

ESTTA Tracking number: **ESTTA1186172**

Filing date: **01/21/2022**

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

Proceeding no.	91248318
Party	Defendant Steven Yassin
Correspondence address	PERRY S. CLEGG JOHNSON & MARTIN, P.A. 50 W. BROADWAY, SUITE 900 SALT LAKE CITY, UT 84101 UNITED STATES Primary email: litigation@johnsonmartinlaw.com Secondary email(s): pclegg@johnsonmartinlaw.com, etweed@johnsonmartinlaw.com, mbartholomew@kba.law 801-783-3200
Submission	Motion to Compel Discovery or Disclosure
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Date	01/21/2022
Attachments	2022-01-21_Motion_to_Compel_Responses.pdf(674988 bytes)

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

LT OVERSEAS NORTH AMERICA, INC., Opposer, v. STEVEN YASSIN, 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 MOTION TO COMPEL RESPONSES TO APPLICANT’S
INTERROGATORIES AND REQUESTS FOR PRODUCTION AND TO COMPEL
PRODUCTION OF RESPONSIVE DOCUMENTS**

Pursuant to TBMP §§ 411.02 and 523, 37 C.F.R. § 2.120(f), other applicable provisions of the TBMP, CFR, and Federal Rules of Civil Procedure, Applicant Steven Yassin (“Yassin” or “Applicant”) respectfully moves the Board for an order compelling Opposer LT Overseas North America, Inc. (“LT Overseas” or “Opposer”) to produce all documents and things responsive to Applicant’s First Set of Requests for Production of Documents (“Applicant’s RFPs”), to provide full and proper responses to Applicant’s RFPs, and to provide full and proper responses to Applicant’s First Set of Interrogatories (“Applicant’s ROGs”). Applicant further requests that the Board find that Opposer’s objections have been waived for lack of specificity.

REQUEST FOR SUSPENSION

Applicant respectfully requests that these proceedings “be suspended by the Board with respect to all matters not germane to the motion.” 37 C.F.R. § 2.120(f)(2) (“When a party files a

motion for an order to compel . . . discovery, the case will be suspended by the Board with respect to all matters not germane to the motion.”)

MEET AND CONFER REQUIREMENT

Prior to filing this Motion, Applicant’s counsel made a good faith effort to resolve the issues presented in this Motion at least as follows: On March 12, 2021, Applicant’s counsel sent Opposer’s counsel a meet and confer letter raising, among other things, objections to Opposer’s discovery responses and deficient production, a copy of which is attached hereto as **Exhibit 1**. On Monday, April 26, 2021, counsel for Applicant and counsel for Opposer conducted a conference call to meet and confer regarding the issues raised in the March 12, 2021 letter and other objections and concerns of Applicant regarding Opposer’s responses to Applicant’s discovery requests. In attendance on the April 26, 2021 meet and confer call were Perry S. Clegg and Joshua Cooper for Applicant, and Nicole Townes for Opposer.

Both the March 12, 2021 letter from Applicant’s counsel and the April 26, 2021 meet and confer telephone call among the parties’ counsel addressed Applicant’s concerns with Opposer’s responses to Applicant’s RFPs, Opposer’s refusal to produce requested documents, and Opposer’s refusal to fully respond to Applicant’s ROGs. On July 20, 2021, Applicant filed a motion to test the sufficiency of Opposer’s answers to Applicant’s First Set of Requests for Admissions (Applicant’s RFAs”). The Board suspended these proceedings on July 23, 2021 pending a decision on Applicant’s motion and ordered that the “parties should not file any paper that is not germane to the motion.” Accordingly, Applicant filed no other motions pending a decision by the Board on Applicant’s motion to test the sufficiency of Opposer’s answers to Applicant’s RFAs. The Board rendered a decision on Applicant’s motion and resumed the proceedings on December 7, 2021, shortly before Christmas.

Since that time, Opposer still has not supplemented or corrected any of its discovery responses or produced any additional documents.

ARGUMENT

On June 22, 2020, Applicant served its First Set of Requests for Production (Nos. 1-41) on Opposer. *See* Applicant's First Set of Requests for Production to Opposer attached hereto as **Exhibit 2**. Four (4) months later, Opposer served its responses to Applicant's First Set of Requests for Production. *See* Opposer's Responses to Applicant's First Set of Requests for Production (Nos. 1-41) attached hereto as **Exhibit 3**. On June 22, 2020, Applicant served its First Set of Interrogatories (Nos. 1-36) on Opposer. *See* Applicant's First Set of Interrogatories to Opposer attached hereto as **Exhibit 4**. Four (4) months later, Opposer served its responses to Applicant's First Set of Interrogatories. *See* Opposer's Responses to Applicant's First Set of Interrogatories (Nos. 1-36) attached hereto as **Exhibit 5**. However, Opposer's responses were woefully deficient and relied on improper general objections without identifying what information or documents Opposer was withholding. Applicant objected to Opposer's discovery responses and failure to produce requested documents. *See* **Exhibit 1**.

During the April 26 meet and confer telephone call among the parties' counsel to discuss objections to and concerns regarding Opposer's discovery responses, Opposer's counsel promised to supplement its responses to Interrogatories Nos. 16, 22, 26, and 27. Opposer also indicated it would supplement and provide certain identifying information requested in connection with Interrogatories No. 1-7. Opposer also indicated it would supplement and produce documents in response to Applicant's RFP No. 1. Yet Opposer has not supplemented any discovery responses or produced any additional documents since the April 26 meet and confer. Instead, on July 20, 2021, Opposer filed a motion to amend its Notice of Opposition.

Opposer has also continued to refuse to produce documents and information in response to numerous other discovery requests, despite their relevance to the strength of Opposer's mark, the scope of Opposer's trademark protection, the crowdedness of the field, commercial impression, and to what degree Opposer has relationships (e.g., concurrent use, coexistence, covenants not to sue, etc.) with their parties having marks including the term ROYAL that would shed light on the issue of whether there is a "likelihood of confusion". This last issue is particularly of interest since Applicant's mark is a multi-word mark (ROYAL GUYANA) having a different commercial impression from how Opposer uses its ROYAL mark, and Opposer undoubtedly has an agreement or understanding (whether written, oral, tacit, otherwise) with Royal Caribbean Cruises Ltd. regarding the mark ROYAL CARIBBEAN for sugar (one of the goods at issue in this case), as Opposer has taken no enforcement action against Royal Caribbean Cruises to enforce its ROYAL mark regarding sugar and it is aware of this issue because Opposer's counsel was also concurrently representing Royal Caribbean Cruises against Applicant and his company regarding the mark ROYAL CARIBBEAN for sugar. See Opposition No. 91263727. Applicant's understanding regarding whether there is confusion between its ROYAL mark and ROYAL CARIBBEAN for sugar is relevant to the same issue as between Opposer's ROYAL mark and Applicant's ROYAL GUYANA mark for sugar or other listed goods.

Opposer's counsel has also been playing the elusive carrot on a stick game regarding the absence of responses or responsive information to many of the discovery requests. Opposer's counsel promised she would "check with" Opposer and provide Applicant's counsel with a response, but then never does. The Board should order Opposer to provide full and complete

responses to Applicant's interrogatories and produce all responsive documents in response to Applications requests for production.

Further, Opposer's responses (and refusals to answer) to Applicant's RFPs and Applicant's ROGs rely on general boilerplate objections. Opposer's responses to Applicant's RFPs (see **Exhibit 3**, pp. 3-6) and Opposer's responses to Applicant's ROGs (see **Exhibit 5**, pp. 2-5) both contain a long litany of general objections under the header "General Objections". All of Opposer's responses to the RFPs and ROGs include the statement: "Opposer incorporates by reference its Preliminary Statement and General Objections as if set forth fully herein."

But general objections are not permissible and Opposer should not be permitted to rely on its unsupported general objections. *Amazon Technologies*, 93 USPQ 2d 1702 (TTAB 2009); *Medtronic*, 222 USPQ at 83 ("it is incumbent upon a party . . . to respond by articulating his objections (with particularity)"); *see also Smash Technology, LLC v. Smash Solutions, LLC*, 335 F.R.D. 438 (D. Utah 2020) (holding that general boilerplate objections do not comply with Fed. R. Civil P. specificity requirements). Moreover, any additional objections proffered by Opposer in its responses were mere boilerplate.

For example, in response to RFP No. 7, Opposer states:

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.

Exhibit 3, p. 9.

All of these objections are conclusory and without factual specificity that would adequately explain the objections. Opposer provides no explanation why it would be unduly burdensome to produce coexistence agreements and concurrent use agreements regarding its ROYAL marks. And its objection regarding confidentiality is without merit since there is a standard protective order in this proceeding under which Opposer could produce confidential documents. Regarding Opposer's general objection regarding privilege, Applicant has requested a privilege log by which Applicant can evaluate Opposer's claims of privilege, yet no such privilege log has been produced yet.

Opposer's responses and boilerplate objections to Applicant's RFPs and ROGs are not justified and Opposer's objections should be deemed waived. *Smash Technology, LLC v. Smash Solutions, LLC*, 335 F.R.D. 438 (D. Utah 2020). Accordingly, Opposer should be ordered to produce all responsive information and documents sought by Applicant's RFPs and Applicant's ROGs, including at a minimum those identified in Applicant's meet and confer letter to Opposer, attached hereto as **Exhibit 1**.

Applicant further requests that the case schedule be extended as appropriate for such number of days as is necessary for Applicant to receive full answers and production of documents from Opposer in response to Applicant's discovery requests to permit Applicant sufficient time to review such information prior to the trial period.

Dated: January 21, 2022

Respectfully Submitted,

By: /s/ Perry S. Clegg
Perry S. Clegg (USB No. 7831)
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Salt Lake City, UT 84101
Tel: (801) 783-3200
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*Attorneys for Applicant,
Steven Yassin*

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2022, I filed the foregoing and attached documents via the TTAB's ESTTA electronic filing system which effectuated service on all counsel of record. A copy of the foregoing has also been electronically served on Opposer's counsel of record by email as of the same date as follows:

Nicole R. Townes - Nicole.Townes@knobbe.com, efiling@knobbe.com

/Perry S. Clegg/
Perry S. Clegg

EXHIBIT 1

Perry Clegg

From: Perry Clegg
Sent: Friday, March 12, 2021 7:40 PM
To: Nicole.Townes
Cc: efiling@knobbe.com; Michael Bartholomew; Taylor Hadfield; Kiersten Slade
Subject: LT Overseas North America v. Yassin - Opposition No. 91248318
Attachments: 2021-03-12_Letter_re_Meet_and_Confer_re_Discovery_Deficiencies.pdf

Dear Nicole,

Please see the attached correspondence regarding Opposer's deficient discovery responses.

Respectfully,



PERRY S. CLEGG
Partner

50 W BROADWAY, SUITE 1000
SALT LAKE CITY, UTAH 84101
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March 12, 2021

VIA ELECTRONIC MAIL

Nicole Townes
Knobbe, Martens, Olson & Bear, LLP
2040 Main St., 14th Fl.
Irvine, CA 92614
Nicole.Townes@knobbe.com

RE: Meet and Confer re Discovery Deficiencies
LT Overseas North America, Inc. v. Yassin, Opposition No.: 91248318

Dear Ms. Townes:

We write to meet and confer regarding certain deficiencies with Opposer LT Overseas North America, Inc. (“Opposer”)’s discovery responses in the above-referenced matter. These concerns are summarized below. Please provide us several alternative dates and times for the week of March 15, 2021 when you can be available to discuss these issues.

General Objections:

As a preliminary matter, we note that Opposer’s discovery responses are replete with general objections. Under the Federal Rules of Civil Procedures (*e.g.*, Rules 33 and 34), as amended in 2015, parties may no longer rely on general objections to discovery requests, including interrogatories and documents requests. *See, e.g., Smash Technology, LLC v. Smash Solutions, LLC*, 335 F.R.D. 438 (D. Utah 2020) (holding that general boilerplate objections do not comply with Fed. R. Civil P. 34 and 35’s specificity requirements). This is also true in a TTAB proceeding, where precedential decisions require discovery objections to be made specifically. *See, e.g., Amazon Technologies, Inc. v. Jeffrey S. Wax*, 93 USPQ 2d 1702 (TTAB 2009). In *Amazon*, the court reasoned that “serving a litany of boilerplate objections and refusing to reveal the true basis for withholding responsive information, only serves to waste the parties’ [time],” and is wholly inappropriate. *Id.* at 4.

Opposer must state whether it is withholding any information or refusing to conduct searches or investigations based on its objections. All Opposer’s discovery responses, including its Requests for Admission, Interrogatories, and Requests for Production, include numerous general objections. All of these are improper, and Opposer must produce all responsive documents and information being withheld based on these general objections. Further, Opposer

fails to state whether it is withholding any documents or information or refusing to do searches based on specific objections. Opposer must do so. Notably, Opposer's objections have all been waived since no specific objections were made to any discovery response and nowhere has Opposer identified what documents or information were being withheld or not searched for based on any of Opposer's objections. Accordingly, please promptly supplement Opposer's discovery responses full and complete answers together with production of all responsive documents.

Opposer's Deficient Responses to Applicant's Interrogatories

I. Verification of Interrogatories.

Opposer has not verified its interrogatory responses as required. Opposer should immediately have its interrogatory responses, including any supplemental responses, verified.

II. Interrogatory Nos. 1 through 7:

Interrogatories 1 through 7 ask Opposer to "Identify" persons. The instructions to the interrogatories clearly define that, to "Identify," with respect to a person means "to state that person's full name, present or last known address, and current or last known place of employment." Opposer's responses to Interrogatory No. 1 through 7 are deficient because they ignore the definition of "identify" and they fail to identify *any* individuals as required by the request. Additionally, Opposer's respective responses are deficient by vaguely and incompletely stating that "Opposer will produce non-privileged documents." Our review of the produced documents revealed that you failed to produce *any* documents under Fed. R. Civ. P. 33(d) from third parties, and we believe that Rule 33(d) is inapplicable at the current stage of discovery. Please promptly supplement Opposer's responses to properly identify all responsive persons. To the extent Opposer is also producing business records under Rule 33(d), identify the responsive business records, specifically indicating each document by its corresponding bates number.

III. Interrogatory Nos. 9 & 10:

Interrogatories 9 and 10 require Opposer to "State the factual basis" in connection with its response. "State the factual basis," as defined by Applicant's First set of Interrogatories to Opposer requires Opposer 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 our knowledge."

Interrogatory 9 requires the factual basis "that any goods or services sold or offered for sale under or in connection with Opposer's Marks are related to Applicant's Goods." Opposer's response is nothing more than a woefully deficient conclusory statement. Similarly, Interrogatory 10 requires the factual basis for Opposer's contention that "Opposer will be damaged by registration of U.S. Trademark Application Serial No. 88/050900 for the mark ROYAL GUYANA." Opposer's response does not comply with the definition of "State the factual basis,"

and includes nothing more than several conclusory statements strung together. Please promptly supplement Opposer's responses to describe in detail each occurrence, as was required by Applicant's First set of Interrogatories to Opposer.

IV. Interrogatory No. 13:

Interrogatory No. 13 asks Opposer to "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. The instructions to the interrogatories clearly defined that, to "identify" means to "give the extent known, (a) description of the substance of the communication; (b) the form of the communication (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. The request also asks Opposer to "describe in detail."

Opposer's response to Interrogatory No. 13 is deficient as it ignores the definition of "identify" and neglects to "describe in detail" any portion of the answer. Opposer provides minimal if any responsive detail to Applicant's Interrogatory. Opposer's answer should include dates, identities, parties, and communications that are directly related to the Interrogatory. Please promptly supplement Opposer's response to describe in detail, and identify the date and circumstances as requested.

V. Interrogatory Nos. 14 & 15:

Interrogatory Nos. 14 & 15 ask Opposer to describe the facts and identify all persons who participated in the creation of Opposer's Marks. The instructions to the interrogatories clearly define "Identify" with respect to an individual as "state the person's full name, present or last known address, and current or last known place of employment."

Opposer's responses to Interrogatory Nos. 14 & 15 are deficient as neither gives any information other than a general objection. As discussed previously, general objections are improper, and even if the objection was proper, you have done nothing to cite authority or give specific reasons for the objections. Furthermore, you have done nothing to illustrate that a search has been conducted, and whether information is being withheld on the basis of privilege or any objection. Please promptly supplement Opposer's response to these interrogatories with full and complete answers.

VI. Interrogatory No. 16:

Interrogatory No. 16 asks Opposer to identify all goods and services that Opposer has offered for sale or provide in connection with Opposer's Marks in the United States. Opposer's answer is insufficient as the phrase "among other goods" gives no detail or information sought

by this request. Opposer's response additionally fails to answer what services Opposer has offered. Please promptly supplement Opposer's response with a full and complete answer.

VII. Interrogatory No. 17:

Interrogatory No. 17 asks for information regarding the priority of Opposer's Mark. This information is directly relevant to Opposer's Opposition and is therefore not overbroad or unduly burdensome. Furthermore, Opposer's general objections offer no specificity and are thus improper. Opposer has asserted multiple goods at the center of this dispute, and this information is directly relevant and discoverable. Please promptly supplement Opposer's response to this interrogatory.

VIII. Interrogatory No. 21:

Interrogatory No. 21 asks Opposer to identify "all efforts to enforce and/or police Opposer's Marks over the past ten years. Opposer's answer is deficient because it fails to "identify" as required by the definitions. Rule 33(d) is not an appropriate response to this Interrogatory. Even were production of business records an appropriate response, no such documents appear to have been produced and Opposer failed to indicate where the responsive documents have been produced, e.g., to identify the documents by Bates range. Further, Opposer's response does not identify whether any documents have been withheld based on privilege. Please promptly supplement Opposer's response to this interrogatory by identifying all efforts to enforce and/or police Opposer's Marks over the past ten years and also identify the bates numbers of the referenced documents.

IX. Interrogatory No. 22:

Interrogatory No. 22 asks Opposer to "identify all persons who participated in or were responsible for the marketing or advertising of any goods or services ... in connection with Opposer's Marks." Identify, with respect to persons means "to state that person's full name, present or last known address, and current or last known place of employment." Not only does Opposer's response fail to adequately identify persons requested, but it also fails to identify whether the persons listed are current or former employees. Please promptly supplement Opposer's response with a full and complete answer.

X. Interrogatories Nos. 26 & 27:

Interrogatories Nos. 26 & 27 ask Opposer to identify sales volume, annual sales, and any cost and expenses incurred from the last five years. Opposer's response states that responsive documents have been produced yet fails to identify where these documents are located in the production. Please promptly supplement Opposer's response to these interrogatories with full and complete answers, including identify the sales volume, annual sales, and any cost and expenses incurred for the last five years.

XI. Interrogatories Nos. 28, 29 & 30:

Interrogatory No. 28 asks Opposer to “identify each trademark search, investigation or other inquiry conducted by or for Opposer concerning the availability to use or register Opposer’s Marks.” Interrogatory No. 29 asks Opposer to “identify all surveys, studies, investigations, or research conducted by or on behalf of opposer.” Interrogatory No. 30 asks Opposer to identify all agreements related to Opposer’s Marks. Opposer’s response to each of these interrogatories is woefully deficient. As discussed above, Opposer’s general objections are improper and do not apply to these interrogatories. Furthermore, Opposer’s response does not identify whether you have done document searches, and whether any documents have been withheld on the basis of privilege. Please promptly supplement Opposer’s response to Interrogatory No. 28 to identify who did the search, and how the search was conducted. Please supplement Opposer’s other responses to identify the requested information.

XII. Interrogatory No. 31:

Interrogatory No. 31 asks Opposer to “describe in detail all administrative proceedings and litigations related to any of Opposer’s Marks other than this proceeding.” Opposer’s response avoids the question and does not describe any of the requested information. Opposer’s response also does not indicate the bates range for the responsive documents. Please promptly supplement Opposer’s response by describing in detail all administrative proceedings and litigations related to any of Opposer’s Marks (other than this proceeding) and also by identify the bates numbers of the referenced documents.

XIII. Interrogatories Nos. 32 & 33:

Interrogatory 32 asks Opposer to “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.” Interrogatory No. 33 asks you to “identify any and all communication between you and third parties in which you assert, admit, acknowledge, suggest, or imply that there is not a likelihood of confusion between or more of Opposer’s Marks and a mark of said third party.” Identify, with respect to a communication, 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.”

Opposer’s respective responses are vague and avoid the request entirely. The request specifically asks for information regarding third parties, and Opposer’s response only addresses communications between Opposer and Applicant. Additionally, Opposer’s respective responses fail to adequately “identify” as required by the definitions. Please promptly supplement Opposer’s responses to address the interrogatory and third parties.

XIV. Interrogatory No. 34:

Interrogatory No. 34 asks for the “factual basis of Opposer’s alleged grounds for Opposition of common law rights as asserted in the Notice of Opposition.” “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.”

Opposer’s response to Interrogatory No. 34 is nothing more than conclusory sentences strung together and does not adequately “state the factual basis” as required. Opposer’s response is further deficient in that it contains no information about the sale of sauces. Further, Opposer’s response does not specify whether documents have been withheld, and if they have, the specific grounds for not producing the documents. Please promptly supplement Opposer’s response to this interrogatory with a full written response as required under Rule 33, and also identify the bates range for the documents referenced by Opposer.

XV. Interrogatory No. 36:

Interrogatory No. 36 states “to the extent that you deny any of the Applicant’s Requests for Admission, in whole or in part, state the factual basis for any such denials.” Opposer’s requests for admission deny 9 of the requests. Opposer’s answer fails to even attempt to state a factual basis for any denial. Please promptly supplement Opposer’s response to state the factual basis for each of Opposer’s denials.

Opposer’s Deficient Responses to Applicant’s Requests for Production:

XVI. Objections Waived

As described above, Opposer’s objections to all of Applicant’s request for production were general and lacked any specificity, and thus are waived. Moreover, Opposer failed to identify any documents being withheld based on any particular objections or whether or to what extent Opposer would or would not conduct searches for any particular documents and things being requested. Thus, Opposer’s objection fail and are waived for this reason too. Accordingly, please promptly supplement Opposer’s responses to each of Applicant’s requests for production and produce all responsive documents.

XVII. Failure to Conduct Appropriate Searches

Almost every response to Applicant’s requests for production consists of the statement:

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.

This statement is prospective and in no way confirms that any proper search for responsive documents has ever been conducted. And based on the paltry, self-serving production received from Opposer to date, it appears that Opposer has not fulfilled its duties as regards to diligently searching for documents and things responsive to Applicant's requests for production. Such failure to diligently search may be subject to discovery sanctions. Accordingly, for each request for production, please confirm whether Opposer has diligently searched for all responsive documents and things. To the extent Opposer has failed or refused to conduct searches for any documents responsive to Applicant's requests for production, Opposer must promptly search for and produce all responsive documents.

Additionally, we note the following deficiencies.

XVIII. RFP No. 1:

RFP No. 1 requests production of all documents identified by Opposer in the initial disclosures. Opposer's production appears to fall short of this. Specifically, Opposer's initial disclosures state that it will produce "documents relating to Opposer's federal trademark registrations for Opposer's Marks and/or prosecution histories of these marks," and "documents showing likelihood of confusion between Opposer's Marks and Applicants Mark." Please confirm whether you have produced all documents identified or referenced in Opposer's initial disclosures and any other documents that Opposer plans to rely on in this proceeding. If all such documents have not been produced. Opposer must immediately produce them.

XIX. RFP Nos. 7 & 8:

RFP No. 7 requests "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. No such documents have been produced. Moreover, Opposer's objection that these documents might be subject to confidentiality obligations with third parties is legally baseless, as the TTAB has a standing protective under which such documents can be produced. Please immediately confirm whether Opposer has any settlement agreements (whether relating to defense against or assertion of marks containing ROYAL), coexistence agreements, consent agreements, concurrent use agreements, or any licensing agreements regarding or relating to Opposer's marks containing ROYAL. Opposer must immediately produce all such agreements and all other responsive documents.

RFP No. 8 requests "all documents concerning, regarding or referencing Opposer's consideration of marks and selection and clearance of Opposer's marks." Opposer's response is deficient because it relies on general, non-specific objections and does not indicate what documents, if any, are protected by the attorney client privilege. Please promptly supplement Opposer's response accordingly.

XX. RFP No. 10:

RFP No. 10 requests “all documents concerning Opposer’s consideration, selection, conception, creation, or adoption of Opposer’s Marks for use in connection with any goods or services. Opposer objects to the request, relying on its general objections. Such reliance is misplaced and Opposer must produce all documents responsive to this request.

XXI. RFP No. 21:

RFP No. 21 requests “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.” Opposer objects to the request, relying on its general objections. Such reliance is misplaced and Opposer must promptly produce all documents responsive to this request.

XXII. RFP No. 39:

RFP No. 39 requests “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.” No such documents have been produced. And Opposer merely objects generally that this request is “not proportional to the needs of this Opposition” but fails to specify how the request is not proportional. Opposer must promptly search for and produce all responsive documents.

Opposer’s Deficient Responses to Applicant’s Requests for Admission:

XXIII. Requests for Admission Nos. 13, 14, 22-31:

Requests for Admission Nos. 13, 14, and 22 through 31 were all left unanswered: Opposer failed to either admit or deny the request and the general objections listed on each response are inadequate and improper, even in a TTAB proceeding. Please immediately supplement Opposer’s responses accordingly or Applicant will move the Board to have these deemed admitted.

XXIV. Privilege Log:

Further, we note that Opposer’s responses raise privilege objections and/or indicate that only non-privileged materials will be produced, yet you have not produced a privilege log. Please produce a privilege log. We are willing to meet and confer with you to determine the scope of any privilege logs (if at all) that the parties will need to produce.

Opposer must promptly supplement its responses to Applicant's discovery requests with full and complete responses and produce all responsive documents, and in any event no later than March 19, 2021. Applicant will move the Board to compel such responses and production absent Opposer's full compliance with Applicant's discovery requests.

Pursuant to TBMP 408.01 and Fed. R. Civ. P. 37, Applicant requests to meet and confer to discuss the deficiencies outlined above in Opposer's written responses to Applicant's Interrogatories and Requests for Production. We are willing to meet and confer with you to discuss these issues via telephone the week of March 15, 2021. Per above, please provide us several alternative dates and times when you can be available for a call to meet and confer.

We look forward to hearing from you.

Respectfully,

KUNZLER BEAN & ADAMSON, PC



Perry S. Clegg

PSC/th

KUNZLER BEAN & ADAMSON

EXHIBIT 2

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

LT OVERSEAS NORTH AMERICA, INC., Opposer, v. STEVEN YASSIN, 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)
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Salt Lake City, UT 84101
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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, 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**

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/

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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
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/Sarah Couvillion/

Sarah Beno Couvillion

33037863

EXHIBIT 4

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

LT OVERSEAS NORTH AMERICA, INC., Opposer, v. STEVEN YASSIN, 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 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)
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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, efiling@knobbe.com

/Perry S. Clegg/
Perry S. Clegg

EXHIBIT 5

**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 INTERROGATORIES (NOS. 1-36)

Pursuant to the Rules of Practice of the United States Patent and Trademark Office, the Trademark Trial and Appeal Board Manual of Procedure, and the applicable Federal Rules of Civil Procedure, Opposer LT Overseas North America, Inc. ("Opposer") hereby responds to Applicant Steven Yassin's ("Applicant") First Set of Interrogatories (Nos. 1-36) 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 further 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 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.

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.

Opposer maintains a website at 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/

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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, mbartholomew@kba.law, aorr@kba.law, docket@kunzlerlaw.com,
bpartis@kba.law, mnelson@kba.law

/Sarah Couvillion/

Sarah Beno Couvillion

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