of Applicant's Goods in the United States since the first use of Applicant's Mark in commerce until present.

RESPONSE:

Applicant objects to this Interrogatory as Burdensome, Irrelevant, and Disproportionate in that it is an improper hypothetical and calls for speculation. Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to ". . . ceased using Applicant's Mark in connection with any of Applicant's Goods for any period of time." Applicant further objects to this Interrogatory to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet sold any goods in the U.S. under Applicant's Mark.

**INTERROGATORY NO. 11:**

Describe the manner in which You advertise or plan to advertise Applicant's Mark and/or Applicant's Goods, including identifying the publications, radio stations, television stations, websites, advertising programs, or other media channels through which You have promoted or plan to promote the mark and/or goods.

RESPONSE:

Applicant objects to this Interrogatory as Burdensome, Irrelevant, and Disproportionate in that it is an improper hypothetical and calls for speculation. Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to ". . . the manner in which You advertise or plan to advertise Applicant's Mark and/or Applicant's Goods . . ." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:



Applicant has not yet sold or advertised any goods in the U.S. under Applicant's Mark. Presently, Applicant intends to advertise goods to be sold under Applicant's Mark through certain newspaper print and online news outlets, such as The Kaiaeteur News and The West Indian News.

**INTERROGATORY NO. 12:**

Identify the amount You have spent and plan to spend on advertising Applicant's Mark and/or Applicant's Goods.

RESPONSE:

Applicant objects to this Interrogatory as Burdensome, Irrelevant, and Disproportionate in that it is an improper hypothetical and calls for speculation. Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to ". . . the amount You have spent and plan to spend on advertising Applicant's Mark and/or Applicant's Goods." Applicant further objects to this Interrogatory to the extent it seeks confidential, sensitive information, including

highly sensitive financial information and information about customers. Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet spent any amount on advertising of goods to be sold in the U.S. under Applicant's Mark.

**INTERROGATORY NO. 13:**

If You have not yet offered or sold certain goods and/or services under Applicant's Mark that You intend to offer or sell in the future, describe all steps undertaken by You to offer these goods and/or services under Applicant's Mark.

**RESPONSE:**

Applicant objects to this Interrogatory as Burdensome, Irrelevant, and Disproportionate in that it is an improper hypothetical and calls for speculation. Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant objects to this Interrogatory as Burdensome, Irrelevant, and Disproportionate in

that it is an improper hypothetical and calls for speculation. Applicant further objects to this interrogatory on the basis that and insofar as the interrogatory calls for documents or information that are irrelevant to the subject matter of this action. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to “. . . describe all steps undertaken by You to offer these goods and/or services under Applicant’s Mark.” Applicant further objects to this Interrogatory to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

**INTERROGATORY NO. 14:**

Describe the trade channels, including identifying by name all retail stores, websites, and other outlets through which Applicant’s Goods have been sold, are currently being sold, or will be sold.

**RESPONSE:**

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past

or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to "[d]escribe the trade channels . . . ." Applicant objects to this interrogatory on the basis that and insofar as the interrogatory calls for documents or information that are irrelevant to the subject matter of this action. Applicant objects to this Interrogatory as Burdensome, Irrelevant, and Disproportionate in that it is an improper hypothetical and calls for speculation. Applicant further objects to this Interrogatory to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet sold any goods in the U.S. under Applicant's Mark.

**INTERROGATORY NO. 15:**

Describe any plans by You to expand the trade channels through which Applicant's Goods are sold.

**RESPONSE:**

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on

grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to ". . . expand the trade channels . . . ." Applicant objects to this Interrogatory as Burdensome, Irrelevant, and Disproportionate in that it is an improper hypothetical and calls for speculation. Applicant objects to this interrogatory on the basis that and insofar as the interrogatory calls for documents or information that are irrelevant to the subject matter of this action. Applicant further objects to this Interrogatory to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers. Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet sold any goods in the U.S. under Applicant's Mark.

**INTERROGATORY NO. 16:**

Identify the geographic locations (by state) where Applicant's Goods have been sold or distributed since the first use of Applicant's Mark in commerce until present.

**RESPONSE:**

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the

discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet sold any goods in the U.S. under Applicant's Mark.

**INTERROGATORY NO. 17:**

With respect to each geographic location identified in Interrogatory No. 16, state the period of time during which Applicant's Goods were offered, rendered, distributed and/or sold.

**RESPONSE:**

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet sold any goods in the U.S. under Applicant's Mark.

**INTERROGATORY NO. 18:**

Identify any geographic locations (by state) where You intend to sell or distribute Applicant's Goods.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant objects to this Interrogatory as Burdensome, Irrelevant, and Disproportionate in that it is an improper hypothetical and calls for speculation. Applicant objects to this interrogatory on the basis that and insofar as the interrogatory calls for documents or information that are irrelevant to the subject matter of this action. Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant presently intends selling goods in connection with Applicant's Mark throughout the East Coast and other parts of the United States.

**INTERROGATORY NO. 19:**

State the average wholesale and retail price or the average anticipated wholesale or retail price for each of Applicant's Goods.

RESPONSE:

Applicant objects to this interrogatory on the basis that and insofar as the interrogatory is based upon a premise or upon assumed facts that are or may be untrue or unsupported by the evidence in this matter. Applicant objects to this Interrogatory as Burdensome, Irrelevant, and Disproportionate in that it is an improper hypothetical and calls for speculation. Applicant objects to this interrogatory on the basis that and insofar as the interrogatory calls for documents or information that are irrelevant to the subject matter of this action. Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to ". . . average wholesale and retail price or the average anticipated wholesale or retail price for each of Applicant's Goods." Applicant further objects to this Interrogatory to the extent it seeks confidential, sensitive information, including highly sensitive financial information and information about customers.



Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet sold any goods in the U.S. under Applicant's Mark.

**INTERROGATORY NO. 20:**

Describe any research (including, but not limited to, surveys, polls, market research, investigations, analyses, studies or searches) conducted by You or on Your behalf involving Applicant's Mark and/or Applicant's Goods, including but not limited to, stating the person(s) who authorized the research, when the research was conducted, the person(s) who conducted the research, the reason the research was conducted, the results of the research, and identifying all documents relating to the research.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to “. . .

research . . . conducted by You or on Your behalf involving Applicant's Mark and/or Applicant's Goods. . . .” Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

None.

**INTERROGATORY NO. 21:**

Describe any research (including, but not limited to, surveys, polls, market research, investigations, analyses, studies or searches) conducted by You or on Your behalf involving Opposer's Marks, including but not limited to, stating the person(s) who authorized the research, when the research was conducted, the person(s) who conducted the research, the reason the research was conducted, the results of the research, and identifying all documents relating to the research.

**RESPONSE:**

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to “. . . research . . . conducted by You or on Your behalf involving Opposer's Marks . . . .” Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

None.

**INTERROGATORY NO. 22:**

Describe the circumstances under which You first became aware of Opposer or Opposer's predecessors-in-interest, including identifying when You first became aware of Opposer or Opposer's predecessors-in-interest.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to "Describe the circumstances under which You first became aware. . . . ." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Mr. Yassin first became aware of Opposer when this proceeding was initiated. Mr. Yassin lacks knowledge of the identity of Opposer's predecessors-in-interest. To the extent that Opposer alleges that Basmati Rice Imports Inc., Aromati Foodstuff Trading, and Kush Inc. are among any such predecessors-in-interest, Mr. Yassin also first became aware of those companies in connection with this proceeding.

**INTERROGATORY NO. 23:**

Describe the circumstances under which You first became aware of Opposer's Marks, including identifying when You first became aware of Opposer's Marks.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to "Describe the circumstances under which You first became aware. . . . ." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Mr. Yassin first became aware of Opposer's alleged marks when this proceeding was initiated.

**INTERROGATORY NO. 24:**

Describe the circumstances under which You first became aware of Opposer's Goods, including identifying when You first became aware of Opposer's Goods.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to "Describe the circumstances under which You first became aware. . . . ." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Mr. Yassin first became aware of goods that Opposer has allegedly sold or intends to sell in connection with Opposer's alleged marks when this proceeding was initiated.

**INTERROGATORY NO. 25:**

Describe in what way any of Opposer's Marks were considered during the conception, creation, development and selection of Applicant's Mark.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the

Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Opposer's alleged marks were not considered.

**INTERROGATORY NO. 26:**

Describe any instances of actual or possible confusion of which You are aware between Applicant, Applicant's Mark, or Applicant's Goods, on the one hand, and Opposer, Opposer's predecessors-in-interest, Opposer's Marks, or Opposer's Goods, on the other hand.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to ". . . instances of actual or possible confusion . . . ." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

None.

**INTERROGATORY NO. 27:**

Identify each person whom You intend to call as a witness or expect will give evidence in this proceeding and state the subject matter about which each witness is expected to testify.

RESPONSE:

Applicant objects to this interrogatory as premature on the basis that the interrogatory calls for information not available at this stage of the litigation or calls for conclusions, opinions or theories that cannot be ascertained or developed prior to the completion of discovery or without the benefit of expert analysis, and/or premature on the basis that the information is in the possession, custody, or control of Opposer and discovery is pending and/or Opposer has not yet produced it. Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant also objects to this Interrogatory on grounds that it is premature to the extent it seeks premature outside the time period provided by Rule 26(a)(2). Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

*See Applicant's Initial Disclosures.*

**INTERROGATORY NO. 28:**

Identify the target market and/or customer base for Applicant's Goods, including identifying and describing the type of individual and demographics (such as age and gender) to which You market or aim to market Applicant's Goods.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant objects to this interrogatory as premature on the basis that the interrogatory calls for information not available at this stage of the litigation or calls for conclusions, opinions or theories that cannot be ascertained or developed prior to the completion of discovery or without the benefit of expert analysis, and/or premature on the basis that the information is in the possession, custody, or control of Opposer and discovery is pending and/or Opposer has not yet produced it. Applicant further objects to this interrogatory as overly broad and unduly burdensome in that it seeks information already in the possession, custody, or control of Opposer and the burden to Opposer to obtain the answer is as easy or no greater than the burden to Applicant. Applicant objects to this interrogatory on the basis that and insofar as the interrogatory is based upon a premise or upon assumed facts that are or may be untrue or



unsupported by the evidence in this matter. Applicant objects to this interrogatory on the basis that and insofar as the interrogatory is based upon a premise or upon assumed facts that are or may be untrue or unsupported by the evidence in this matter. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to “Identify the target market and/or customer base for Applicant’s Goods . . . .” Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet sold any goods in the U.S. under Applicant’s Mark. *See also* Response to Interrogatory No. 40.

**INTERROGATORY NO. 29:**

Identify all websites (including social media), online ad agencies, or online search engines on which Applicant has promoted or intends to promote Applicant’s Mark or Applicant’s Goods.

**RESPONSE:**

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus,

the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to ". . . has promoted or intends to promote . . . ." Applicant objects to this Interrogatory as Burdensome, Irrelevant, and Disproportionate in that it is an improper hypothetical and calls for speculation. Applicant objects to this interrogatory on the basis that and insofar as the interrogatory calls for documents or information that are irrelevant to the subject matter of this action. Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet sold or marketed any goods in the U.S. under Applicant's Mark. Presently, Applicant intends to advertise goods to be sold under Applicant's Mark through certain newspaper print and online news outlets, such as The Kaieteur News and The West Indian News.

**INTERROGATORY NO. 30:**

Identify every person or entity that Applicant has authorized to use Applicant's Mark.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the

Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to ". . . has authorized to use. . . ." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet sold any goods in the U.S. under Applicant's Mark. Applicant has not authorized any third-party to use Applicant's Mark.

**INTERROGATORY NO. 31:**

Describe in detail any license agreement between Applicant and any third party relating to Applicant's Mark.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past

or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to "... any license agreement ... relating to Applicant's Mark ... ." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

None.

**INTERROGATORY NO. 32:**

Describe any trademark searches conducted by or on behalf of Applicant in connection with Applicant's Mark.

**RESPONSE:**

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to "... any trademark searches conducted by or on behalf of Applicant in connection with Applicant's Mark." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Thus, Applicant objects to this interrogatory insofar as it calls for information and or documents

and things protected by the attorney-client privilege, work product protection, and/or common interest doctrine. Applicant reserves its rights to not produce documents and things or information protected by one or more such protections.

**INTERROGATORY NO. 33:**

Identify all advertising agencies, public relations agencies or market research agencies which Applicant has used, participated with or cooperated with in connection with advertising, marketing, or promoting Applicant's Mark or Applicant's Goods.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet sold or marketed any goods in the U.S. under Applicant's Mark. Applicant has not used any advertising agencies, public relations agencies or market research

agencies in connection with advertising, marketing, or promoting of any goods under Applicant's Mark.

**INTERROGATORY NO. 34:**

Describe all third-party uses of Opposer's Marks or marks that You contend are similar to Opposer's Marks, including identifying the third-party and describing the goods or services in connection with which the mark was used by the third-party.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant also objects to this Interrogatory to the extent it seeks information outside the possession, custody, or control of Applicant. Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel. Discovery and investigation are ongoing. Applicant may supplement his response as additional responsive information becomes available.

Subject to and without waiving its objections, Applicant responds as follows:

See documents produced in this proceeding, including YASSIN\_000001-60. Discovery and investigation are ongoing, and Mr. Yassin may amend and supplement this response as additional information is received.

**INTERROGATORY NO. 35:**

Identify any trade shows, conferences, or expositions attended by Applicant at which Applicant displayed or promoted Applicant's Mark or Applicant's Goods.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

None.

**INTERROGATORY NO. 36:**

Describe in detail every instance in which Applicant has ever disclaimed any association with Opposer, Opposer's predecessors-in-interest, Opposer's Goods and/or Opposer's Marks.

RESPONSE:

Applicant objects to this interrogatory on the basis that and insofar as the interrogatory is based upon a premise or upon assumed facts that are or may be untrue or unsupported by the

evidence in this matter. Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to "... disclaimed any association with ... ." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant was unaware of Opposer and its alleged marks until Opposer initiated the present Opposition proceeding. Applicant has never claimed any association with Opposer, Opposer's predecessors-in-interest, Opposer's alleged marks, or any of Opposer's goods alleged to have been sold in connection therewith.

**INTERROGATORY NO. 37:**

Identify all persons who were consulted or participated in preparation of answers to Opposer's Interrogatories.

RESPONSE:



Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Steven Yassin.

**INTERROGATORY NO. 38:**

Describe all promotional activities Applicant has undertaken in connection with Applicant's Mark.

RESPONSE:

Applicant objects to this interrogatory as overbroad, unduly burdensome and not proportional to the needs of this case insofar as it demands "all promotional activities" or that Applicant "Describe all" rather than asking for a reasonable response. Such interrogatories are subject to objection in their entirety and need not be answered. *See In re Questcor Pharms, Inc.*, No. SACV 12-1623-DMG (JPRx), 2014 U.S. Dist. LEXIS 190264, at \*4 (C.D. Cal. Nov. 18, 2014)( "Plaintiffs may limit their response to only material facts." Interrogatory was overly broad because requested "all facts," not just those that are material.); *Haggarty v. Wells Fargo Bank*, N.A., No. 10-2416 CRB (JSC), 2012 U.S. Dist. LEXIS 133375, 2012 WL 4113341, at \*2

(N.D. Cal. Sept. 18, 2012) (limiting interrogatories requesting "all facts" to only "material" facts and ordering party to respond to interrogatories as reformulated); *High Point SARL v. Sprint Nextel Corp.*, 2011 U.S. Dist. LEXIS 103118 (D. Kan. Sept. 12, 2011) (“[I]nterrogatories that ask a party to identify ‘each and every fact’ or ‘all facts’ supporting its allegations [are] overly broad and unduly burdensome. ... ‘Indiscriminate use of blockbuster interrogatories, such as these, do not comport with the just, speedy, and inexpensive determination of the action.’”); *In re Papst Licensing, GmbH*, 2001 U.S. Dist. LEXIS 10012 (E.D. La. July 12, 2001) (“In requesting a description ‘in full and complete detail [of] all events leading to the execution’ of the agreements described therein (emphasis added), Minebea has submitted an interrogatory so overly broad, vague and burdensome that all limitations of Fed. R. Civ. P. 26(b)(2) are violated.”). Applicant further objects to this interrogatory on the basis that and insofar as the interrogatory calls for documents or information that are irrelevant to the subject matter of this action.

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant’s Mark. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to “. . .

all promotional activities Applicant has undertaken in connection with Applicant's Mark."

Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet sold or promoted any goods in the U.S. under Applicant's Mark.

**INTERROGATORY NO. 39:**

To the extent You contend that there is no likelihood of confusion between Applicant's Mark and Opposer's Marks, state the basis for Your contention.

RESPONSE:

Applicant objects to this Interrogatory to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant objects to this interrogatory as premature on the basis that the interrogatory calls for information not available at this stage of the litigation or calls for conclusions, opinions or theories that cannot be ascertained or developed prior to the completion of discovery or without the benefit of expert analysis, and/or premature on the basis that the information is in the possession, custody, or control of Opposer and discovery is pending and/or Opposer has not yet produced it. Applicant objects to this interrogatory as an improper contention interrogatory, premature, and unduly burdensome, because (i) it seeks information that may be in Opposer's possession, custody, or control, (ii) its early in the discovery process and Opposer has not yet fully or completely responded to Applicant's discovery requests, (iii) Opposer has access to most of the evidence about its own behavior relating to the request, and/or prematurely seeks expert testimony outside the time period provided by Rule 26(a)(2).

Applicant further objects to this Interrogatory on the basis that it is unduly Burdensome, Overbroad, and Disproportionate regarding “state the complete factual and legal basis for . . .” Applicant further objects to this Interrogatory on grounds that it seeks information that is in the possession, custody, or control of Opposer and/or third parties and that Opposer has not yet produced. Applicant further objects to this Interrogatory to the extent it seeks Privileged documents or information or the mental impressions of legal counsel. Discovery and investigation of the facts and legal theories is ongoing and Applicant will supplement this Response as facts are discovered, including, without limitation, based on documents and information that Opposer has not yet provided. Applicant further objects to this Interrogatory to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Opposer’s asserted marks are weak and thus have a very narrow scope of protection. Indeed, Opposer’s own admission regarding the term ROYALTY render Opposer’s marks weak. Accordingly, even small differences between Opposer’s marks and Applicant’s Mark are significant. Moreover, there are numerous third-party marks containing the term ROYLATY for the same or similar goods as identified in Opposer’s asserted registration, thus created crowded and diluted field rendering Opposer’s mark less distinct where consumers are less likely to confuse marks by different parties containing the term ROYALTY. Moreover, there are significant have differences in visual appearance, meaning, and sound between Opposer’s asserted marks and Applicant’s Mark. Additionally, it appears that the goods that Applicant may provide in connection with Applicant’s Mark are not similar to goods that Opposer purports to provide in connection with Opposer’s alleged marks, and/or the goods of the respective parties

will be sold in different channels of trade or to different groups of consumers. Additionally, there is no evidence of any actual confusion between Applicant's Mark and Opposer's alleged marks. Additional factors, including those based on facts that are in the possession, custody, or control of Opposer which have not yet been discovered, are also expected to support a lack of likelihood of confusion.

**INTERROGATORY NO. 40:**

Describe in detail the level of sophistication/degree of care of the average consumer of Applicant's Goods.

RESPONSE:

Applicant objects to this interrogatory as premature on the basis that the interrogatory calls for information not available at this stage of the litigation or calls for conclusions, opinions or theories that cannot be ascertained or developed prior to the completion of discovery or without the benefit of expert analysis. Applicant objects to this Interrogatory as Burdensome, Irrelevant, and Disproportionate in that it is an improper hypothetical and calls for speculation. Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects on grounds that the application at issue in this proceeding is an intent-to-use application and, thus, the Interrogatory

is not relevant nor proportional to the extent it seeks information about any past or present use of Applicant's Mark.

Subject to and without waiving its objections, Applicant responds as follows:

Applicant has not yet sold or promoted any goods in the U.S. under Applicant's Mark. However, the expected average consumer of goods to be sold under Applicant's Mark is a person that prefers home cooking, cooks most meals (e.g., commonly cooks up to three meals a day), rarely if ever eats take out or fast food, is attentive to product ingredients and quality, and is brand conscious. Said consumer is expected to be a sophisticated purchaser more likely to care and notice differences between brands (e.g., including marks and logos) and less likely to be confused by any overlapping similarities, if any.

**INTERROGATORY NO. 41:**

Identify all opinions, written or oral, You have received relating to Opposer's Goods and/or Opposer's Marks, including, but not limited to, identifying the person(s) who sought the opinion, the date the opinion was sought, the date the opinion was received, the person(s) who provided the opinion, the person(s) who received the opinion, and the subject matter of the opinion.

**RESPONSE:**

Applicant objects to this interrogatory as premature on the basis that the interrogatory calls for information not available at this stage of the litigation or calls for conclusions, opinions or theories that cannot be ascertained or developed prior to the completion of discovery or without the benefit of expert analysis. Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is

not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant objects to this interrogatory as an improper contention interrogatory, premature, and unduly burdensome, because (i) it seeks information largely in Opposer's possession, custody, or control, (ii) its early in the discovery process and Opposer has not yet fully and complete responded to Applicant's discovery requests, (iii) Opposer has access to most of the evidence about its own behavior relating to the request, and/or prematurely seeks expert testimony outside the time period provided by Rule 26(a)(2). Applicant further objects to this Interrogatory on grounds that it is compound. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to "Identify all opinions, written or oral, You have received relating to Opposer's Goods and/or Opposer's Marks . . . ." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

None.

**INTERROGATORY NO. 42:**

Identify and describe any inquiries or comments You have received from third-parties relating to Opposer, Opposer's predecessors-in-interest, Opposer's Goods, or Opposer's Marks, including, but not limited to, stating who made the inquiry/comment, who received the inquiry/comment, when the inquiry/comment was received, the content of the inquiry/comment, and any steps taken by You after receiving the inquiry/comment.

RESPONSE:

Applicant objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate on the basis that and insofar as (1) the Interrogatory is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Interrogatory outweighs its likely benefit. See Fed. R. Civ. P. 26(b). Applicant further objects to this Interrogatory on grounds that it is compound. Applicant further objects to this Interrogatory on the basis that it is unduly burdensome, overbroad, disproportionate, and vague and ambiguous as to "Identify and describe any inquiries or comments You have received from third-parties relating to . . . ." Applicant further objects to this Interrogatory to the extent it seeks privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

None.

**INTERROGATORY NO. 43:**

State the complete factual and legal basis for Your defense that "Opposer's alleged marks have not acquired distinctiveness for any related goods or are otherwise descriptive, highly diluted, and/or otherwise weak and should be limited in scope."

RESPONSE:

Applicant objects to this Interrogatory to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant objects to this interrogatory as overbroad, unduly burdensome and not proportional to the needs of this case insofar as it demands that Applicant "State the complete factual and legal basis" rather than asking for a reasonable



response. Such interrogatories are subject to objection in their entirety and need not be answered. *See In re Questcor Pharms, Inc.*, No. SACV 12-1623-DMG (JPRx), 2014 U.S. Dist. LEXIS 190264, at \*4 (C.D. Cal. Nov. 18, 2014)( “Plaintiffs may limit their response to only material facts.” Interrogatory was overly broad because requested “all facts,” not just those that are material.); *Haggarty v. Wells Fargo Bank, N.A.*, No. 10-2416 CRB (JSC), 2012 U.S. Dist. LEXIS 133375, 2012 WL 4113341, at \*2 (N.D. Cal. Sept. 18, 2012) (limiting interrogatories requesting “all facts” to only “material” facts and ordering party to respond to interrogatories as reformulated); *High Point SARL v. Sprint Nextel Corp.*, 2011 U.S. Dist. LEXIS 103118 (D. Kan. Sept. 12, 2011) (“[I]nterrogatories that ask a party to identify ‘each and every fact’ or ‘all facts’ supporting its allegations [are] overly broad and unduly burdensome. . . . ‘Indiscriminate use of blockbuster interrogatories, such as these, do not comport with the just, speedy, and inexpensive determination of the action.’”); *In re Papst Licensing, GmbH*, 2001 U.S. Dist. LEXIS 10012 (E.D. La. July 12, 2001) (“In requesting a description ‘in full and complete detail [of] all events leading to the execution’ of the agreements described therein (emphasis added), Minebea has submitted an interrogatory so overly broad, vague and burdensome that all limitations of Fed. R. Civ. P. 26(b)(2) are violated.”).

Applicant further objects to this Interrogatory on the basis that it is unduly Burdensome, Overbroad, and Disproportionate regarding “state the complete factual and legal basis for . . .” Applicant further objects to this Interrogatory on grounds that it seeks information that is in the possession, custody, or control of Opposer and/or third parties and that Opposer has not yet produced. Applicant further objects to this Applicant objects to this interrogatory as premature on the basis that the interrogatory calls for information not available at this stage of the litigation or calls for conclusions, opinions or theories that cannot be ascertained or developed prior to the

completion of discovery or without the benefit of expert analysis, and/or premature on the basis that the information is in the possession, custody, or control of Opposer and discovery is pending and/or Opposer has not yet produced it. Applicant objects to this interrogatory as an improper contention interrogatory, premature, and unduly burdensome, because (i) it seeks information largely in Opposer's possession, custody, or control, (ii) its early in the discovery process and Opposer has not yet fully and complete responded to Applicant's discovery requests, (iii) Opposer has access to most of the evidence about its own behavior relating to the request, and/or prematurely seeks expert testimony outside the time period provided by Rule 26(a)(2). Discovery and investigation of the facts and legal theories is ongoing and Applicant will supplement this Response as facts are discovered, including, without limitation, based on documents and information that Opposer has not yet provided. Applicant further objects to this Interrogatory to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

*See Response to Interrogatory No. 39.*

**INTERROGATORY NO. 44:**

State the complete factual and legal basis for Your defense that "[t]here is not a likelihood of confusion between Opposer's marks and the mark set forth in Application No. 88/050,900 for ROYAL GUYANA with respect to the goods identified therein."

**RESPONSE:**

Applicant objects to this Interrogatory to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant objects to this interrogatory as overbroad,

unduly burdensome and not proportional to the needs of this case insofar as it demands that Applicant “State the complete factual and legal basis” rather than asking for a reasonable response. Such interrogatories are subject to objection in their entirety and need not be answered. *See In re Questcor Pharms, Inc.*, No. SACV 12-1623-DMG (JPRx), 2014 U.S. Dist. LEXIS 190264, at \*4 (C.D. Cal. Nov. 18, 2014)( “Plaintiffs may limit their response to only material facts.” Interrogatory was overly broad because requested “all facts,” not just those that are material.); *Haggarty v. Wells Fargo Bank, N.A.*, No. 10-2416 CRB (JSC), 2012 U.S. Dist. LEXIS 133375, 2012 WL 4113341, at \*2 (N.D. Cal. Sept. 18, 2012) (limiting interrogatories requesting “all facts” to only “material” facts and ordering party to respond to interrogatories as reformulated); *High Point SARL v. Sprint Nextel Corp.*, 2011 U.S. Dist. LEXIS 103118 (D. Kan. Sept. 12, 2011) (“[I]nterrogatories that ask a party to identify ‘each and every fact’ or ‘all facts’ supporting its allegations [are] overly broad and unduly burdensome. ... ‘Indiscriminate use of blockbuster interrogatories, such as these, do not comport with the just, speedy, and inexpensive determination of the action.’”); *In re Papst Licensing, GmbH*, 2001 U.S. Dist. LEXIS 10012 (E.D. La. July 12, 2001) (“In requesting a description ‘in full and complete detail [of] all events leading to the execution’ of the agreements described therein (emphasis added), Minebea has submitted an interrogatory so overly broad, vague and burdensome that all limitations of Fed. R. Civ. P. 26(b)(2) are violated.”).

Applicant also objects to this interrogatory as an improper contention interrogatory, premature, and unduly burdensome, because (i) it seeks information largely in Opposer’s possession, custody, or control, (ii) its early in the discovery process and Opposer has not yet fully and complete responded to Applicant’s discovery requests, (iii) Opposer has access to most of the evidence about its own behavior relating to the request, and/or prematurely seeks expert

testimony outside the time period provided by Rule 26(a)(2). Applicant further objects to this Applicant objects to this interrogatory as premature on the basis that the interrogatory calls for information not available at this stage of the litigation or calls for conclusions, opinions or theories that cannot be ascertained or developed prior to the completion of discovery or without the benefit of expert analysis, and/or premature on the basis that the information is in the possession, custody, or control of Opposer and discovery is pending and/or Opposer has not yet produced it. Applicant further objects to this Interrogatory on the basis that it is unduly Burdensome, Overbroad, and Disproportionate regarding “state the complete factual and legal basis for . . .” Applicant further objects to this Interrogatory on grounds that it seeks information that is in the possession, custody, or control of Opposer and/or third parties and that Opposer has not yet produced. Applicant further objects to this Interrogatory to the extent it seeks Privileged documents or information or the mental impressions of legal counsel. Discovery and investigation of the facts and legal theories is ongoing and Applicant will supplement this Response as facts are discovered, including, without limitation, based on documents and information that Opposer has not yet provided. Applicant further objects to this Interrogatory to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

*See* Response to Interrogatory No. 39.

**INTERROGATORY NO. 45:**

State the complete factual and legal basis for Your defense that “Opposer’s alleged marks are not famous in any relevant field of goods or services. To the extent any of Opposer’s marks

have become famous in any relevant field of goods or services, which is hereby expressly denied, on information and belief, such alleged fame arose, if at all, after the filing date of Application No. 88/050,900 for ROYAL GUYANA.”

RESPONSE:

Applicant objects to this Interrogatory to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant objects to this interrogatory as overbroad, unduly burdensome and not proportional to the needs of this case insofar as it demands that Applicant “State the complete factual and legal basis” rather than asking for a reasonable response. Such interrogatories are subject to objection in their entirety and need not be answered. *See In re Questcor Pharms, Inc.*, No. SACV 12-1623-DMG (JPRx), 2014 U.S. Dist. LEXIS 190264, at \*4 (C.D. Cal. Nov. 18, 2014)( “Plaintiffs may limit their response to only material facts." Interrogatory was overly broad because requested "all facts," not just those that are material.); *Haggarty v. Wells Fargo Bank, N.A.*, No. 10-2416 CRB (JSC), 2012 U.S. Dist. LEXIS 133375, 2012 WL 4113341, at \*2 (N.D. Cal. Sept. 18, 2012) (limiting interrogatories requesting "all facts" to only "material" facts and ordering party to respond to interrogatories as reformulated); *High Point SARL v. Sprint Nextel Corp.*, 2011 U.S. Dist. LEXIS 103118 (D. Kan. Sept. 12, 2011) (“[I]nterrogatories that ask a party to identify ‘each and every fact’ or ‘all facts’ supporting its allegations [are] overly broad and unduly burdensome. ... ‘Indiscriminate use of blockbuster interrogatories, such as these, do not comport with the just, speedy, and inexpensive determination of the action.’”); *In re Papst Licensing, GmbH*, 2001 U.S. Dist. LEXIS 10012 (E.D. La. July 12, 2001) (“In requesting a description ‘in full and complete detail [of] all events leading to the execution’ of the agreements described therein (emphasis added), Minebea has

submitted an interrogatory so overly broad, vague and burdensome that all limitations of Fed. R. Civ. P. 26(b)(2) are violated.”).

Applicant also objects to this interrogatory as an improper contention interrogatory, premature, and unduly burdensome, because (i) it seeks information largely in Opposer’s possession, custody, or control, (ii) its early in the discovery process and Opposer has not yet fully and complete responded to Applicant’s discovery requests, (iii) Opposer has access to most of the evidence about its own behavior relating to the request, and/or prematurely seeks expert testimony outside the time period provided by Rule 26(a)(2). Applicant further objects to this Applicant objects to this interrogatory as premature on the basis that the interrogatory calls for information not available at this stage of the litigation or calls for conclusions, opinions or theories that cannot be ascertained or developed prior to the completion of discovery or without the benefit of expert analysis, and/or premature on the basis that the information is in the possession, custody, or control of Opposer and discovery is pending and/or Opposer has not yet produced it. Applicant further objects to this Interrogatory on the basis that it is unduly Burdensome, Overbroad, and Disproportionate regarding “state the complete factual and legal basis for . . .” Applicant further objects to this Interrogatory on grounds that it seeks information that is in the possession, custody, or control of Opposer and/or third parties and that Opposer has not yet produced. Applicant further objects to this Interrogatory to the extent it seeks Privileged documents or information or the mental impressions of legal counsel. Discovery and investigation of the facts and legal theories is ongoing and Applicant will supplement this Response as facts are discovered, including, without limitation, based on documents and information that Opposer has not yet provided. Applicant further objects to this Interrogatory to

the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Opposer has the burden to establish its mark is famous and Opposer has not provided evidence that would establish that Opposer's alleged mark(s) are famous for any related goods or which would otherwise establish any strength of the marks. *See also* Response to Interrogatory No. 39.

**INTERROGATORY NO. 46:**

State the complete factual and legal basis for Your defense that "[a]ny claims alleged by Opposer in the Notice of Opposition are barred by the equitable doctrine of laches, estoppel, acquiescence, waiver, or such other equitable doctrine as may be applicable."

**RESPONSE:**

Applicant objects to this Interrogatory to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant objects to this interrogatory as overbroad, unduly burdensome and not proportional to the needs of this case insofar as it demands that Applicant "State the complete factual and legal basis" rather than asking for a reasonable response. Such interrogatories are subject to objection in their entirety and need not be answered. *See In re Questcor Pharms, Inc.*, No. SACV 12-1623-DMG (JPRx), 2014 U.S. Dist. LEXIS 190264, at \*4 (C.D. Cal. Nov. 18, 2014)( "Plaintiffs may limit their response to only material facts." Interrogatory was overly broad because requested "all facts," not just those that are material.); *Haggarty v. Wells Fargo Bank, N.A.*, No. 10-2416 CRB (JSC), 2012 U.S. Dist. LEXIS 133375, 2012 WL 4113341, at \*2 (N.D. Cal. Sept. 18, 2012) (limiting interrogatories

requesting "all facts" to only "material" facts and ordering party to respond to interrogatories as reformulated); *High Point SARL v. Sprint Nextel Corp.*, 2011 U.S. Dist. LEXIS 103118 (D. Kan. Sept. 12, 2011) (“[I]nterrogatories that ask a party to identify ‘each and every fact’ or ‘all facts’ supporting its allegations [are] overly broad and unduly burdensome. ... ‘Indiscriminate use of blockbuster interrogatories, such as these, do not comport with the just, speedy, and inexpensive determination of the action.’”); *In re Papst Licensing, GmbH*, 2001 U.S. Dist. LEXIS 10012 (E.D. La. July 12, 2001) (“In requesting a description ‘in full and complete detail [of] all events leading to the execution’ of the agreements described therein (emphasis added), Minebea has submitted an interrogatory so overly broad, vague and burdensome that all limitations of Fed. R. Civ. P. 26(b)(2) are violated.”).

Applicant objects to this Interrogatory on the basis that it is unduly Burdensome, Overbroad, and Disproportionate regarding “state the complete factual and legal basis for . . .” Applicant further objects to this Interrogatory on grounds that it seeks information that is in the possession, custody, or control of Opposer and/or third parties and that Opposer has not yet produced. Applicant further objects to this Interrogatory to the extent it seeks Privileged documents or information or the mental impressions of legal counsel. Discovery and investigation of the facts and legal theories is ongoing and Applicant will supplement this Response as facts are discovered, including, without limitation, based on documents and information that Opposer has not yet provided. Applicant further objects to this Interrogatory to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.



Dated: May 29, 2020

Respectfully Submitted,

By: /s/ Perry S. Clegg  
Perry S. Clegg (USB No. 7831)  
**KUNZLER BEAN & ADAMSON, PC**  
50 W. Broadway, Suite 1000  
Salt Lake City, UT 84101  
Tel: (801) 994-4646  
Fax: (801) 531-1929  
pclegg@kba.law

*Attorneys for Applicant,  
Steven Yassin*

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 29, 2020, I caused a copy of the foregoing **APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES** to be electronically served on Opposer's counsel of record by email as of the same date as follows:

Nicole R. Townes - [Nicole.Townes@knobbe.com](mailto:Nicole.Townes@knobbe.com), [efiling@knobbe.com](mailto:efiling@knobbe.com)

/Perry S. Clegg/  
Perry S. Clegg

# **EXHIBIT 12**

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

<b>LT OVERSEAS NORTH AMERICA, INC.,</b>  Opposer,  v.  <b>STEVEN YASSIN,</b>  Applicant.	Opposition No. 91248318  Mark: ROYAL GUYANA Int'l Class: 030 Serial No.: 88/050,900 Filed: July 24, 2018 Published: January 22, 2019
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**APPLICANT'S RESPONSES TO OPPOSER'S  
FIRST SET OF REQUESTS FOR ADMISSION**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant Steven Yassin ("Yassin" or "Applicant"), by his attorneys, hereby responds to the First Set of Requests for Admission served by Opposer LT Overseas North America, Inc. ("LT Overseas" or "Opposer"), as follows:

**PRELIMINARY STATEMENTS AND OBJECTIONS TO DEFINITIONS**

1. Applicant objects to the Definitions in Petitioner's Requests for Admission to the extent that such matters attempt to expand the requirements or scope of the Federal Rules of Civil Procedure or any applicable regulations and rules, thereby making the definitions overly broad and unduly burdensome.
2. By responding to a particular Request, Applicant does not intend to represent, nor does it represent, that any particular document or information exists or has ever existed in his possession, custody, or control.

3. In responding to these Requests, Applicant does not in any manner waive or intend to waive, but rather intends to preserve and is preserving: (1) all objections as to competency, relevance, materiality, and admissibility; (2) all rights to object on any ground to the use of any of the responses herein or documents in any proceeding, motion, hearing, or the trial of this or any other action; and (3) all rights to object on any ground to further discovery requests involving or related to any of the Requests herein.

#### DEFINITIONS OF SPECIFIC OBJECTIONS

1. “Vague and ambiguous” is defined to mean: Applicant objects on the basis that and insofar as the Request is vague, uncertain and ambiguous.

2. “Overbroad” is defined to mean: Applicant objects on the basis that and insofar as the Request is overbroad and calls for an expansive potential breadth of information or documents that is unreasonable in scope and parameter. See Fed. R. Civ. P. 26(b)(1).

3. “Irrelevant” is defined to mean: Applicant objects on the basis that and insofar as the Request calls for information or documents that are irrelevant to the subject matter of this action. See Fed. R. Civ. P. 26(b)(1).

4. “Disproportionate” is defined to mean: Applicant objects on the basis that and insofar as (1) the Request is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues; and (2) the burden or expense of responding to the Request outweighs its likely benefit. See Fed. R. Civ. P. 26(b)(1).

5. “Duplicative” is defined to mean: Applicant objects on the basis that and insofar as the Request calls for documents or information that are unreasonably cumulative or duplicative of other discovery. See Fed. R. Civ. P. 26(b)(2)(C)(i).

6. “Burdensome” is defined to mean: Applicant objects on the basis that the Request is so broad and uncertain that it creates an unreasonable and undue burden, and/or the documents or information sought are more readily obtainable through other, more convenient, less burdensome, or less expensive sources. See Fed. R. Civ. P. 26(b)(2)(C)(i).

7. “Compound” is defined to mean: Applicant objects on the basis that and insofar as the Request contains one or more discrete subparts each of which constitutes a separate Request.

8. “Privileged” is defined to mean: Applicant objects on the basis that and insofar as the Request calls for documents or information that is (1) protected by the attorney-client privilege; (2) protected by the work-product doctrine; (3) protected because it consists, in whole or in part, of trial preparation materials and/or contains mental impressions, conclusions, opinions or legal theories of counsel; (4) otherwise protected under Rule 26 of the Federal Rules of Civil Procedure; and/or (5) protected under any other valid privilege.

9. “Premature” is defined to mean: Applicant objects on the basis that the Request calls for information not available at this stage of the litigation or calls for conclusions, opinions or theories that cannot be ascertained or developed prior to the completion of discovery or without the benefit of expert analysis.

10. “Assumes facts” is defined to mean: Applicant objects on the basis that and insofar as the Request is based upon a premise or upon assumed facts that are or may be untrue or unsupported by the evidence in this matter.

11. The phrase “Subject to and without waiving its objections,” or words having similar effect, is defined to mean: Notwithstanding the fact that Applicant will produce certain information and/or documents in response to an Request, information sought by the Request which is covered by a specific objection may not be produced. Applicant will identify the scope of documents produced notwithstanding specific objections.

12. Additional responsive and non-privileged documents, if any, will be produced by Applicant at a time mutually agreeable to the parties and/or by supplementation of these Responses. Applicant reserves the right to supplement its Responses as additional information becomes available to Applicant and its counsel.

**REQUEST FOR ADMISSION NO. 1:**

Admit that Opposer’s or Opposer’s predecessors-in-interest use of Opposer’s Marks predates the filing date of Applicant’s Application.

**RESPONSE:**

Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable inquiry. Applicant also objects to the Request on grounds that it is Vague and Ambiguous regarding “use of Opposer’s Marks.” Additionally, Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant further objects to this Request as Compound and seeking admissions regarding ambiguously defined terms comprising numerous elements, making the Request indefinite and impossible to answer.

Applicant further objects to this Request to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Denied based on one or more of Applicant's objections.

**REQUEST FOR ADMISSION NO. 2:**

Admit that Opposers or Opposer's predecessors-in-interest used Opposer's Marks before Applicant used Applicant's Mark.

**RESPONSE:**

Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable inquiry. Applicant also objects to the Request on grounds that it is Vague and Ambiguous regarding "used Opposer's Marks." Additionally, Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant further objects to this Request as Compound and seeking admissions regarding ambiguously defined terms comprising numerous elements, making the Request indefinite and impossible to answer. Applicant further objects to this Request to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Denied based on one or more of Applicant's objections.

**REQUEST FOR ADMISSION NO. 3:**

Admit that prior to selecting Applicant's Mark, Applicant was aware of Opposer or Opposer's predecessors-in-interest.

**RESPONSE:**

Applicant objects to the Request on grounds that it is Vague and Ambiguous regarding "was aware of Opposer or Opposer's predecessors-in-interest." Additionally, Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant further objects to this Request to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 4:**

Admit that prior to selecting Applicant's Mark, Applicant was aware of one or more of Opposer's Marks.

**RESPONSE:**

Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable inquiry. Applicant also objects to the Request on grounds that it is Vague and Ambiguous regarding "was aware of one or more of Opposer's Marks." Additionally, Applicant objects to



the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant further objects to this Request to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 5:**

Admit that Applicant's Mark and Opposer's Marks could be encountered by the same class of consumers.

**RESPONSE:**

Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable inquiry. Applicant also objects to the Request on grounds that it is Vague and Ambiguous regarding "could be encountered by," and "same class of consumers." Applicant further objects to the extent the Request is an improper hypothetical. Applicant also objects to this Request on grounds that it calls for speculation. Additionally, Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant also objects to this Request as Compound and seeking admissions regarding ambiguously defined terms comprising numerous elements, making the Request indefinite and impossible to answer. Applicant also objects to this Applicant further objects to this Request to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 6:**

Admit that Applicant's Mark and Opposer's Marks are encountered by the same class of consumers.

**RESPONSE:**

Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable inquiry. Applicant also objects to the Request on grounds that it is Vague and Ambiguous regarding "encountered by," and "same class of consumers." Additionally, Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant also objects to this Request on grounds that it calls for speculation. Applicant also objects to this Request as Compound and seeking admissions regarding ambiguously defined terms comprising numerous elements, making the Request indefinite and impossible to answer. Applicant further objects to this Request to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 7:**

Admit that Applicant's Goods and Opposer's Goods travel through the same channels of trade.

**RESPONSE:**

Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable inquiry. Applicant also objects to the Request on grounds that it is Vague and Ambiguous regarding "travel through the same channels of trade." Additionally, Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant further objects to this Request to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 8:**

Admit that Applicant's Application does not contain any restrictions as to the channels of trade.

**RESPONSE:**

Applicant objects to this Request as premature and improperly seeking premature contention testimony. Applicant also objects to the Request as seeking a legal conclusion and the mental impressions of Applicant's counsel. Applicant further objects to this Request to the extent it seeks publicly available information as readily available to Opposer as to Applicant. Applicant

also objects to the Request on grounds that it is Vague and Ambiguous regarding “restrictions as to the channels of trade.” Additionally, Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant further objects to this Request to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

#### **REQUEST FOR ADMISSION NO. 9:**

Admit that use of Applicant’s Mark in connection with Applicant’s Goods damages Opposer’s Marks.

#### **RESPONSE:**

Applicant objects to this Request as premature and improperly seeking contention testimony. Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable inquiry. Additionally, Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 10:**

Admit that registration of Applicant's Mark in connection with Applicant's Goods damages Opposer's Marks.

**RESPONSE:**

Applicant objects to this Request as premature and improperly seeking contention testimony. Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable inquiry. Additionally, Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 11:**

Admit that Applicant's Mark and Opposer's Marks are similar in sound.

**RESPONSE:**

Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable inquiry. Applicant objects to this Request as premature and improperly seeking contention testimony. Applicant objects to the Request to the extent that it improperly seeks to shift any

applicable burdens of proof to Applicant. Applicant further objects to this Request to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 12:**

Admit that Applicant's Mark and Opposer's Marks are similar in meaning.

**RESPONSE:**

Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable inquiry. Applicant objects to this Request as premature and improperly seeking contention testimony. Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant further objects to this Request to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 13:**

Admit that Applicant's Mark and Opposer's Marks are similar in appearance.

**RESPONSE:**

Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable inquiry. Applicant objects to this Request as premature and improperly seeking contention testimony. Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant further objects to this Request to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

#### **REQUEST FOR ADMISSION NO. 14:**

Admit that Applicant's Mark and Opposer's Marks are similar in commercial impression.

#### **RESPONSE:**

Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable inquiry. Applicant objects to this Request as premature and improperly seeking contention testimony. Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant further objects to this Request to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 15:**

Admit that Applicant is aware of instances of confusion between Applicant's Mark and Opposer's Marks.

**RESPONSE:**

Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable inquiry. Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 16:**

Admit that Applicant has received inquiries regarding Opposer, Opposer's predecessors-in-interest, Opposer's Marks or Opposer's Goods.

**RESPONSE:**

Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable



inquiry. Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant further objects to this Request to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

#### **REQUEST FOR ADMISSION NO. 17:**

Admit that a likelihood of confusion exists between Applicant's Mark and Opposer's Marks.

#### **RESPONSE:**

Applicant objects to this Request on the basis that it is unduly Burdensome, Overbroad, and Disproportionate, including by purporting to seek information which is outside the possession, custody, or control of Applicant which Opposer has not yet provided and which cannot be determined by Applicant at this stage of the proceedings even after a reasonable inquiry. Applicant objects to this Request as premature and improperly seeking contention testimony. Applicant objects to the Request to the extent that it improperly seeks to shift any applicable burdens of proof to Applicant. Applicant further objects to this Request to the extent it improperly seeks a legal conclusion. Applicant further objects to this Request to the extent it seeks Privileged documents or information or the mental impressions of legal counsel.

Subject to and without waiving its objections, Applicant responds as follows:

Denied.

Dated: May 26, 2020

Respectfully Submitted,

By: /s/ Perry S. Clegg

Perry S. Clegg (USB No. 7831)

**KUNZLER BEAN & ADAMSON, PC**

50 W. Broadway, Suite 1000

Salt Lake City, UT 84101

Tel: (801) 994-4646

Fax: (801) 531-1929

pclegg@kba.law

*Attorneys for Applicant,*

*Steven Yassin*

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 26, 2020, I caused a copy of the foregoing **APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION** to be electronically served on Opposer's counsel of record by email as of the same date as follows:

Nicole R. Townes - [Nicole.Townes@knobbe.com](mailto:Nicole.Townes@knobbe.com), [efiling@knobbe.com](mailto:efiling@knobbe.com)

/Perry S. Clegg/  
Perry S. Clegg

# **EXHIBIT 13**

## Sarah.Couvillion

---

**From:** Vanessa.Lantin <Vanessa.Lantin@knobbe.com>  
**Sent:** Thursday, November 12, 2020 9:52 AM  
**To:** pclegg@kba.law  
**Cc:** Nicole.Townes  
**Subject:** LT Overseas North America, Inc. v. Steven Yassin (Our Ref.: LTFOO.144M)  
**Attachments:** 2020-11-12 Meet and Confer Letter.PDF

Dear Mr. Clegg:

Please see the attached correspondence from Ms. Nicole Townes.

Best regards,

**Vanessa Lantin**

IP Assistant

[Vanessa.Lantin@knobbe.com](mailto:Vanessa.Lantin@knobbe.com)

(949) 760-0404 Main

**Knobbe Martens**

2040 Main St., 14th Fl.

Irvine, CA 92614

[www.knobbe.com](http://www.knobbe.com)

November 12, 2020

**VIA EMAIL**

Perry Clegg  
50 W. Broadway, Suite 1000  
Salt Lake City, UT 84101  
pclegg@kba.law

Re: *LT Overseas North America, Inc. v. Steven Yassin*  
Opposition No.: 91248318  
Serial No.: 88/050,900  
Mark: ROYAL GUYANA  
Our Ref.: LTFOO.144M

Dear Perry:

I write regarding deficiencies in Mr. Yassin's ("Applicant") responses to LT Overseas North America, Inc.'s ("Opposer") First Set of Interrogatories and First Set of Requests for Production of Documents and Things. The specific deficiencies in Applicant's responses are addressed below.

**Applicant's Deficient Responses to Opposer's Interrogatories**

**Interrogatory No. 3**

Interrogatory No. 3 asks Applicant to describe the circumstances surrounding Applicant's selection and adoption of Applicant's Mark. Applicant merely responded that "Mr. Yassin created Applicant's Mark in early 2018 and filed an intent to use application for Applicant's Mark on July 24, 2018. Mr. Yassin's took into consideration his family heritage when selecting the mark." Applicant's response is deficient. Applicant fails to describe how he created Applicant's Mark or how Mr. Yassin took into consideration his family heritage when selecting his mark. Please immediately supplement Applicant's response to this Interrogatory to provide this information.

**Interrogatory No. 5**

Interrogatory No. 5 asks Applicant to "[i]dentify all uses by You of any mark incorporating 'ROYAL' and/or any variation thereof." Applicant improperly refused to respond to this Interrogatory. Information responsive to this Interrogatory is relevant to the *DuPont* factors, including, but not limited to Applicant's intent in selecting the opposed ROYAL GUYANA mark. Please immediately supplement Applicant's response to this Interrogatory.

#### **Interrogatory No. 12**

Interrogatory No. 12 asks Applicant to “[i]dentify the amount You have spent or plan to spend on advertising Applicant’s Mark and/or Applicant’s Goods.” Applicant responded that he has not yet spent any amount on advertising goods to be sold in the U.S. However, Applicant failed to provide information regarding the amount Applicant plans to spend on advertising Applicant’s Mark or Applicant’s Goods. Please immediately supplement Applicant’s response to this Interrogatory to provide this information.

#### **Interrogatory No. 13**

Interrogatory No. 13 asks Applicant to “describe all steps undertaken by You to offer these goods and/or services under Applicant’s Mark.” Applicant’s refusal to respond to this Interrogatory is improper. This information is highly relevant to the issues in this proceeding. Applicant filed his trademark application based on an intent-to-use, and Opposer is entitled to discovery relating to this intent. Please immediately supplement Applicant’s response to this Interrogatory.

#### **Interrogatory No. 14**

Interrogatory No. 14 asks Applicant to describe the trade channels through which Applicant’s Goods have been sold, are currently being sold, or will be sold. In response, Applicant stated “Applicant has not yet sold goods in the U.S. under Applicant’s Mark.” Applicant’s response is deficient. Applicant failed to provide any information regarding the trade channels through which he plans to sell Applicant’s Goods. Please immediately supplement Applicant’s response to this Interrogatory to provide this information.

#### **Interrogatory No. 18**

Interrogatory No. 18 asks Applicant to “[i]dentify any geographic locations (by state) where You intend to sell or distribute Applicant’s Goods.” In response, Applicant stated “Applicant presently intends selling goods in connection with Applicant’s Mark throughout the East Coast and other parts of the United States.” Applicant’s response is vague and non-responsive. Please immediately supplement Applicant’s response to identify by state where Applicant intends to sell or distribute Applicant’s Goods.

#### **Interrogatory No. 19**

Interrogatory No. 19 asks Applicant to “[s]tate the average wholesale and retail price or the average anticipated wholesale or retail price for each of Applicant’s Goods.” Applicant merely responded that “Applicant has not yet sold any goods in the U.S. under Applicant’s Mark.” However, Applicant has failed to identify the anticipated wholesale and retail price for each of Applicant’s Goods. Please immediately supplement Applicant’s response to this Interrogatory to provide this information.

### **Interrogatory No. 28**

Interrogatory No. 28 asks Applicant to “[i]dentify the target market and/or customer base for Applicant’s Goods... to which You market or aim to market Applicant’s Goods.” In response, Applicant stated “Applicant has not yet sold any goods in the U.S. under Applicant’s Mark.” However, Applicant failed to provide any information regarding the target market or customer base to which he aims to market Applicant’s Goods. Please immediately supplement Applicant’s response to this Interrogatory to provide this information.

### **Interrogatory No. 32:**

Interrogatory No. 32 asks Applicant to “[d]escribe any trademark searches by or on behalf of Applicant in connection with Applicant’s Mark.” Applicant’s refusal to respond to this Interrogatory is improper. Trademark searches are discoverable and are not protected by the attorney-client privilege or attorney work product. T.B.M.P. § 414 (“Search reports are discoverable...”) Please immediately supplement Applicant’s response to this Interrogatory.

### **Applicant’s Deficient Document Production**

In response to all of Opposer’s Requests for Production, Applicant indicated that he would produce documents. *See* Applicant’s Responses to Opposer’s Requests for Production Nos. 1-50. However, to date, Applicant has failed to produce any documents responsive to these Requests with the exception of Request for Production No. 45. Discovery is currently set to close on November 21, 2020. Please confirm that Applicant will immediately produce all responsive documents.

### **Request for Conference of Counsel**

Pursuant to T.B.M.P. § 408.01, Fed. R. Civ. P. 37 and 37 C.F.R. § 2.120(e)(1), Opposer requests a meet and confer to discuss the deficiencies outlined above in Applicant’s written responses to Opposer’s Interrogatories and document production. I am available to meet and confer to discuss these issues via telephone any time on November 16th. Please let me know if November 16th works for you and please propose a time. If not, please suggest alternative dates and times you are available.

Sincerely,



Nicole R. Townes



# **EXHIBIT 14**

**From:** [Perry Clegg](#)  
**To:** [Nicole.Townes](#)  
**Cc:** [Vanessa.Lantin](#); [Megan Nelson](#); [Michael Bartholomew](#)  
**Subject:** RE: LT Overseas North America, Inc. v. Steven Yassin (Our Ref.: LTFOO.144M)  
**Date:** Wednesday, November 18, 2020 4:44:23 PM

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Hi Nicole,

I have a pretty heavy schedule of deadlines and deposition through the holiday. So the first I could meet and confer would be some time after November 30, 2020.

Perry

---

**From:** Nicole.Townes <Nicole.Townes@knobbe.com>  
**Sent:** Wednesday, November 18, 2020 5:31 PM  
**To:** Perry Clegg <pclegg@kba.law>  
**Cc:** Vanessa.Lantin <Vanessa.Lantin@knobbe.com>; Megan Nelson <mnelson@kba.law>; Michael Bartholomew <mbartholomew@kba.law>  
**Subject:** RE: LT Overseas North America, Inc. v. Steven Yassin (Our Ref.: LTFOO.144M)

Perry,

I am following up on my meet and confer letter. Can you please let me know when you are available to discuss the issues raised in this letter?

Regards,  
Nicole

**Nicole Townes**  
Partner  
[Nicole.Townes@knobbe.com](mailto:Nicole.Townes@knobbe.com)  
949-721-5261 Direct  
**Knobbe Martens**  
2040 Main St., 14th Fl.  
Irvine, CA 92614  
[www.knobbe.com/nicole-townes](http://www.knobbe.com/nicole-townes)

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**From:** Vanessa.Lantin <[Vanessa.Lantin@knobbe.com](mailto:Vanessa.Lantin@knobbe.com)>  
**Sent:** Thursday, November 12, 2020 9:52 AM  
**To:** [pclegg@kba.law](mailto:pclegg@kba.law)  
**Cc:** Nicole.Townes <[Nicole.Townes@knobbe.com](mailto:Nicole.Townes@knobbe.com)>  
**Subject:** LT Overseas North America, Inc. v. Steven Yassin (Our Ref.: LTFOO.144M)

Dear Mr. Clegg:

Please see the attached correspondence from Ms. Nicole Townes.

Best regards,

**Vanessa Lantin**

IP Assistant

[Vanessa.Lantin@knobbe.com](mailto:Vanessa.Lantin@knobbe.com)

(949) 760-0404 Main

**Knobbe Martens**

2040 Main St., 14th Fl.

Irvine, CA 92614

[www.knobbe.com](http://www.knobbe.com)

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