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

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| Proceeding | 91250172 |
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| Attachments | Opp No 91250172 Combined Motion to Compel and Test Sufficiency of RFA Responses.pdf(86921 bytes) Exhibit A.pdf(95042 bytes) Exhibit B.pdf(350868 bytes) Exhibit C.pdf(130633 bytes) Exhibit D.pdf(71988 bytes) Exhibit E.pdf(1172435 bytes) Exhibit F.pdf(784213 bytes) Exhibit G.pdf(165156 bytes) Exhibit H.pdf(97942 bytes) Exhibit I.pdf(162342 bytes) Exhibit J.pdf(84969 bytes) Exhibit K.pdf(116335 bytes) |

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

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TILT,

Opposer,

v.

THE TiLT GROUP, LLC

Applicant.

Application Serial No. 88/105,759

Opposition No. 91250172

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**APPLICANT’S COMBINED MOTION TO COMPEL AND
TEST SUFFICIENCY OF RESPONSES TO REQUESTS FOR ADMISSION**

Applicant, The TiLT Group, LLC (“Applicant”) hereby moves the Board, pursuant to Fed. R. Civ. P. 37(a) and TBMP §§ 411 and 523-524, to (1) compel Opposer to respond to Applicant’s Doc. Request Nos. 14, 25, 29, 33, 39, 50 and 55; and (2) determine that Opposer’s responses to Request for Admission Nos. 5-7 are insufficient.

The requested documents are important. A key issue in this case is whether Opposer has priority in the Tilt mark. Applicant contends Opposer does not have priority because it held itself out as Frameworks or Frameworks Tilt and cannot tack use of a different mark. Central to the proof is Opposer’s tweet announcing a “rebrand” of the Frameworks name *after* Applicant began use of its Tilt mark. Opposer refuses to produce its Twitter documents. Opposer’s use of its email to identify itself also matters, yet Opposer refuses to produce it.

Opposer’s boilerplate objections are contrary to the Federal Rules of Civil Procedure, and plainly obstructionist. The objections are calculated to avoid producing highly relevant and even dispositive documents. Opposer feigns to not understand simple terms such as “contained” or its own mark “Frameworks”. Telling is Opposer’s objection to its own social media accounts. It

refuses to produce the requested documents, yet it served an essentially identical request upon Applicant. Opposer does not indicate whether it is withholding documents based on its objections. Also telling is Opposer's stonewalling about producing its email. After more than 6 months Opposer claims for the first time that "certain documents" are no longer available because it stopped using a server back in 2017. Yet Opposer does not explain *which* documents are unavailable, or whether it tried to access the documents from the old server.

Thus, Applicant moves to compel Opposer to respond without objection (other than based on attorney client privilege) and produce the following: (1) emails showing Opposer's email signatures to customers and potential customers from 2016 through 2018 (Doc. Request No. 14); (2) all communications between Opposer and Caidan Management Company, LLC between July 31, 2016 and July 31, 2018 (Doc. Request No. 33); (3) invoices, purchase orders, receipts, work orders, or presentations regarding Guardhat between January 1, 2015 and December 31, 2015 (Doc. Request No. 39); (4) documents relating to Opposer's use of the Frameworks Word Mark (Doc. Request No. 25); (5) correspondence containing the Frameworks Logo or the Frameworks Word Mark from June 15, 2017 to July 31, 2018 (Doc. Request No. 50); (6) documents showing the city and state of Opposer's customers (Doc. Request No. 29); and (7) the social media information requested in Doc. Request No. 55.

Applicant asks the Board to rule that Opposer's responses to Request for Admission Nos. 5-7 are insufficient and compel Opposer to: (1) admit or deny that it used the Frameworks Word Mark or the Frameworks Logo on its webpage or social media (Request for Admission No. 5); and (2) admit or deny that it used the Frameworks Word Mark or the Frameworks Logo on customer invoices or contracts after September 30, 2017 (Request for Admission No. 6) and after October 31, 2017 (Request for Admission No. 7).

Alternatively, Applicant asks that the Board enter judgment in its favor on the issue of priority. All the improperly withheld documents and responses about how Opposer identified itself relate directly to Applicant's priority defense. All documents are in Opposer's control. If Opposer will not comply, the Board should enter judgment for Applicant on the priority issue.

ARGUMENT

I. Applicant Has Made a Good Faith Effort to Resolve these Discovery Matters without Involving the Board

Applicant has made a good faith effort to resolve these discovery disputes with Opposer before filing this combined Motion. Trademark Rules 2.120(f)(1) and 2.120(i)(1), respectively, require the moving party in a discovery dispute to demonstrate that it made a good faith effort to resolve the discovery dispute with the opposing party but was unable to reach an agreement. *See* 37 C.F.R. §§ 2.120(f)(1) and (i)(1) (2020).

Applicant served its First Set of Document Requests (Nos. 1-30) on Opposer on October 23, 2019. *See* Exhibit A. Opposer served its responses to the First Set of Document Requests on December 20, 2019. *See* Exhibit B. Applicant then served its First Set of Requests for Admission (Nos. 1-9) and Second Set of Document Requests (Nos. 31-57) on March 13, 2020. *See* Exhibits C and D. Opposer served its responses to the discovery requests on April 13, 2020. *See* Exhibits E and F. On May 1, 2020, Applicant requested that Opposer correct its deficient responses and objections. *See* Exhibit G. On May 6, 2020, Opposer responded but did not address the deficiencies. *See* Exhibit H. Opposer also filed a Motion to Strike (9 TTABVUE) on May 6, 2020, and these proceedings were resumed on Jun 18, 2020 (12 TTABVUE). Applicant then sent Opposer a second letter on July 7, 2020 that outlined the deficiencies in Opposer's responses with respect to Doc. Request Nos. 14, 25, 29, 33, 39, 50 and 55, and Request for Admission Nos. 5, 6 and 7. *See* Exhibit I.

In response to Applicant's July 7, 2020 letter, Opposer sent Applicant a letter on July 14, 2020 reiterating several of its previous objections and stating that it is still looking for responsive documents. See Exhibit J.

On July 17, 2020, Applicant replied. See Exhibit K. Opposer still did not advise whether it was withholding any documents based on its objections. Opposer had not indicated whether it had made any attempt to retrieve the documents from the server that it allegedly stopped using in 2017, despite Opposer's claims to have been using its trademarks since 2015. Applicant also argued that Opposer is improperly withholding documents based on a misinterpretation of the term "Frameworks Word Mark." Applicant also pointed out that Doc. Request No. 55 is "identical" to Opposer's social media document request and, thus, Opposer cannot contend that the request unclear or overbroad. Along with its July 17, 2020 letter, Applicant served Opposer with a Third Set of Document Requests and a Second Set of Requests for Admission narrowly tailored to address the information previously requested but not produced by Opposer.

II. Opposer's Failure to Comply with the Document Requests Is Improper

Opposer relies on boilerplate objections and disingenuous claims that the requests are unclear. The objections are obstructionist and calculated to avoid producing documents helpful to Applicant's case. In proceedings before this Board, a "responding party may not rely on conclusory statements when objecting" to document requests as "overly broad, unduly burdensome, vague or ambiguous, or not proportional to the needs of the case" – instead, the responding party must "state specifically the underlying basis for the objection." *Hewlett Packard Enters. Dev. LP v. Arrow Indus., Inc.*, Cancellation No. 92067494 (TTAB May 2, 2019), at p. 8. If the responding party fails to specifically state the underlying basis for the objection, it is required to provide substantive responses to the dispute discovery requests. *Id.* Furthermore, a responding party must clearly state whether it has searched for and identified, but withheld, responsive documents based on its

objections. *Id.* In view of these principles, Opposer should be required to fully respond to Doc. Request Nos. 14, 25, 29, 33, 39, 50 and 55 as set forth below.

1. Doc. Request No. 14

Request: All Documents that relate to Opposer's email signatures and communications after January 2015.

Opposer's Response: In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, not proportional to the needs of the case to the extent the Request seeks "all documents." Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work product doctrine, or any other applicable privilege protection or immunity. Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

Opposer does not explain why this Request is overbroad other than noting that it seeks "all documents." The Request seeks documents "after January 2015" "that relate to Opposer's email signatures and communications." Opposer cannot explain why a Request for communications that relate to its "email signatures and communications" is overbroad or irrelevant. Opposer's boilerplate objections are improper and insufficient to avoid responding to this discovery request, even with objection to the phrase "all documents." *See Hewlett Packard*, at p. 8 (granting a motion to compel where the respondent objected to every discovery request by including its general objections and stating that specific discovery request was "not proportional to the needs of the case," even though for a select few discovery requests, the respondent had tied its assertion that the benefit was outweighed to specific phrases from the request, such as "all U.S. customers" or "all third parties").

Opposer's response to this Request also does not indicate whether responsive documents have been identified and withheld. Therefore, Applicant requests that the Board compel Opposer

to respond to Doc. Request No. 14 and indicate whether responsive documents have been identified and withheld.

Opposer's July 14, 2020 letter reveals that "certain documents" are no longer available because they were stored on a server that Opposer stopped using in 2017. Opposer does not indicate whether the documents on the prior server include those requested in Doc. Request No. 14. Therefore, Applicant requests that the Board compel Opposer to indicate whether any documents responsive to this Request are on the allegedly unavailable server and whether they are truly unavailable.

2. Doc. Request No. 25

Request: All Documents that relate to Opposer's use of the Frameworks Word Mark.

Opposer's Response: In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek "all Documents." Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to the Request on the grounds that the term "Frameworks Word Mark" as used herein is inadequately defined, vague, ambiguous, and/or confusing. Subject to its general and specific objections, and to the extent that Tilt understands the Request, Tilt has not used the Frameworks Word Mark.

Like its response to Doc. Request No. 14, Opposer does not explain why this Request is overbroad other than noting that it seeks "all documents." The Request does not seek "all documents" but rather all documents "that relate to Opposer's use of the Frameworks Word Mark." Opposer does not explain why a request for documents related to its use of the Frameworks Word Mark is overbroad or irrelevant. Opposer's use of the mark "Frameworks Tilt" is a key issue in this Opposition, and Opposer has refused to produce documents showing its use of the mark "Frameworks Tilt." As such, Opposer's objections are improper.

In addition, Opposer's claim that "Frameworks Word Mark" is not adequately defined or is confusing is simply obstructionist. In its First Set of Document Requests, Applicant defined the

term “Frameworks Word Mark” to mean “the literal element FRAMEWORKS or FRAMEWORKS WORLDWIDE,” in contrast to the term “Frameworks Logo” referring to a stylized F. Opposer’s objection is improper.

Opposer’s response also does not indicate whether responsive documents have been identified and withheld. Therefore, Applicant requests that the Board compel Opposer to fully respond to Doc. Request No. 25 and indicate whether responsive documents have been identified and withheld.

Applicant also requests that the Board compel Opposer to indicate whether any documents responsive to this Request are on the allegedly unavailable server.

3. Doc. Request No. 29

Request: Documents sufficient to show Opposer’s sales by customer and geographic region from January 2015.

Opposer’s Response: In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request on the grounds that the term “geographic region” as used herein is vague, ambiguous, and/or confusing. Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek information that is unlimited in geographic scope. Tilt further objections to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Subject to its general objections, Tilt is unable to ascertain the scope of this Request, upon clarification from Applicant, Tilt will supplement its production. Notwithstanding, Tilt has produced documents sufficient to show its customers.

Opposer again does not explain why this Request is overbroad other than noting that it appears to seek information that is unlimited in geographic scope. But the Request for sales by geographic region since January 2015 is neither overbroad or unrelated to the issues. Opposer does not explain why this Request is not proportional to the needs of the Opposition or how the information it seeks is irrelevant. Opposer’s alleged prior use is a key issue in this Opposition, and Opposer has not produced documents showing how it used its mark in geographic sales. Thus,

Opposer's boilerplate objections are improper and insufficient to avoid responding to this Request. *See Hewlett Packard*, at p. 8.

In addition, Opposer's claim that "geographic region" is confusing is obstructive and insincere. In its July 17, 2020 letter, Applicant agreed with Opposer that the term "geographic region" means the city and state where each customer is located, and that the response can be limited to US sales only. Yet Opposer continues to argue that "sales documents" is unclear. Opposer's objection is just an attempt to avoid producing responsive documents. Opposer does not indicate whether responsive documents have been identified but withheld based on its objections. As such, Applicant requests that the Board compel Opposer to fully respond to Doc. Request No. 29 and to further indicate whether responsive documents have been identified and withheld.

Applicant also requests that the Board compel Opposer to indicate whether any documents responsive to this Request are on the allegedly unavailable server.

4. Doc. Request No. 33

Request: All Communications relating to Caidan Management Company, LLC.

Opposer's Response: In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request on the grounds that "Caidan Management Company, LLC" as used herein is vague, ambiguous, and inadequately defined. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request to the extent it is duplicative of Request No. 31. Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

Opposer again does not explain why this Request is overbroad or unduly burdensome. It isn't. Or why this Request is not proportional to the needs of the Opposition or how the information it seeks is irrelevant. This request is narrowly tailored to communications with a specific third party – Caidan Management Company, LLC. Opposer's objections are improper and insufficient to avoid responding to this discovery request. *See Hewlett Packard*, at p. 8.

Opposer does not indicate whether responsive documents have been identified but withheld based on its objections. As such, Applicant requests that the Board compel Opposer to fully respond to Doc. Request No. 33 and to further indicate whether responsive documents have been identified and withheld.

Applicant also requests that the Board compel Opposer to indicate whether any documents responsive to this Request are on the allegedly unavailable server

5. Doc. Request No. 39

Request: All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding Guardhat, a US based creator of intelligent and connected hardhats, from the time period January 1, 2015 to December 31, 2015.

Opposer's Response: In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt objects to this Request on the grounds that the terms "invoices, purchase orders, receipts, work orders, [and] presentations" as used herein are vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request on the grounds that Guardhat as used herein is vague, ambiguous, and inadequately defined. Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

Like its response to Doc. Request No. 33, Opposer does not explain why this Request is overbroad or unduly burdensome. Or why this Request is not proportional to the needs of the

Opposition or how the information it seeks is irrelevant. This request is narrowly tailored to information regarding a specific third party – Guardhat – for a specific period of time – January 1, 2015 to December 31, 2015. As such, Opposer’s objections are improper and insufficient to avoid responding to this Request. *See Hewlett Packard*, at p. 8.

Applicant also notes that Opposer does not indicate whether responsive documents have been identified but withheld based on its objections. Applicant requests that the Board compel Opposer to fully respond to Doc. Request No. 39 and to further indicate whether responsive documents have been identified and withheld.

Applicant also requests that the Board compel Opposer to indicate whether any documents responsive to this Request are on the allegedly unavailable server

6. Doc. Request No. 50

Request: All of Opposer’s correspondence containing the Frameworks Logo or the Frameworks Word Mark from June 15, 2017 to July 31, 2018.

Opposer’s Response: In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek “All of Opposer’s correspondence.” Tilt further objects to the Request on the grounds that the term “Frameworks Word Mark” as used herein is inadequately defined, vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request to the extent that it is duplicative of Request No.25. Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request, to the extent Tilt has any such relevant documents.

Yet again, Opposer does not explain why this Request is overbroad other than noting that it seeks “All of Opposer’s correspondence.” The Request does not seek “all correspondence” of Opposer but rather all correspondence “containing the Frameworks Logo or the Frameworks Word Mark” for a distinct time period – June 15, 2017 to July 31, 2018. Opposer does not explain why a request for documents related to its use of the Frameworks Logo or Frameworks Word Mark is

overbroad or irrelevant. Opposer's use of the mark "Frameworks Tilt" is a key issue in this Opposition, and Opposer has refused to produce documents showing its use of the mark "Frameworks Tilt." Therefore, Opposer's objections are improper. *See Hewlett Packard*, at p. 8.

In addition, Opposer's claim that "Frameworks Word Mark" is not adequately defined is just false. Applicant defined the term "Frameworks Word Mark" to mean "the literal element FRAMEWORKS or FRAMEWORKS WORLDWIDE," in contrast to the term "Frameworks Logo" referring to a stylized F.

Opposer's response to this Request does not indicate whether responsive documents have been identified and withheld. Applicant requests that the Board compel Opposer to fully respond to Doc. Request No. 50 and to further indicate whether responsive documents have been identified and withheld.

Applicant also requests that the Board compel Opposer to indicate whether any documents responsive to this Request are on the allegedly unavailable server.

7. Doc. Request No. 55

Request: The content as of the date of these requests found on each internet website on which you have a presence, including but not limited to social networking sites such as Facebook, SnapChat, Twitter, LinkedIn, Google+, Pinterest, Quora, Vine, Instagram, Flickr, and YouTube ("Applicant's Websites"). Regarding Facebook and Twitter, please produce the files obtainable by downloading the entire accounts directly from the site hosts (see <https://www.facebook.com/help/133221086752707/> and <http://blog.twitter.com/2012/12/yourtwitter-archive.html> for instructions) and that contain, link to, or make any use of the TILT Trademarks by Opposer. Regarding Instagram, please go to [instagram.com](https://www.instagram.com/), click on the gear icon next to your Edit Profile option and select Privacy and Security, scroll down to Data Download, click Request Download, type in your email address if it doesn't automatically pop up, then click Next, enter your password and click Request Download.

Opposer's Response: In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome. Tilt further objects to the Request on the grounds that the many of the terms and phrases used herein are inadequately defined, vague, ambiguous, and/or confusing, including but not limited to, "content," "presence," "downloading the entire accounts" and "gear icon." Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's

possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request to the extent it seeks information that is publicly available. Tilt objects to this Request to the extent it seeks information above and beyond what is required by the Federal Rules of Civil Procedure and the Trademark Rules. Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request.

Opposer's objection is pure obstruction. This Request is nearly identical to the Doc. Request No. 13 that Opposer served upon Applicant. Opposer can't explain why this Request is overbroad or unduly burdensome. This Request's instructions are identical to those served by Opposer for downloading Facebook, Twitter and Instagram. As such, Opposer has waived its right to object to this Request. *See Sentrol, Inc. v. Sentex Sys., Inc.*, 231 USPQ 666, 667 (TTAB 1986) (parties who served identical discovery requests on each other in effect waived their right to object and must answer each request completely); *see also* TBMP §402.01. As such, Opposer's boilerplate do not avoid responding to this Request. *See Hewlett Packard*, at p. 8.

Opposer's response also does not indicate whether responsive documents have been identified and withheld. Applicant requests that the Board compel Opposer to fully respond to Doc. Request No. 55 and to further indicate whether responsive documents have been identified and withheld.

Applicant also requests that the Board compel Opposer to indicate whether any responsive documents are on the allegedly unavailable server.

III. Opposer's Responses to Request for Admission Nos. 5-7 Are Insufficient

Opposer makes obstructive and insincere objections that the requested information is unclear. "The purpose of requests for admissions under Rule 36(a) of the Federal Rules of Civil Procedure is to expedite trial by removing essentially undisputed issues, and thereby avoiding wasting time, effort and expense on unnecessary discovery, which otherwise would be required to prove issues at trial." *Gilead Sciences, Inc. v. Gilead Capital LP*, Opposition No. 91233311 (TTAB

August 7, 2019), at p. 15. A responding party cannot simply deny a request for admission where it has indicated a lack of understanding of terminology and the propounding party has later clarified the meaning of such terminology. *See Sharp Kabushiki Kaisha, a/t/a Sharp Corp. v. Onsharp, Inc.*, Opposition No. 91190899 (TTAB February 23, 2012), at pp. 10-11. In view of these principles, Applicant submits that Opposer should be required to supplement its responses to Request for Admission Nos. 5-7 as set forth below.

1. Request for Admission No. 5

Request: Admit that Opposer's webpages or social media contained the Frameworks Word Mark or the Frameworks Logo after July 31, 2017.

Opposer's Response: In addition to its general objections, Tilt objects to this Request on the grounds that the term "contained" as used herein is vague and ambiguous. Tilt further objects to this Request on the grounds that the term "Frameworks Word Mark" as used herein is inadequately defined, vague, ambiguous, and/or confusing. Subject to its general and specific objections, Tilt responds as follows: Denied.

Opposer objects on the grounds that the terms "contained" and "Frameworks Word Mark" are ambiguous or otherwise unclear. Applicant defined the term "Frameworks Word Mark" to mean "the literal element FRAMEWORKS or FRAMEWORKS WORLDWIDE," in contrast to the term "Frameworks Logo" referring to a stylized F. Opposer's objection to the definition of "Frameworks Word Mark" is improper.

Furthermore, in its July 17, 2020 letter, Applicant clarified that the term "contained" means "included." As such, Opposer cannot simply rely on its earlier denial of this Request without clarifying its response. *See Sharp Kabushiki Kaisha*, at pp. 10-11.

Opposer's use of the mark "Frameworks Tilt" is a key issue in this Opposition, and Opposer has refused to admit whether it has used the mark "Frameworks Tilt" during the requested time frames. Therefore, Applicant requests that the Board compel Opposer to supplement its response to this Request and, in particular, clarify whether the literal element FRAMEWORKS or

FRAMEWORKS WORLDWIDE was included on Opposer's webpages or social media after July 31, 2017.

2. Request for Admission No. 6

Request: Admit that Opposer's invoices to customers or contracts with customers contained the Frameworks Word Mark or the Frameworks Logo after September 30, 2017.

Opposer's Response: In addition to its general objections, Tilt objects to this Request on the grounds that the term "contained" as used herein is vague and ambiguous. Tilt further objects to this Request on the grounds that the term "Frameworks Word Mark" as used herein is inadequately defined, vague, ambiguous, and/or confusing. Subject to its general and specific objections, Tilt responds as follows: Denied.

Like its response to Request for Admission No. 5, Opposer objects on the grounds that the terms "contained" and "Frameworks Word Mark" are ambiguous or otherwise unclear. However, as discussed above, Applicant has defined the term "Frameworks Word Mark" to mean "the literal element FRAMEWORKS or FRAMEWORKS WORLDWIDE," in contrast to the term "Frameworks Logo" referring to a stylized F. Applicant has also clarified that the term "contained" means "included." As such, Opposer cannot simply rely on its earlier denial of this Request without clarifying its response. *See Sharp Kabushiki Kaisha*, at pp. 10-11.

Opposer's use of the mark "Frameworks Tilt" is a key issue in this Opposition. Opposer has refused to admit whether it has used the mark "Frameworks Tilt" during the requested time frames. Therefore, Applicant requests that the Board compel Opposer to supplement its response to this Request and, in particular, clarify whether the literal element FRAMEWORKS or FRAMEWORKS WORLDWIDE was included in Opposer's invoices to customers or contracts with customers after September 30, 2017.

3. Request for Admission No. 7

Request: Admit that Opposer's invoices to customers or contracts with customers contained the Frameworks Word Mark or the Frameworks Logo after October 31, 2017.

Opposer's Response: In addition to its general objections, Tilt objects to this Request on the grounds that the term "contained" as used herein is vague and ambiguous. Tilt further objects to this Request on the grounds that the term "Frameworks Word Mark" as used herein is inadequately defined, vague, ambiguous, and/or confusing. Subject to its general and specific objections, Tilt responds as follows: Denied.

Opposer again objects on the grounds that the terms "contained" and "Frameworks Word Mark" are ambiguous or otherwise unclear. Applicant has defined the term "Frameworks Word Mark" to mean "the literal element FRAMEWORKS or FRAMEWORKS WORLDWIDE," in contrast to the term "Frameworks Logo" referring to a stylized F. Applicant has also clarified that the term "contained" means "included." As such, Opposer cannot simply rely on its earlier denial of this Request without clarifying its response. *See Sharp Kabushiki Kaisha*, at pp. 10-11.

Opposer's use of the mark "Frameworks Tilt" is a key issue in this Opposition, and Opposer has refused to admit whether it has used the mark "Frameworks Tilt" during the requested time frames. As such, Applicant requests that the Board compel Opposer to supplement its response to this Request and clarify whether the literal element FRAMEWORKS or FRAMEWORKS WORLDWIDE was included in Opposer's invoices to customers or contracts with customers after October 31, 2017.

IV. Applicant Requests Judgment on the Issue of Priority in view of Opposer's Obstruction of Discovery

In view of Opposer's obstruction of discovery that would support Applicant's priority case, Applicant respectfully requests judgment in its favor on the issue of priority. Opposer's use of the mark "Frameworks Tilt" is a key issue in this Opposition. Applicant contends that Opposer does not have priority because it held itself out as Frameworks or Frameworks Tilt and cannot tack use of a different mark. Central to the proof is a tweet announcing a "rebrand" of the Frameworks

name *after* Applicant began use of its Tilt mark and Opposer's emails showing its identity. However, Opposer has refused to produce all documents showing its use of the term "Frameworks" or "Frameworks Tilt."

CONCLUSION

For at least the reasons set forth above, Applicant submits that Opposer's responses to Doc. Request Nos. 14, 25, 29, 33, 39, 50 and 55 are insufficient. Therefore, Applicant respectfully moves the Board to compel Opposer to produce the following: (1) emails showing Opposer's email signatures to customers and potential customers from 2016 through 2018 (Doc. Request No. 14); (2) all communications between Opposer and Caidan Management Company, LLC between July 31, 2016 and July 31, 2018 (Doc. Request No. 33); (3) invoices, purchase orders, receipts, work orders, or presentations regarding Guardhat between January 1, 2015 and December 31, 2015 (Doc. Request No. 39); (4) documents relating to Opposer's use of the Frameworks Word Mark (Doc. Request No. 25); (5) correspondence containing the Frameworks Logo or the Frameworks Word Mark from June 15, 2017 to July 31, 2018 (Doc. Request No. 50); (6) documents showing the city and state of Opposer's customers (Doc. Request No. 29); and (7) the social media information requested in Doc. Request No. 55.

Applicant moves the Board to compel Opposer to: (1) admit or deny that it used the Frameworks Word Mark or the Frameworks Logo on its webpage or social media (Request for Admission No. 5); and (2) admit or deny that it used the Frameworks Word Mark or the Frameworks Logo on customer invoices or contracts after September 30, 2017 (Request for Admission No. 6) and after October 31, 2017 (Request for Admission No. 7).

Applicant also requests judgment in its favor on the issue of priority, since Opposer has refused to produce documents that would support Applicant's priority arguments.

Dated: July 22, 2020

/Michael T. Murphy/

Michael T. Murphy
Daniel Hwang
Global IP Counselors, LLP
1233 Twentieth Street NW, Suite 600
Washington, D.C. 20036
(202) 293-0585
mmurphy@giplaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached was served on counsel for Opposer via electronic mail:

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Dated: July 22, 2020

/Daniel Hwang/

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EXHIBIT A

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

In the Matter of Application Ser. No. 88/105,759: **T!LT**
Filing Date: September 5, 2018

Tilt Corporation,

Opposer,

v.

Opposition No: 91250172

The Tilt Group, LLC,

Applicant.

APPLICANT’S FIRST SET OF DOCUMENT REQUESTS

Applicant, The Tilt Group, LLC, (“Applicant”) pursuant to Rule 33 of the Federal Rules of Civil Procedure hereby propounds its First Set of Document Requests to Opposer, Tilt Corporation (“Frameworks Corporation”) as follows:

DEFINITIONS AND INSTRUCTIONS

- A. Each Document Request shall be continuing so as to require Frameworks Corporation to file supplemental Documents pursuant to Rule 26(e) of the Federal Rules of Civil Procedure.
- B. ““759 Application” means Application Ser. No. 88/105,759 for the trademark T!LT (“Applicant’s Mark”).
- C. ““914 Application” means Application Ser. No. 88/408,914 for the trademark of a stylized word “TILT STORY”.
- D. “Opposition” means Opposition No. 91250172.

E. “Frameworks Corporation” or “Opposer” shall refer to Opposer Tilt, a Nevada corporation with an address at 108 Willits St., Birmingham, Michigan 48009, and any predecessors in interest to any intellectual property of Tilt Corporation, or any other parties with an interest in Opposer.

F. “TILT Trademarks” means TILT and/or TILT STORY. See Paragraph 2 of the Opposition.

G. “Frameworks Logo” means the stylized F shown below:



H. “Frameworks Word Mark” means the literal element FRAMEWORKS or FRAMEWORKS WORLDWIDE.

I. “Communications” means all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, notes, telegrams, advertisements, or other form of verbal exchange, whether oral or written.

J. “Date” means the day, month and year.

K. “Applicant” shall refer to The Tilt Group, LLC.

L. “Documents” means all written or graphic matter of every kind or description, however produced or reproduced, whether in draft or in final form, whether original or a reproduction, including electronically stored information and all tangible things including within the scope of Rule 34(a) of the Federal Rules of Civil Procedure, which are in the possession, custody or control of Opposer or to which Opposer can obtain access.

M. “Identify” means:

- a. With respect to a Communication, state the date of the Communication, the name and present address of each person present at the Communication and the subject of the Communication. If the Communication was in writing, identify all Documents which relate to the Communication.
- b. With respect to an individual, state the person's full name, present business affiliation and position, if known, and present home address and the past position and business affiliation, if any, with any of the parties to this Opposition;
- c. With respect to a company or other business entity, state the company's legal name, the names under which it does business, its form (partnership, corporation, limited liability company, etc.), and identify its principal officers, directors and members; and
- d. With respect to a Document, state the date, author, addressee, type of Document (e.g. letter, memorandum, etc.), and identify its last known custodian and location.

N. "Person" means any individual, corporation, partnership, limited liability company, association, organization and any other entity of any other type of nature.

O. "Relate to" including, "Relating to" means consist of, referred to, reflects or in any way logically or factually connected with the matter discussed.

P. With respect to the identification of any Documents which are claimed to be privileged and which will not be produced pursuant to Opposer's outstanding Request for Production of Documents, please provide the following as to each such withheld Document:

- a. The name of the author of the Document;
- b. The name of the sender, if any, of the Document;

- c. The name of the person, if any, to whom said Document or copies of said Document were sent;
- d. The date of said Document;
- e. The date upon which said Document was received by those persons having possession of the Document;
- f. A description of the nature and subject matter of the Document; and
- g. The statute, rule or decision which is claimed to give rise to the asserted privilege.

Q. Whenever appropriate, the singular form of a word shall be interpreted in plural “and” and “or” shall be construed either disjunctively or conjunctively.

R. Opposer shall produce documents, including paper documents, and e-mail and Word documents as PDF images.

S. In addition, Applicant reserves the right to request documents in their native format. Opposer shall produce the following documents in their native format within fourteen (14) days of a request from Applicant via electronic mail.

T. All documents produced will adhere to the following formatting, if applicable:

- a. Technical documents (e.g., design drawings, manufacturing drawings, and CAD drawings).
- b. Excel files and Access files.
- c. Native files shall be produced with a placeholder PDF image. Each PDF placeholder will contain the Bates number and confidentiality designation of the native file.
- d. All documents produced as PDF images will bear unique document numbers on each page. All documents produced in native format will be given unique

document numbers preceding the original file name. For any document that cannot be produced as a PDF image (e.g., a video file), Opposer shall produce a place holder page indicating that the document in question is being produced in native format.

- e. Opposer shall produce documents in color to the extent color is necessary to assist in the interpretation of the documents.
- f. Opposer shall agree to de-duplicate documents across custodians and/or within custodians using a verifiable process.
- g. Gaps. Productions should contain sequential Bates numbers with no gaps. There should be no gaps in Bates numbers between productions. A unique production volume number will be used for each production. If any unavoidable gaps occur, Opposer shall agree to provide advance notice of those gaps within productions and/or between productions.
- h. Parent-Child Relationships. Parent-child relationships (the association between an attachment and its parent document) shall be preserved.
- i. Costs. Each party shall bear its own costs of producing relevant and responsive electronic documents in its possession, custody, or control. The above does not waive any party's right to seek the allocation of production costs based on the burden of production in the event that production costs become unreasonable.
- j. The Parties will further confer on the methods of conducting electronic searches within ten (10) days of the service of the applicable discovery requests.

- k. The Parties' ESI searches shall be conducted on all relevant electronic devices and systems, including computers, networks, removable drives, CDs, DVDs, websites, remote storage locations (i.e., cloud computing locations), and the like.

DOCUMENT REQUESTS

1. All Documents identified in Opposer's responses to Applicant's First Set of Interrogatories or otherwise reviewed or considered in responding to Applicant's First Set of Interrogatories.
2. All Documents that relate to the '914 Application for TILT STORY, including its enforceability or scope.
3. All Documents showing use of the TILT STORY mark by Opposer from January 2015 to present.
4. All Documents that relate to the formation of, relationships between The Frameworks Worldwide, Tilt (a Nevada corporation), Lawrence James (individual/principal), and Shanky Das (individual/principal).
5. All Documents that relate to Opposer's corporate status or changes to corporate status after January 2015.
6. All agreements that relate to Opposer's claim of ownership and control of the Trademarks in the U.S. for the time period between January 2015 to September 2018.
7. All Documents after January 2015 showing the Trademarks on receipts, payroll, and business cards.
8. All contracts with customers in existence after January 2015.
9. All employment contracts between Opposer and others after January 2015.
10. All payroll payments made by Opposer after January 2015.
11. All invoices issued by Opposer after January 2015.
12. All purchase orders issued to Opposer after January 2015.

13. All Documents that relate to Opposer's websites, advertising, press releases after January 2015.

14. All Documents that relate to Opposer's email signatures and communications after January 2015.

15. All business cards used by Opposer after January 2015.

16. All proposals and pitch materials including, but not limited to, slide decks made by Opposer after January 2015.

17. All Documents that relate to the filing of the '914 Application.

18. All Documents that relate to the filing of the Opposition including but not limited to investigation into Applicant's use and investigation of Opposer's rights in the Trademarks.

19. All Documents that relate to the trademark applications filed or trademark registrations owned by Opposer in the US or throughout the world that include the Trademarks or any variation of the Trademarks including, but not limited to, the '914 Application.

20. All Documents that relate to Applicant including, but not limited to, Opposer's first awareness of Applicant, Opposer's communications with Applicant, or Opposer's investigation of Applicant.

21. All Documents that relate to Opposer's design and development of the Trademarks including, but not limited to, any trademark clearance search, any investigation of third-party use of the Trademarks and any attempts to apply to register the Trademarks in the US or elsewhere.

22. All Documents that relate to Opposer's investigation third-party use of the Trademarks and actions to enforce Opposer's rights in the Trademarks.

23. All Documents that relate to any third-party request for Opposer to cease or limit use of the Trademarks.

24. All Documents that relate to Opposer's use of the Frameworks Logo.

25. All Documents that relate to Opposer's use of the Frameworks Word Mark.

26. All Documents that relate to Opposer's use of an exclamation point (!) as part of any of Opposer's trademarks.

27. All Documents that relate to Opposer's marketing at trade shows or industry meetings including, but not limited to, catalogs, exhibitor booth materials, brochures, or other giveaways.

28. All Documents that relate to any license agreements or settlement negotiations for any trademark including TILT.

29. Documents sufficient to show Opposers sales by customer and geographic region from January 2015.

30. Documents sufficient to show Opposer's customers from January 2015.

By: /s/ Michael T. Murphy

Michael T. Murphy
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Dated: October 23, 2019

ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached was served on the representative of the Opposer for Opposition 91250172 via electronic mail:

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EMAIL: asujek@honigman.com

Dated: October 23, 2019

/s/ Daniel Hwang
Daniel Hwang

EXHIBIT B

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

In the Matter of Application Ser. No. 88/105,759: 
Filing Date: September 5, 2018

Tilt Corporation,

Opposer,

v.

Opposition No. 91250172

The Tilt Group, LLC,

Applicant.

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

Opposer, Tilt Corporation (“Tilt” or “Opposer”), hereby provides its Responses and Objections to Applicant, The Tilt Group, LLC’s (“Applicant”) First Set of Document Requests as follows:

INTRODUCTION

Tilt submits the following based on information currently available. Tilt reserves the right at any time to revise, correct, add to, or clarify the objections or responses set forth herein as discovery is ongoing, and these responses do not constitute a waiver of any objection that Tilt may interpose as to future supplemental responses.

To the extent set forth herein, Tilt agrees to produce any responsive documents, electronically stored information, or things currently available; however, production does not constitute an admission or acknowledgment that the related Request is proper, that the information it seeks is within the bounds of discovery, that Requests for similar information will be treated in

similar fashion, that any documents, electronically stored information, or things responsive to the Request exist or have existed, or that any responsive documents, electronically stored information, or things produced are business records. Tilt does not waive any objection by producing any responsive documents, electronically stored information, or things. Tilt reserves the right at any time to amend and to supplement its production as discovery is ongoing, and its responses do not constitute a waiver of any objection that Tilt may interpose as to future supplemental productions. Tilt reserves the right to continue investigating these matters, to amend and to supplement its production, and to object to future discovery on the same or related matters. Tilt further reserves the right to object to the admissibility of any documents, electronically stored information, or things produced pursuant to the Requests, in whole or in part, at trial in this action.

Tilt's responses to these Requests are made without waiver of, and with intentional preservation of: (a) all objections as to competence, relevance, materiality, and admissibility as evidence for any purpose of the information or documents, or the subject matter thereof, in any aspect of this or any other court action or judicial or administrative proceeding or investigation; (b) the right to object on any ground to the use of any such information or documents, or the subject matter thereof, in any aspect of this or any other action or judicial or administrative proceeding or investigation; (c) the right to object at any time to any further response to these requests for information or production of documents including all objections as to burden, vagueness, over breadth and ambiguity; and (d) the right at any time to revise or supplement the responses.

Furthermore, Tilt objects to and corrects Applicant's definition of "Framework Corporation" as it misidentifies the parties to this Opposition. Tilt Corporation is not Framework Corporation nor is Tilt currently in association, sponsorship, partnership, or any other principal-agent relationship with Framework Corporation.

GENERAL OBJECTIONS

Each of Tilt's responses to Applicant's Requests are subject to and incorporates the following general objections, whether or not specifically referred to in an individual response. Discovery and investigation of facts relevant to this matter are ongoing.

1. Tilt's responses herein are given without prejudice to its right to amend or supplement in accordance with Fed. R. Civ. P. 26 and 36 and the Trademark Rules or any ruling that may be entered by the Board.

2. Tilt Objects to the Requests, and the "Definitions" and "Instructions" related thereto, to the extent that they are inconsistent with or seek to impose requirements or obligations on Tilt beyond that required by the Federal Rules of Civil Procedure and the Trademark Rules, or any ruling that may be entered by the Board.

3. Tilt objects to the Requests to the extent that: (a) they are unreasonably cumulative or duplicative; (b) they seek information that is obtainable from some other source that is more convenient, less burdensome, or less expensive; (c) the burden or expense of the proposed discovery outweighs any likely benefit; (d) they seek information not relevant to any party's claim or defense; or (e) they are not proportional to the needs of the case.

4. Tilt objects to the Requests to the extent that they contain multiple unrelated subparts.

5. Tilt objects to the Definitions and Instructions generally, and to each Request specifically, as seeking information protected from discovery by the attorney/client privilege, the work-product doctrine, the common-interest doctrine, and/or other applicable privileges, immunities, and protections. Nothing contained in Tilt's responses is intended to be, or in any way shall be deemed, a waiver of any such applicable privilege or doctrine.

6. Tilt objects to each Request to the extent that it seeks information that constitutes the confidential information of third parties. Tilt will provide such information only subject to the approval of those third parties or pursuant to a Court Order.

7. Tilt objects to each Request to the extent that it seeks information not in the possession, custody or control of Tilt, or not kept in the ordinary course of Tilt's business.

8. Tilt objects to each and every Request to the extent that it requires Tilt to obtain and compile documents from third parties.

9. Tilt objects to each Request to the extent that it is not limited by any time-period. Tilt will limit its response to a reasonable time-period applicable to each Request.

10. Tilt objects to each Request to the extent that it is not limited in geographical scope. Tilt will limit its responses to the United States.

11. Tilt objects to the Definitions to the extent they are vague, ambiguous, confusing or purport to characterize any trademark, good or service in a manner that is incomplete or inaccurate.

12. No waiver of the above-stated objections shall be implied from the inclusion of further or more specific objections in individual responses below

SPECIFIC OBJECTIONS AND RESPONSES

1. All Documents identified in Opposer's responses to Applicant's First Set of Interrogatories or otherwise reviewed or considered in responding to Applicant's First Set of Interrogatories.

RESPONSE:

Subject to and without waiving the general objections, Tilt will product responsive non-privileged documents in response to this Request.

2. All Documents that relate to the ‘914 Application for TILT STORY, including its enforceability or scope.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek “all Documents that related to the ‘914 Application.” Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objections to this Request to the extent the terms “scope” and “enforceability” as used herein are vague and ambiguous. Tilt further objects to this Request to the extent it seeks information that is publicly available.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request.

3. All Documents showing use of the TILT STORY mark by Opposer from January 2015 to present.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek “all Documents showing use.” Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objections to this Request to the extent the term “use” as used herein is vague and ambiguous. Tilt further objects to this Request to the extent it seeks information that is publicly available.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request.

4. All Documents that relate to the formation of, relationships between The Frameworks Worldwide, Tilt (a Nevada corporation), Lawrence James (individual/principal), and Shanky Das (individual/principal).

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request on the grounds that the terms “formation of” and “relationships between” as used herein are vague, ambiguous, and/or confusing. Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

5. All Documents that relate to Opposer’s corporate status or changes to corporate status after January 2015.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request to the extent it seeks information that is protected from

disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to this Request on the grounds that the term “changes” as used herein is vague and ambiguous. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request to the extent it calls for information that is subject to confidentiality obligations that Tilt owes to one or more third parties.

Subject to its specific and general objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

6. All agreements that relate to Opposer’s claim of ownership and control of the Trademarks in the U.S. for the time period between January 2015 to September 2018.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request on the grounds that the term “the Trademarks” as used herein is undefined, vague, and ambiguous. Tilt objects to this Request as overly broad and unduly burdensome. Tilt further objects on the grounds that the terms “ownership” and “control” as used herein are vague, ambiguous, and/or confusing.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request.

7. All Documents after January 2015 showing the Trademarks on receipts, payroll, and business cards.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request on the grounds that the term “the Trademarks” as used herein is undefined, vague, and ambiguous. Tilt objects to this Request as overly broad and unduly burdensome seeks documents that are not proportional to the needs of the case in that it appears to seek “all Documents relating to receipts, payroll, and business cards showing the Trademarks.”

Subject to its general and specific objections, Tilt will produce sufficient document to show the use of the TILT mark on receipts, payroll documents, and business cards.

8. All contracts with customers in existence after January 2015.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome and not proportionate to the needs of this case. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

9. All employment contracts between Opposer and others after January 2015.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not

proportionate to the needs of this case to the extent the Request seeks “all employment contracts.” Tilt objects to this Request on the grounds that it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

10. All payroll payments made by Opposer after January 2015.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request on the grounds that the term “payroll payments” as used herein is vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

11. All invoices issued by Opposer after January 2015.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome to the extent the Request seeks “all invoices” after January 2015. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

12. All purchase orders issued to Opposer after January 2015.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

13. All Documents that relate to Opposer's websites, advertising, press releases January 2015.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, not proportional to the needs of the case to the extent the Request seeks "all documents."

Subject to its general and specific objections, Tilt will produce representative samples of materials that relate to Opposer's websites, advertising, press releases since January 2015.

14. All Documents that relate to Opposer's email signatures and communications after January 2015.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, not proportional to the needs of the case to the extent the Request seeks "all documents." Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

15. All business cards used by Opposer after January 2015.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportional to the needs to this case to the extent the Request seeks “all business cards.” Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request as duplicative of Request No. 7.

16. All proposals and pitch materials including, but not limited to, slide decks made by Opposer after January 2015.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request on the grounds that the term “pitch materials” as used herein is vague and ambiguous.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

17. All Documents that relate to the filing of the ‘914 Application.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of this case to the extent this Request seeks “all Documents that related to the filing of the ‘914 Application.” Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to this Request to the extent it seeks information that is publicly available. Tilt further objects to this Request to the extent that it is duplicative of Request Nos. 2, 3, and 6.

18. All Documents that relate to the filing of the Opposition including but not limited to investigation into Applicant’s use and investigation of Opposer’s rights in the Trademarks.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of this case to the extent this Request seeks “all Documents.” Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to this Request on the grounds that the term “the Trademarks” as used herein is undefined, vague, and ambiguous. Tilt further objects to this Request to the extent that it seeks information that is publicly available.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request, to the extent Tilt understands the request.

19. All Documents that relate to the trademark applications filed or trademark registrations owned by Opposer in the US or throughout the world that include the Trademarks or any variation of the Trademarks including, but not limited to, the '914 Application.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of this case to the extent this Request seeks "all Documents" and is unlimited in geographic scope. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request on the grounds that the term "the Trademarks" as used herein is undefined, vague, and ambiguous. Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Additionally, Tilt objects to this Request to the extent it seeks publicly available. Tilt objects to this Request to the extent that it is duplicative of Request Nos. 2, 3, 6, and 17.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request.

20. All Documents that relate to Applicant including, but not limited to, Opposer's first awareness of Applicant, Opposer's communications with Applicant, or Opposer's investigation of Applicant.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears

to seek “All Documents.” Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to this Request to the extent that it is duplicative of Request No. 18.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request.

21. All Documents that relate to Opposer’s design and development of the Trademarks including, but not limited to, any trademark clearance search, any investigation of third-party use of the Trademarks and any attempts to apply to register the Trademarks in the US or elsewhere.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek “All Documents.” Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request on the grounds that the term “the Trademarks” as used herein is undefined, vague, and ambiguous. Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt objects to this Request to the extent that it is duplicative of Request Nos. 2, 3, 6, 17, and 19.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request.

22. All Documents that relate to Opposer’s investigation third-party use of the Trademarks and actions to enforce Opposer’s rights in the Trademarks.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek “All Documents.” Tilt objects to this Request on the grounds that the term “the Trademarks” as used herein is undefined, vague, and ambiguous. Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt objects to this Request to the extent that it is duplicative of Request Nos. 2, 3, 6, 17, 19, and 21.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request.

23. All Documents that relate to any third-party request for Opposer to cease or limit use of the Trademarks.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek “all Documents.” Tilt objects to this Request on the grounds that the term “the Trademarks” as used herein is undefined, vague, and ambiguous. Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to this Request to the extent it seeks the confidential

information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties.

Subject to its general and specific objections, Tilt has no documents responsive to this request.

24. All Documents that relate to Opposer's use of the Frameworks Logo.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek "all Documents." Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request.

25. All Documents that relate to Opposer's use of the Frameworks Word Mark.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek "all Documents." Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to the Request on the grounds that the term "Frameworks Word Mark" as used herein is inadequately defined, vague, ambiguous, and/or confusing.

Subject to its general and specific objections, and to the extent that Tilt understands the Request, Tilt has not used the Frameworks Word Mark.

26. All Documents that relate to Opposer's use of an exclamation point (!) as part of any of Opposer's trademarks.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case to the extent this Request seeks "all Documents" that relate to the use of an exclamation point in Opposer's trademarks. Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to this Request on the grounds that the phrase "as part of" as used herein is vague, ambiguous, and/or confusing.

Subject to its general and specific objections, Tilt states that after a diligent investigation and search, Tilt has no response documents to this Request. Tilt does not and has not utilized an exclamation mark as part of a trademark.

27. All Documents that relate to Opposer's marketing at trade shows or industry meetings including, but not limited to, catalogs, exhibitor booth materials, brochures, or other giveaways.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case to the extent this Request seeks "all Documents" Tilt objects to this

Request as overly broad and unduly burdensome because it is not limited to marketing involving Tilt's TILT marks. Tilt further objects to this Request on the grounds that this Request is not limited in time or geographic scope.

Subject to its general objections, Tilt will produce representative samples of its marketing materials.

28. All Documents that relate to any license agreements or settlement negotiations for any trademark including TILT.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek "all Documents." Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties.

Subject to its general and specific objections, and to the extent Tilt understands the request, Tilt has no documents responsive this request.

29. Documents sufficient to show Opposer's sales by customer and geographic region from January 2015.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request on the grounds that the term "geographic region" as used herein is vague, ambiguous, and/or confusing. Tilt objects to this Request as overly broad and

unduly burdensome in that it appears to seek information that is unlimited in geographic scope. Tilt further objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board.

Subject to its general objections, Tilt is unable to ascertain the scope of this Request, upon clarification from Applicant, Tilt will supplement its production. Notwithstanding, Tilt has produced documents sufficient to show its customers.

30. Documents sufficient to show Opposer's customers from January 2015.

RESPONSE:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome. Tilt objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request on the grounds that it is unlimited in geographic scope.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

///

Dated: December 20, 2019

Respectfully submitted,

By: 

Angela Sujek (P58864)

Kristin Murphy (P57284)

Ka'Nea K. Brooks (P82092)

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Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on December 20, 2019, on the following via electronic mail:

Michael T. Murphy – Mmurphy@giplaw.com
Daniel Hwang – Dhwang@giplaw.com
Attorneys for Applicant

A handwritten signature in dark ink, appearing to read "MTM", is written over a horizontal line.

EXHIBIT C

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

In the Matter of Application Ser. No. 88/105,759: **T!LT**
Filing Date: September 5, 2018

Tilt Corporation,

Opposer,

v.

Opposition No: 91250172

The Tilt Group, LLC,

Applicant.

APPLICANT’S FIRST SET OF REQUESTS FOR ADMISSION

Applicant, The Tilt Group, LLC, (“Applicant”) pursuant to Rule 36 of the Federal Rules of Civil Procedure hereby propounds its First Set of Requests for Admission to Opposer, Tilt Corporation (“Frameworks Corporation”) as follows:

DEFINITIONS AND INSTRUCTIONS

- A. Each Request shall be continuing so as to require Opposer to file supplemental responses pursuant to Rule 26(e) of the Federal Rules of Civil Procedure.
- B. “759 Application” means Application Ser. No. 88/105,759 for the trademark T!LT (“Applicant’s Mark”).
- C. “914 Application” means Application Ser. No. 88/408,914 for the trademark of a stylized word “TILT STORY”.
- D. “Opposition” means Opposition No. 91250172.

E. “Frameworks Corporation” or “Opposer” shall refer to Opposer Tilt, a Nevada corporation with an address at 108 Willits St., Birmingham, Michigan 48009, and any predecessors in interest to any intellectual property of Tilt Corporation, or any other parties with an interest in Opposer.

F. “TILT Trademarks” means TILT and/or TILT STORY. See Paragraph 2 of the Opposition.

G. “Frameworks Logo” means the stylized F shown below:



H. “Frameworks Word Mark” means the literal element FRAMEWORKS or FRAMEWORKS WORLDWIDE.

I. “Communications” means all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, notes, telegrams, advertisements, or other form of verbal exchange, whether oral or written.

J. “Date” means the day, month and year.

K. “Applicant” shall refer to The Tilt Group, LLC.

L. “Documents” means all written or graphic matter of every kind or description, however produced or reproduced, whether in draft or in final form, whether original or a reproduction, including electronically stored information and all tangible things within the scope of Rule 34(a) of the Federal Rules of Civil Procedure, which are in the possession, custody or control of Opposer or to which Opposer can obtain access.

M. “Identify” means:

- a. With respect to a Communication, state the date of the Communication, the name and present address of each person present at the Communication and the subject of the Communication. If the Communication was in writing, identify all Documents which relate to the Communication.
- b. With respect to an individual, state the person's full name, present business affiliation and position, if known, and present home address and the past position and business affiliation, if any, with any of the parties to this Opposition;
- c. With respect to a company or other business entity, state the company's legal name, the names under which it does business, its form (partnership, corporation, limited liability company, etc.), and identify its principal officers, directors and members; and
- d. With respect to a Document, state the date, author, addressee, type of Document (e.g. letter, memorandum, etc.), and identify its last known custodian and location.

N. "Person" means any individual, corporation, partnership, limited liability company, association, organization and any other entity of any other type of nature.

O. "Relate to" including, "Relating to" means consist of, referred to, reflects or in any way logically or factually connected with the matter discussed.

P. If Opposer cannot admit or deny the entire Request for Admission in full, Opposer must answer to the extent possible, and identify any information or reasons for partially admitting or denying the Request.

Q. Whenever appropriate, the singular form of a word shall be interpreted in plural "and" and "or" shall be construed either disjunctively or conjunctively.

REQUESTS FOR ADMISSION

1. Admit that all documents produced by Opposer in response to these Applicant's discovery requests are genuine under the Federal Rules of Evidence.

ANSWER:

2. Admit that all documents produced by Opposer in response to Applicant's discovery requests are part of your business records regularly made and kept in the normal course of your business.

ANSWER:

3. Admit that all documents produced by Opposer in response to Applicant's discovery requests are admissible as evidence in this proceeding under the Federal Rules of Evidence, subject to any objections on the grounds of relevance.

ANSWER:

4. Admit that Opposer's invoices to customers or contracts with customers contained the Frameworks Word Mark or the Frameworks Logo after July 31, 2017.

ANSWER:

5. Admit that Opposer's webpages or social media contained the Frameworks Word Mark or Frameworks Logo after July 31, 2017.

ANSWER:

6. Admit that Opposer's invoices to customers or contracts with customers contained the Frameworks Word Mark or the Frameworks Logo after September 30, 2017.

ANSWER:

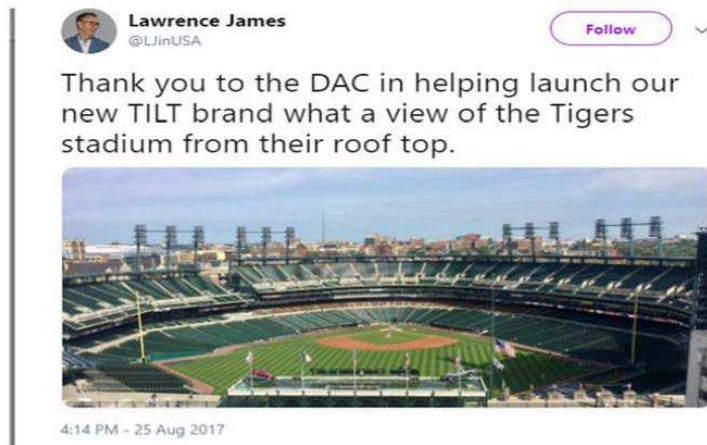
7. Admit that Opposer's invoices to customers or contracts with customers contained the Frameworks Word Mark or the Frameworks Logo after October 31, 2017.

ANSWER:

8. Admit that Opposer did not obtain a trademark search or trademark legal opinion related to TILT from an attorney prior to August 25, 2017.

ANSWER:

9. Admit that on August 25, 2017, Lawrence James posted the entry below on social media:



ANSWER:

By: /s/ Michael T. Murphy

Michael T. Murphy
Daniel Hwang
Global IP Counselors, LLP
1233 20th St. NW
Suite 600
Washington, DC 20036
Phone: (202) 293-0444
FAX: (202) 293-0445

Dated: March 13, 2020

ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached was served on the representative of the Opposer for Opposition 91250172 via electronic mail:

Angela Sujek, Esq.
Honigman
315 East Eisenhower Parkway
Suite 100
Ann Arbor, MI 48108-3330
T: 734.418.4212
F: 734.418.4213

EMAIL: asujek@honigman.com

Dated: March 13, 2020

/s/ Daniel Hwang
Daniel Hwang

EXHIBIT D

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

In the Matter of Application Ser. No. 88/105,759: **T!LT**
Filing Date: September 5, 2018

Tilt Corporation,

Opposer,

v.

Opposition No: 91250172

The Tilt Group, LLC,

Applicant.

APPLICANT’S SECOND SET OF DOCUMENT REQUESTS

Applicant, The Tilt Group, LLC, (“Applicant”) pursuant to Rule 33 of the Federal Rules of Civil Procedure hereby propounds its Second Set of Document Requests to Opposer, Tilt Corporation (“Frameworks Corporation”) as follows:

DEFINITIONS AND INSTRUCTIONS

- A. Each Document Request shall be continuing so as to require Frameworks Corporation to file supplemental Documents pursuant to Rule 26(e) of the Federal Rules of Civil Procedure.
- B. ““759 Application” means Application Ser. No. 88/105,759 for the trademark T!LT (“Applicant’s Mark”).
- C. ““914 Application” means Application Ser. No. 88/408,914 for the trademark of a stylized word “TILT STORY”.
- D. “Opposition” means Opposition No. 91250172.

E. “Frameworks Corporation” or “Opposer” shall refer to Opposer Tilt, a Nevada corporation with an address at 108 Willits St., Birmingham, Michigan 48009, and any predecessors in interest to any intellectual property of Tilt Corporation, or any other parties with an interest in Opposer.

F. “TILT Trademarks” means TILT and/or TILT STORY. See Paragraph 2 of the Opposition.

G. “Frameworks Logo” means the stylized F shown below:



H. “Frameworks Word Mark” means the literal element FRAMEWORKS or FRAMEWORKS WORLDWIDE.

I. “Communications” means all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, notes, telegrams, advertisements, or other form of verbal exchange, whether oral or written.

J. “Date” means the day, month and year.

K. “Applicant” shall refer to The Tilt Group, LLC.

L. “Documents” means all written or graphic matter of every kind or description, however produced or reproduced, whether in draft or in final form, whether original or a reproduction, including electronically stored information and all tangible things including within the scope of Rule 34(a) of the Federal Rules of Civil Procedure, which are in the possession, custody or control of Opposer or to which Opposer can obtain access.

M. “Identify” means:

- a. With respect to a Communication, state the date of the Communication, the name and present address of each person present at the Communication and the subject of the Communication. If the Communication was in writing, identify all Documents which relate to the Communication.
- b. With respect to an individual, state the person's full name, present business affiliation and position, if known, and present home address and the past position and business affiliation, if any, with any of the parties to this Opposition;
- c. With respect to a company or other business entity, state the company's legal name, the names under which it does business, its form (partnership, corporation, limited liability company, etc.), and identify its principal officers, directors and members; and
- d. With respect to a Document, state the date, author, addressee, type of Document (e.g. letter, memorandum, etc.), and identify its last known custodian and location.

N. "Person" means any individual, corporation, partnership, limited liability company, association, organization and any other entity of any other type of nature.

O. "Relate to" including, "Relating to" means consist of, referred to, reflects or in any way logically or factually connected with the matter discussed.

P. With respect to the identification of any Documents which are claimed to be privileged and which will not be produced pursuant to Opposer's outstanding Request for Production of Documents, please provide the following as to each such withheld Document:

- a. The name of the author of the Document;
- b. The name of the sender, if any, of the Document;

- c. The name of the person, if any, to whom said Document or copies of said Document were sent;
- d. The date of said Document;
- e. The date upon which said Document was received by those persons having possession of the Document;
- f. A description of the nature and subject matter of the Document; and
- g. The statute, rule or decision which is claimed to give rise to the asserted privilege.

Q. Whenever appropriate, the singular form of a word shall be interpreted in plural “and” and “or” shall be construed either disjunctively or conjunctively.

R. Opposer shall produce documents, including paper documents, and e-mail and Word documents as PDF images.

S. In addition, Applicant reserves the right to request documents in their native format. Opposer shall produce the following documents in their native format within fourteen (14) days of a request from Applicant via electronic mail.

T. All documents produced will adhere to the following formatting, if applicable:

- a. Technical documents (e.g., design drawings, manufacturing drawings, and CAD drawings).
- b. Excel files and Access files.
- c. Native files shall be produced with a placeholder PDF image. Each PDF placeholder will contain the Bates number and confidentiality designation of the native file.
- d. All documents produced as PDF images will bear unique document numbers on each page. All documents produced in native format will be given unique

document numbers preceding the original file name. For any document that cannot be produced as a PDF image (e.g., a video file), Opposer shall produce a place holder page indicating that the document in question is being produced in native format.

- e. Opposer shall produce documents in color to the extent color is necessary to assist in the interpretation of the documents.
- f. Opposer shall agree to de-duplicate documents across custodians and/or within custodians using a verifiable process.
- g. Gaps. Productions should contain sequential Bates numbers with no gaps. There should be no gaps in Bates numbers between productions. A unique production volume number will be used for each production. If any unavoidable gaps occur, Opposer shall agree to provide advance notice of those gaps within productions and/or between productions.
- h. Parent-Child Relationships. Parent-child relationships (the association between an attachment and its parent document) shall be preserved.
- i. Costs. Each party shall bear its own costs of producing relevant and responsive electronic documents in its possession, custody, or control. The above does not waive any party's right to seek the allocation of production costs based on the burden of production in the event that production costs become unreasonable.
- j. The Parties will further confer on the methods of conducting electronic searches within ten (10) days of the service of the applicable discovery requests.

- k. The Parties' ESI searches shall be conducted on all relevant electronic devices and systems, including computers, networks, removable drives, CDs, DVDs, websites, remote storage locations (i.e., cloud computing locations), and the like.

DOCUMENT REQUESTS

31. All Documents relating to Caidan Management Company, LLC.
32. All Documents relating to any agreements between The Frameworks Worldwide Limited and Opposer.
33. All Communications relating to Caidan Management Company, LLC.
34. All Communications relating to Frameworks Worldwide Limited involving Mr. Lawrence James or Mr. Sankha Das.
35. All Documents relating to the July 7, 2017 Interim Agreement including The Frameworks Worldwide Limited, Lawrence James, The Frameworks Inc, Sankha Das, and Terrence Brissenden, among others. (TILT_CO000055-70).
36. All Documents relating to the June 1, 2017 Consulting Agreement between The Frameworks Tilt and Caidan Management Company, LLC (TILT_CO000071-89).
37. All Documents relating to the 2017 Settlement Agreement including The Frameworks Worldwide Limited, Lawrence James, The Frameworks Inc, Sankha Das, and Terrence Brissenden, among others. (TILT_CO000345-362) including, but not limited to, documents relating to the claims at issue (TILT_CO000356):
 - (a) letters and emails from Clifford Chance LLP to Bircham Dyson Bell LLP dated 25 April 2017, 27 April 2017, 29 April 2017, 17 May 2017, 26 May 2017, 30 May 2017, 5 June 2017, 6 June 2017 and 7 June 2017,
 - (b) letters and emails from Bircham Dyson Bell LLP to Clifford Chance LLP dated 28 April 2017 (x2), 30 April 2017, 11 May 2017, 2 June 2017, 5 June 2017 and 7 June 2017,

(c) letters from Fennemore Craig Attorneys to Bircham Dyson Bell LLP dated 26 May 2017, to Mr Das dated 5 June 2017 and to Williams Williams Rattner & Plunkett P.C. dated 12 June 2017,

(d) letters and emails from Williams Williams Rattner & Plunkett P.C. to Fennemore Craig Attorneys dated 9 June 2017 and 15 June 2017 and

(e) the Michigan Proceedings.

38. All of Opposer's invoices, purchase orders, receipts and work orders from the time period June 15, 2017 to December 31, 2017.

39. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding Guardhat, a US based creator of intelligent and connected hardhats, from the time period January 1, 2015 to December 31, 2015.

40. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding PeiWei, from the time period September 1, 2015 to December 31, 2015.

41. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding Oracle Corporation, from the time period September 30, 2016 to December 31, 2017 (see TILT_CO000060).

42. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding The University of Pennsylvania (Penn Medicine), from the time period March 1, 2017 to March 31, 2018 (see TILT_CO000060).

43. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding Meridien from the time period January 1, 2017 to December 31, 2017 (see TILT_CO000060).

44. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding Champion, from the time period January 1, 2017 to December 31, 2017 (see TILT_CO000060).

45. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding TRW Automotive US LLC, from the time period September 1, 2015 to September 1, 2017.

46. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding Takata from the time period September 1, 2015 to September 1, 2017.

47. All of Opposer's prospect lists from June 15, 2017 to December 31, 2017.

48. All of Opposer's proposals to customers from June 15, 2017 to December 31, 2017.

49. All of Opposer's contracts to customers from June 15, 2017 to December 31, 2017.

50. All of Opposer's correspondence containing the Frameworks Logo or the Frameworks Word Mark from June 15, 2017 to July 31, 2018.

51. All Documents showing the ownership of Opposer's websites and domain names from June 15, 2017 to December 31, 2017.

52. All of Opposer's lease agreements showing the Frameworks Logo or the Frameworks Word Mark regarding the time period June 15, 2017 to December 31, 2017.

53. All of Opposer's business listings showing the Frameworks Logo or the Frameworks Word Mark from June 15, 2017 to December 31, 2017.

54. All of Opposer's trade show listings or registration containing the Frameworks Logo or the Frameworks Word Mark from June 15, 2017 to December 31, 2017.

55. The content as of the date of these requests found on each internet website on which you have a presence, including but not limited to social networking sites such as Facebook, SnapChat, Twitter, LinkedIn, Google+, Pinterest, Quora, Vine, Instagram, Flickr, and YouTube (“Applicant’s Websites”). Regarding Facebook and Twitter, please produce the files obtainable by downloading the entire accounts directly from the site hosts (see <https://www.facebook.com/help/133221086752707/> and <http://blog.twitter.com/2012/12/yourtwitter-archive.html> for instructions) and that contain, link to, or make any use of the TILT Trademarks by Opposer. Regarding Instagram, please go to [instagram.com](https://www.instagram.com), click on the gear icon next to your Edit Profile option and select Privacy and Security, scroll down to Data Download, click Request Download, type in your email address if it doesn't automatically pop up, then click Next, enter your password and click Request Download.

56. All Documents relating to Opposer’s purchase of Internet advertising words from June 15, 2017 to July 31, 2018.

57. All Documents containing the Frameworks Word Mark or the Frameworks Logo from June 15, 2017 to July 31, 2018.

By: /s/ Michael T. Murphy

Michael T. Murphy
Daniel Hwang
Global IP Counselors, LLP
1233 20th St. NW
Suite 600
Washington, DC 20036
Phone: (202) 293-0444
FAX: (202) 293-0445

Dated: March 13, 2020

ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached was served on the representative of the Opposer for Opposition 91250172 via electronic mail:

Angela Sujek, Esq.
Honigman
315 East Eisenhower Parkway
Suite 100
Ann Arbor, MI 48108-3330
T: 734.418.4212
F: 734.418.4213

EMAIL: asujek@honigman.com

Dated: March 13, 2020

/s/ Daniel Hwang
Daniel Hwang

EXHIBIT E

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

In the Matter of Application Ser. No. 88/105,759: 
Filing Date: September 5, 2018

Tilt Corporation,

Opposer,

v.

Opposition No. 91250172

The Tilt Group, LLC,

Applicant.

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

Opposer Tilt Corporation (“Tilt” or “Opposer”), hereby provides its Response and Objections to Applicant The Tilt Group, LLC’s (“Applicant”) First Set of Requests for Admission as follows:

GENERAL OBJECTIONS

Each of Tilt’s responses to Applicant’s Requests are subject to and incorporates the following general objections, whether or not specifically referred to in an individual response. Discovery and investigation of facts relevant to this matter are ongoing.

1. Tilt’s responses herein are given without prejudice to its right to amend or supplement in accordance with Fed. R. Civ. P. 26 and 36 and the Trademark Rules or any ruling that may be entered by the Board.

2. Tilt Objects to the Requests, and the “Definitions” and “Instructions” related thereto, to the extent that they are inconsistent with or seek to impose requirements or obligations

on Tilt beyond that required by the Federal Rules of Civil Procedure and the Trademark Rules, or any ruling that may be entered by the Board.

3. Tilt objects to the Requests to the extent that: (a) they are unreasonably cumulative or duplicative; (b) they seek information that is obtainable from some other source that is more convenient, less burdensome, or less expensive; (c) the burden or expense of the proposed discovery outweighs any likely benefit; (d) they seek information not relevant to any party's claim or defense; or (e) they are not proportional to the needs of the case.

4. Tilt objects to the Requests to the extent that they contain multiple unrelated subparts.

5. Tilt objects to the Definitions and Instructions generally, and to each Request specifically, as seeking information protected from discovery by the attorney/client privilege, the work-product doctrine, the common-interest doctrine, and/or other applicable privileges, immunities, and protections. Nothing contained in Tilt's responses is intended to be, or in any way shall be deemed, a waiver of any such applicable privilege or doctrine.

6. Tilt objects to each Request to the extent that it seeks information not in the possession, custody or control of Tilt, or not kept in the ordinary course of Tilt's business.

7. Tilt objects to the Request to the extent they characterize disputed facts or imply any particular legal conclusion. Tilt do not concede the truth or accuracy of any statement in these Requests.

8. Tilt objects to each Request to the extent that it is not limited by any time-period. Tilt will limit its response to a reasonable time-period applicable to each Request.

9. Tilt objects to each Request to the extent that it is not limited in geographical scope. Tilt will limit its responses to the United States.

10. Tilt objects to the Definitions to the extent they are vague, ambiguous, confusing or purport to characterize any trademark, good or service in a manner that is incomplete or inaccurate.

11. Tilt objects to any factual and/or legal characterization in these Requests. By responding to a Request, Tilt does not admit or accept the factual and/or legal characterization contained in any Request.

12. Tilt's responses are based upon documents and information presently available and located by Tilt. Tilt reserves the right to correct, amend, modify, and/or supplement responses upon discovery of relevant information, or in accordance with the Federal Rules of Civil Procedure, Trademark Rules, or other applicable rules.

13. No waiver of the above-stated objections shall be implied from the inclusion of further or more specific objections in individual responses below

REQUESTS FOR ADMISSION

1. Admit that all documents produced by Opposer in response to these Applicant's discovery requests are genuine under the Federal Rules of Evidence.

ANSWER: In addition to its general objections, Tilt objects to this Request on the grounds that the term "genuine" as used herein is inadequately defined, vague, ambiguous, and/or confusing. Tilt further objects to this Request on the grounds that it seeks information above and beyond what is required by the Federal Rules of Civil Procedure and the Trademark Rules. Tilt also objects to this Request as improper under 37 CFR Section § 2.120(i). Subject to its general and specific objections, Tilt responds as follows: Denied.

2. Admit that all documents produced by Opposer in response to Applicant's discovery requests are part of your business records regularly made and kept in the normal course of your business.

ANSWER: Subject to its general objections, Tilt responds as follows: Denied.

3. Admit that all documents produced by Opposer in response to Applicant's discovery requests are admissible as evidence in this proceeding under the Federal Rules of Evidence, subject to any objections on the grounds of relevance.

ANSWER: In addition to its general objections, Tilt further objects to this Request on the grounds that it seeks information above and beyond what is required by the Federal Rules of Civil Procedure and the Trademark Rules. Tilt also objects to this Request as improper under 37 CFR Section § 2.120(i). Subject to its general and specific objections, Tilt responds as follows: Denied.

4. Admit that Opposer's invoices to customers or contracts with customers contained the Frameworks Word Mark or the Frameworks Logo after July 31, 2017.

ANSWER: In addition to its general objections, Tilt objects to this Request on the grounds that the term "contained" as used herein is vague and ambiguous. Tilt further objects to this Request on the grounds that the term "Frameworks Word Mark" as used herein is inadequately defined, vague, ambiguous, and/or confusing. Subject to its general and specific objections, Tilt responds as follows: Denied.

5. Admit that Opposer's webpages or social media contained the Frameworks Word Mark or Frameworks Logo after July 31, 2017.

ANSWER: In addition to its general objections, Tilt objects to this Request on the grounds that the term "contained" as used herein is vague and ambiguous. Tilt further objects to this Request on the grounds that the term "Frameworks Word Mark" as used herein is inadequately defined, vague,

ambiguous, and/or confusing. Subject to its general and specific objections, Tilt responds as follows:
Denied.

6. Admit that Opposer's invoices to customers or contracts with customers contained the Frameworks Word Mark or the Frameworks Logo after September 30, 2017.

ANSWER: In addition to its general objections, Tilt objects to this Request on the grounds that the term "contained" as used herein is vague and ambiguous. Tilt further objects to this Request on the grounds that the term "Frameworks Word Mark" as used herein is inadequately defined, vague, ambiguous, and/or confusing. Subject to its general and specific objections, Tilt responds as follows:
Denied.

7. Admit that Opposer's invoices to customers or contracts with customers contained the Frameworks Word Mark or the Frameworks Logo after October 31, 2017.

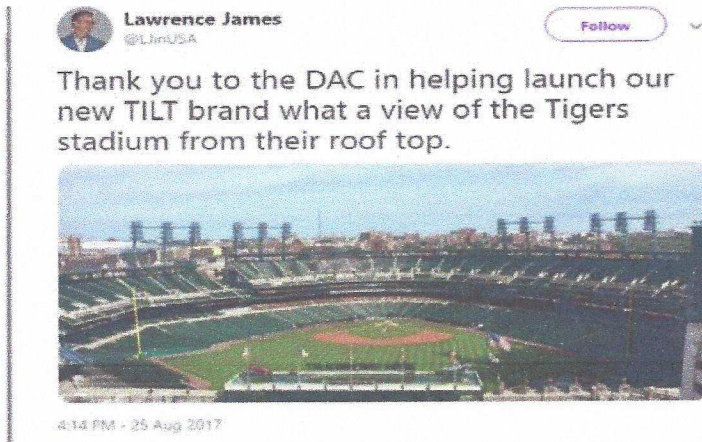
ANSWER: In addition to its general objections, Tilt objects to this Request on the grounds that the term "contained" as used herein is vague and ambiguous. Tilt further objects to this Request on the grounds that the term "Frameworks Word Mark" as used herein is inadequately defined, vague, ambiguous, and/or confusing. Subject to its general and specific objections, Tilt responds as follows: Denied.

8. Admit that Opposer did not obtain a trademark search or trademark legal opinion related to TILT from an attorney prior to August 25, 2017.

ANSWER: In addition to its general objections, Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to this Interrogatory to the extent it calls for or assumes legal bases and/or legal conclusions. Subject to

its general and specific objections, Tilt declines to respond to this Request because it seeks information that is protected from disclosure by the attorney/client privilege.

9. Admit that on August 25, 2017, Lawrence James posted the entry below on social media:



ANSWER: Admitted.

AS TO THE OBJECTIONS:

Respectfully submitted,

Dated: April 13, 2020

By: 

Angela Sujek (P58864)

Kristin Murphy (P57284)

Ka'Nea K. Brooks (P82092)

HONIGMAN LLP

315 East Eisenhower Parkway

Suite 100

Ann Arbor, MI 48108-3330

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asujek@honigman.com

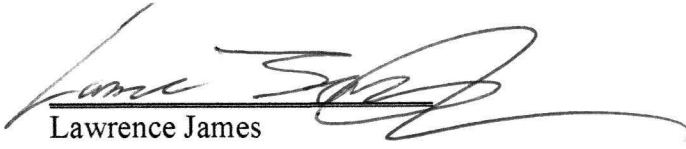
kristin.murphy@honigman.com

kbrooks2@honigman.com

Attorneys for Opposer

VERIFICATION OF ANSWERS TO REQUEST FOR ADMISSIONS

I, Lawrence James, believe based on reasonable inquiry that the forgoing answers are true and correct to the best of my knowledge, information, and belief.



Lawrence James
Managing Partner

Date: April 13, 2020

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on April 13, 2020, on the following via electronic mail:

Michael T. Murphy
Daniel Hwang
mmurphy@giplaw.com
dhwang@giplaw.com
docketdc@giplaw.com
abaggett@giplaw.com
Attorneys for Applicant

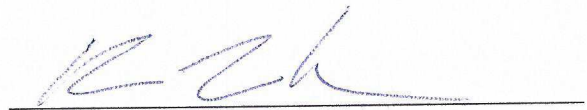
A handwritten signature in blue ink, appearing to read "Kzh", is written above a horizontal line.

EXHIBIT F

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

In the Matter of Application Ser. No. 88/105,759: 
Filing Date: September 5, 2018

Tilt Corporation,

Opposer,

v.

Opposition No. 91250172

The Tilt Group, LLC,

Applicant.

**OPPOSER’S RESPONSE AND OBJECTIONS TO APPLICANT’S
SECOND SET OF DOCUMENT REQUESTS**

Opposer Tilt Corporation (“Tilt” or “Opposer”), hereby provides its Response and Objections to Applicant The Tilt Group, LLC’s (“Applicant”) Second Set of Document Requests as follows:

INTRODUCTION

Tilt submits the following based on information currently available. Tilt reserves the right at any time to revise, correct, add to, or clarify the objections or responses set forth herein as discovery is ongoing, and these responses do not constitute a waiver of any objection that Tilt may interpose as to future supplemental responses.

To the extent set forth herein, Tilt agrees to produce any responsive documents, electronically stored information, or things currently available; however, production does not constitute an admission or acknowledgment that the related Request is proper, that the information it seeks is within the bounds of discovery, that Requests for similar information will be treated in

similar fashion, that any documents, electronically stored information, or things responsive to the Request exist or have existed, or that any responsive documents, electronically stored information, or things produced are business records. Tilt does not waive any objection by producing any responsive documents, electronically stored information, or things. Tilt reserves the right at any time to amend and to supplement its production as discovery is ongoing, and its responses do not constitute a waiver of any objection that Tilt may interpose as to future supplemental productions. Tilt reserves the right to continue investigating these matters, to amend and to supplement its production, and to object to future discovery on the same or related matters. Tilt further reserves the right to object to the admissibility of any documents, electronically stored information, or things produced pursuant to the Requests, in whole or in part, at trial in this action.

Tilt's responses to these Requests are made without waiver of, and with intentional preservation of: (a) all objections as to competence, relevance, materiality, and admissibility as evidence for any purpose of the information or documents, or the subject matter thereof, in any aspect of this or any other court action or judicial or administrative proceeding or investigation; (b) the right to object on any ground to the use of any such information or documents, or the subject matter thereof, in any aspect of this or any other action or judicial or administrative proceeding or investigation; (c) the right to object at any time to any further response to these requests for information or production of documents including all objections as to burden, vagueness, over breadth and ambiguity; and (d) the right at any time to revise or supplement the responses.

Furthermore, Tilt objects to and corrects Applicant's definition of "Framework Corporation" as it misidentifies the parties to this Opposition. Tilt Corporation is not Framework Corporation nor is Tilt in association, sponsorship, partnership, or any other principal-agent relationship with Framework Corporation.

GENERAL OBJECTIONS

Each of Tilt's responses to Applicant's Requests are subject to and incorporates the following general objections, whether or not specifically referred to in an individual response. Discovery and investigation of facts relevant to this matter are ongoing.

1. Tilt's responses herein are given without prejudice to its right to amend or supplement in accordance with Fed. R. Civ. P. 26 and 36 and the Trademark Rules or any ruling that may be entered by the Board.

2. Tilt Objects to the Requests, and the "Definitions" and "Instructions" related thereto, to the extent that they are inconsistent with or seek to impose requirements or obligations on Tilt beyond that required by the Federal Rules of Civil Procedure and the Trademark Rules, or any ruling that may be entered by the Board.

3. Tilt objects to the Requests to the extent that: (a) they are unreasonably cumulative or duplicative; (b) they seek information that is obtainable from some other source that is more convenient, less burdensome, or less expensive; (c) the burden or expense of the proposed discovery outweighs any likely benefit; (d) they seek information not relevant to any party's claim or defense; or (e) they are not proportional to the needs of the case.

4. Tilt objects to the Requests to the extent that they contain multiple unrelated subparts.

5. Tilt objects to the Definitions and Instructions generally, and to each Request specifically, as seeking information protected from discovery by the attorney/client privilege, the work-product doctrine, the common-interest doctrine, and/or other applicable privileges, immunities, and protections. Nothing contained in Tilt's responses is intended to be, or in any way shall be deemed, a waiver of any such applicable privilege or doctrine.

6. Tilt objects to each Request to the extent that it seeks information that constitutes the confidential information of third parties. Tilt will provide such information only subject to the approval of those third parties or pursuant to a Court Order.

7. Tilt objects to each Request to the extent that it seeks information not in the possession, custody or control of Tilt, or not kept in the ordinary course of Tilt's business.

8. Tilt objects to each and every Request to the extent that it requires Tilt to obtain and compile documents from third parties.

9. Tilt objects to each Request to the extent that it is not limited by any time-period. Tilt will limit its response to a reasonable time-period applicable to each Request.

10. Tilt objects to each Request to the extent that it is not limited in geographical scope. Tilt will limit its responses to the United States.

11. Tilt objects to the Definitions to the extent they are vague, ambiguous, confusing or purport to characterize any trademark, good or service in a manner that is incomplete or inaccurate.

12. No waiver of the above-stated objections shall be implied from the inclusion of further or more specific objections in individual responses below

SPECIFIC OBJECTIONS AND RESPONSES

31. All Documents relating to Caidan Management Company, LLC.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving

any issues before the Board. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request on the grounds that “Caidan Management Company, LLC” as used herein is vague, ambiguous, and inadequately defined.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

32. All Documents relating to any agreements between The Frameworks Worldwide Limited and Opposer.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request as overly broad, unduly burdensome and not proportionate to the needs of this case. Tilt also objects to this request to the extent it is duplicative of Request Nos. 4 and 5. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged, non-duplicative documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

33. All Communications relating to Caidan Management Company, LLC.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request on the grounds that “Caidan Management Company, LLC” as used herein is vague, ambiguous, and inadequately defined. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request to the extent it is duplicative of Request No. 31.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

34. All Communications relating to Frameworks Worldwide Limited involving Mr. Lawrence James or Mr. Sankha Das.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request as overly broad, unduly burdensome and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

35. All Documents relating to the July 7, 2017 Interim Agreement including The Frameworks Worldwide Limited, Lawrence James, The Frameworks Inc., Sankha Das, and Terrence Brissenden, among others. (TILT_CO000055-70).

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to prepare information

that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request as overly broad, unduly burdensome and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

36. All Documents relating to the June 1, 2017 Consulting Agreement between The Frameworks Tilt and Caidan Management Company, LLC. (TILT_CO000071-89).

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request as overly broad, unduly burdensome and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request to the extent it is duplicative of Request Nos. 31 and 33.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

37. All Documents relating to the 2017 Settlement Agreement including The Frameworks Worldwide Limited, Lawrence James, The Frameworks Inc., Sankha Das, and Terrence Brissenden, among others (TILT_CO000345-362) including, but not limited to, documents relating to the claims at issue (TILT_CO000356):

- (a) letters and emails from Clifford Chance LLP to Bircham Dyson Bell LLP dated 25 April 2017, 27 April 2017, 29 April 2017, 17 May 2017, 26 May 2017, 30 May 2017, 5 June 2017, 6 June 2017 and 7 June 2017,
- (b) letters and emails from Bircham Dyson Bell LLP to Clifford Chance LLP dated 28 April 2017 (x2), 30 April 2017, 11 May 2017, 2 June 2017, 5 June 2017 and 7 June 2017,
- (c) letters from Fennemore Craig Attorneys to Bircham Dyson Bell LLP dated 26 May 2017, to Mr. Das dated 5 June 2017 and to Williams Williams Rattner & Plunkett P.C. dated 12 June 2017,
- (d) letters and emails from Williams Williams Rattner & Plunkett P.C. to Fennemore Craig Attorneys dated 9 June 2017 and 15 June 2017, and
- (e) the Michigan Proceedings.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege

protection or immunity. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request as overly broad, unduly burdensome and not proportionate to the needs of this case. Tilt also objects to this Request to the extent it is duplicative of Request Nos. 4, 5, and 32. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request on the grounds that it ambiguous, compound, and confusing as to what documents are being sought.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

38. All of Opposer's invoices, purchase orders, receipts and work orders from the time period June 15, 2017 to December 31, 2017.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt further objects to this Request on the grounds that the terms "invoices, purchase orders, receipts and work orders" as used herein are vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

39. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding Guardhat, a US based creator of intelligent and connected hardhats, from the time period January 1, 2015 to December 31, 2015.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt objects to this Request on the grounds that the terms "invoices, purchase orders, receipts, work orders, [and] presentations" as used herein are vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request on the grounds that Guardhat as used herein is vague, ambiguous, and inadequately defined.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

40. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding PeiWei, from the time period September 1, 2015 to December 31, 2015.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt objects to this Request on the grounds that the terms "invoices, purchase orders, receipts, work orders, [and] presentations" as used herein are vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request on the grounds that PeiWei as used herein is vague, ambiguous, and inadequately defined.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

41. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding Oracle Corporation, from the time period September 30, 2016 to December 31, 2017. (see TILT_CO000060).

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt objects to this Request on the grounds that the terms “invoices, purchase orders, receipts, work orders, [and] presentations” as used herein are vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

42. All of Opposer’s invoices, purchase orders, receipts, work orders, or presentations regarding The University of Pennsylvania (Penn Medicine), from the time period March 1, 2017 to March 31, 2018. (see TILT_CO000060).

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving

any issues before the Board. Tilt objects to this Request on the grounds that the terms “invoices, purchase orders, receipts, work orders, [and] presentations” as used herein are vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

43. All of Opposer’s invoices, purchase orders, receipts, work orders, or presentations regarding Meridien from the time period January 1, 2017 to December 31, 2017. (see TILT_CO000060).

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt objects to this Request on the grounds that the terms “invoices, purchase orders, receipts, work orders, [and] presentations” as used herein is vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request to the extent it seeks documents and information

not within Tilt's possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

44. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding Champion, from the time period January 1, 2017 to December 31, 2017. (see TILT_CO000060).

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt objects to this Request on the grounds that the terms "invoices, purchase orders, receipts, work orders, [and] presentations" as used herein are vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

45. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding TRW Automotive US LLC, from the time period September 1, 2015 to September 1, 2017.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt objects to this Request on the grounds that the terms "invoices, purchase orders, receipts, work orders, [and] presentations" as used herein is vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request on the grounds that TRW Automotive US LLC as used herein is vague, ambiguous, and inadequately defined.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

46. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding Takata from the time period September 1, 2015 to September 1, 2017.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt objects to this Request on the grounds that the terms “invoices, purchase orders, receipts, work orders, [and] presentations” as used herein are vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request on the grounds that Takata as used herein is vague, ambiguous, and inadequately defined.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

47. All of Opposer’s prospect lists from June 15, 2017 to December 31, 2017.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving

any issues before the Board. Tilt further objects to this Request on the grounds that the term “prospect lists” as used herein is vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

48. All of Opposer’s proposals to customers from June 15, 2017 to December 31, 2017.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request on the grounds that the terms “proposals” and “customers” as used herein are vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for

information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request to the extent it is duplicative of Request No. 16.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

49. All of Opposer's contracts to customers from June 15, 2017 to December 31, 2017.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request to the extent it is duplicative of Request No. 8.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

50. All of Opposer's correspondence containing the Frameworks Logo or the Frameworks Word Mark from June 15, 2017 to July 31, 2018.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek “All of Opposer’s correspondence.” Tilt further objects to the Request on the grounds that the term “Frameworks Word Mark” as used herein is inadequately defined, vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request to the extent that it is duplicative of Request No. 25.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request, to the extent Tilt has any such relevant documents.

51. All Documents showing the ownership of Opposer’s websites and domain names from June 15, 2017 to December 31, 2017.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek “All Documents.” Tilt further objects to the Request on the grounds that the terms “Frameworks Word Mark” and “ownership” as used herein are inadequately defined, vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request.

52. All of Opposer's lease agreements showing the Frameworks Logo or the Frameworks Word Mark regarding the time period June 15, 2017 to December 31, 2017.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek "All of Opposer's lease agreements." Tilt further objects to the Request on the grounds that the terms "Frameworks Word Mark" as used herein is inadequately defined, vague, ambiguous, and/or confusing.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

53. All of Opposer's business listings showing the Frameworks Logo or the Frameworks Word Mark from June 15, 2017 to December 31, 2017.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek "All of Opposer's business listings." Tilt further objects to the Request on the grounds that the terms "Frameworks Word Mark" and "business listings" as used herein are inadequately defined, vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to

prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

54. All of Opposer's trade show listings or registration containing the Frameworks Logo or the Frameworks Word Mark from June 15, 2017 to December 31, 2017.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek "All of Opposer's trade show listings." Tilt further objects to the Request on the grounds that the terms "Frameworks Word Mark" and "trade show listings or registrations" as used herein are inadequately defined, vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

55. The content as of the date of these requests found on each internet website on which you have a presence, including but not limited to social networking sites such as Facebook, SnapChat, Twitter, LinkedIn, Google+, Pinterest, Quora, Vine, Instagram, Flickr, and YouTube ("Applicant's Websites"). Regarding Facebook and Twitter, please produce the files obtainable

by downloading the entire accounts directly from the site hosts (see <https://www.facebook.com/help/133221086752707/> and <http://blog.twitter.com/2012/12/yourtwitter-archive.html> for instructions) and that contain, link to, or make any use of the TILT Trademarks by Opposer. Regarding Instagram, please go to [instagram.com](https://www.instagram.com), click on the gear icon next to your Edit Profile option and select Privacy and Security, scroll down to Data Download, click Request Download, type in your email address if it doesn't automatically pop up, then click Next, enter your password and click Request Download.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome. Tilt further objects to the Request on the grounds that the many of the terms and phrases used herein are inadequately defined, vague, ambiguous, and/or confusing, including but not limited to, “content,” “presence,” “downloading the entire accounts” and “gear icon.” Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request to the extent it seeks information that is publicly available. Tilt objects to this Request to the extent it seeks information above and beyond what is required by the Federal Rules of Civil Procedure and the Trademark Rules.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request.

56. All Documents relating to Opposer’s purchase of Internet advertising words from June 15, 2017 to July 31, 2018.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek “All documents.” Tilt further objects to the Request on the grounds that the phrase “Internet advertising words” as used herein is inadequately defined, vague, ambiguous, and/or confusing.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents relating to its Internet advertisements in response to this Request.

57. All Documents containing the Frameworks Word Mark or the Frameworks Logo from June 15, 2017 to July 31, 2018.

ANSWER:

In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek “All documents.” Tilt further objects to the Request on the grounds that the term “Frameworks Word Mark” as used herein is inadequately defined, vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request to the extent that it is duplicative of Request Nos. 25 and 50.

Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request.

AS TO OBJECTIONS ONLY,

Dated: April 13, 2020

By:



Angela Sujek (P58864)

Kristin Murphy (P57284)

Ka'Nea K. Brooks (P82092)

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kbrooks2@honigman.com

Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on April 13, 2020, on the following via electronic mail:

Michael T. Murphy
Daniel Hwang
mmurphy@giplaw.com
dhwang@giplaw.com
docketdc@giplaw.com
abaggett@giplaw.com
Attorneys for Applicant

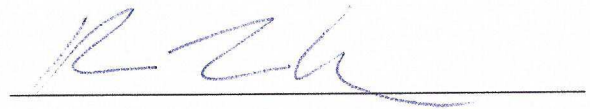
A handwritten signature in blue ink, appearing to read "M. Murphy", is written over a horizontal line.

EXHIBIT G

From: [Daniel Hwang](#)
To: [Sujek, Angela Alvarez](#); [Murphy, Kristin L.](#)
Cc: [Michael Murphy](#); [Ashleigh Peck](#)
Subject: RE: TILT Opposition No. 91250172 - Document Designations - Deficiency
Date: Friday, May 1, 2020 2:10:00 PM

Dear Angela, Kristin,

In light of the parties' settlement discussions, our client would like to review Opposer's invoices and other documents regarding the March 2017 – August 2017 time period prior to responding to Opposer's settlement questions.

Many of these are marked as Attorneys Eyes Only.

Applicant requests Opposer change the designations for the bates numbers below from AEO to Confidential.

If necessary, Opposer can redact any sensitive information aside from the date and representation of TILT on the document.

List of Bates Numbers:

TILT_CO000071-96,
TILT_CO000513,
TILT_CO000854-871,
TILT_CO000926

Please confirm that Opposer will change the designation and redact sensitive information.

Documents and Communication Relating to Caidan, Meridian, and Champion Homes – Deficiency

Opposer has only provided invoice documents related to Champion Homes and no related documents (e.g., pitch documents, contracts, SOW, consulting agreements, etc.).

Opposer has also not provided any invoices prior to April 2017.

Also, Opposer has only provided contracts and invoices for Caidan and Meridian, but no pitch or proposal documents and no communications between Opposer and these companies.

Applicant's has already requested these documents.

Specifically, Applicant's Document Request Nos. 31, 33, 36, 43, and 44 seek:

- 31. All Documents relating to Caidan Management Company, LLC.
- 33. All Communications relating to Caidan Management Company, LLC.
- 36. All Documents relating to the June 1, 2017 Consulting Agreement between The Frameworks Tilt and Caidan Management Company, LLC. (TILT_CO000071-89).
- 43. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding Meridien from the time period January 1, 2017 to December 31, 2017. (see TILT_CO000060).
- 44. All of Opposer's invoices, purchase orders, receipts, work orders, or presentations regarding Champion, from the time period January 1, 2017 to December 31, 2017. (see TILT_CO000060).

Generally, Applicant's Document Request Nos. 8, 11, and 16 seek:

- 8. All contracts with customers in existence after January 2015. and
- 11. All invoices issued by Opposer after January 2015.
- 16. All proposals and pitch materials including, but not limited to, slide decks made by Opposer after January 2015.
- 48. All of Opposer's proposals to customers from June 15, 2017 to December 31, 2017.
- 49. All of Opposer's contracts to customers from June 15, 2017 to December 31, 2017.

Please provide all additional documents related to Caidan, Meridian, and Champion Homes.
Please also provide Invoice Nos. 1005, 1006, and 1007, or confirm these do not exist.

We renew our request for these documents

If possible, please redact any sensitive information before producing so that we may allow our client to review.

Please provide these documents by Wednesday, **May 6, 2020**.

Regards,
Daniel

Daniel Hwang
GLOBAL IP Counselors, LLP
1233 Twentieth Street, NW, Suite 600
Washington, D.C. 20036 USA
Phone: (202) 795-4067
Email: dhwang@giplaw.com
*Admitted only in Illinois

From: Sujek, Angela Alvarez <ASujek@honigman.com>
Sent: Thursday, April 23, 2020 1:40 PM
To: Daniel Hwang <DHwang@giplaw.com>; Murphy, Kristin L. <kristin.murphy@honigman.com>
Cc: Michael Murphy <MMurphy@giplaw.com>; Ashleigh Peck <ABaggett@giplaw.com>
Subject: RE: TILT Opposition No. 91250172 - Friday Settlement Discussion

Lawrence James, Shanky Das, and CJ Burgan will attend for Tilt.

And yes, we agree that all discussions will be for settlement purposes only under FRE 408. Thank you.

[Angela Alvarez Sujek](#)

EXHIBIT H

From: [Murphy, Kristin L.](#)
To: [Daniel Hwang](#); [Sujek, Angela Alvarez](#)
Cc: [Michael Murphy](#); [Ashleigh Peck](#)
Subject: RE: TILT Opposition No. 91250172 - Document Designations
Date: Wednesday, May 6, 2020 3:11:37 PM

Dear Daniel –

At the outset, you have provided no reason as to why your client needs to see our client's highly confidential information. Moreover, we note that similar documents produced by your client has been designated as attorneys eyes only. Thus, so our client can make an informed decision as the true need for your client to see the documents, please provide an explanation for the need. As I am sure you can appreciate, a number of these documents contain highly sensitive commercial information, including work product.

With respect to your allegations of deficiencies – we note that you have not addressed any of our objections. Opposer's production was based on a reasonable search of records in their custody, possession and control and subject to its objections. In the interest of cooperation, Opposer is willing to undertake a further search of its records to potentially locate any additional records that may be responsive to your requests, subject to our original objections. We expect that process to be completed next week at the latest. We await your reasoning on the objections.

Lastly, we have enclosed a link to additional invoices that we have located. Please note that there is no invoice 1002. Upon hearing from you with respect to your client's potential need for access to these invoices, we may reproduce these in redacted form.

Production Link:



A password will follow shortly.

Kristin

Kristin L. Murphy

HONIGMAN LLP

O 248.566.8324

M 248.470.1615

kristin.murphy@honigman.com

From: Daniel Hwang <DHwang@giplaw.com>

Sent: Friday, May 1, 2020 3:11 PM

To: Sujek, Angela Alvarez <ASujek@honigman.com>; Murphy, Kristin L.
<kristin.murphy@honigman.com>

Cc: Michael Murphy <MMurphy@giplaw.com>; Ashleigh Peck <ABaggett@giplaw.com>

EXHIBIT I



July 7, 2020

VIA ELECTRONIC MAIL: ASUJEK@HONIGMAN.COM
VIA ELECTRONIC MAIL: KMURPHY@HONIGMAN.COM

Angela Sujek, Esq.
Kristin Murphy, Esq.
Honigman LLP
315 East Eisenhower Parkway, Suite 100
Ann Arbor, Michigan 48108-3330

Re: Opposition No. 91250172 – T!LT– Opposer’s Deficient Discovery Responses

Dear Angela and Kristin:

We write again regarding our May 1, 2020 request regarding Opposer’s deficient discovery responses and objections. Opposer’s boilerplate objections are improper as they lack required specificity. Moreover, Opposer has not indicated, as required, whether it is withholding documents or denying admissions based on its objections. See *Hewlett Packard Enter. Dev. LP v. Arroware Industries, Inc.*, Cancellation No. 9206749, 2019 WL 1970877, at *4 (Trademark Tr. & App. Bd. May 2, 2019). Opposer pretends not to understand its own Frameworks Tilt mark, has produced no email communications, and objects to an identical social media document request it served on Applicant.

Opposer does not explain why Applicant’s requests are “overly broad,” or “unduly burdensome” or irrelevant. See Fed. R. Civ. P. 34(b)(2) (B) (requiring objections to “state with specificity the grounds for objecting to the request, including the reasons”). Further, Opposer does not indicate whether documents have been withheld based on its objections. See Fed. R. Civ. P. 34(b)(2)(C) (requiring objections to “state whether any responsive materials are being withheld on the basis of that objection”).

Opposer’s relevance objections are also improper. Applicant’s discovery requests are tailored to the claims and focus on Opposer’s alleged priority and to potential likelihood of confusion. See TBMP 402.01. Further, Opposer’s confidentiality objections are improper because the Board’s Standard Protective Order is in place.

Opposer has not produced communications between it and customers or potential customers during the relevant time period (2015 through 2018) or identified whether they are being withheld based on its objections. See Applicant’s Doc. Requests (“Doc. Requests”) Nos. 8, 11, 14, 16, 31, 33, 36, 39, 43, 44, 48, and 49.

Opposer has also not produced any documents that relate to its use of the literal element “Frameworks,” relying on the disingenuous objection that the “Frameworks Word Mark” is “inadequately defined, vague, ambiguous, and/or confusing.” See Doc. Request Nos. 25 and 50. The definition is clear, and no responses or documents can be withheld based on such an objection.

Opposer also objects to providing customer information based on its geographic sales . See Doc. Request Nos. 29 and 30. These requests are directed to Opposer’s claim of likelihood of confusion and unquestionably relevant.

Finally, Opposer refuses to provide complete social media information and documents related to its use of its trademarks. See Doc. Request No. 55. Opposer objected but served the nearly identical request on Applicant (Opposer’s Document Request No. 13). See TBMP 402.01 (citing Gastown Inc. of Delaware v. Gas City, Ltd., 180 USPQ 477, 477 (TTAB 1974) (opposer must answer applicant’s interrogatories which are similar to those which were served by opposer upon applicant)). Opposer must provide the requested documents. *Sentrol, Inc. v. Sentex Systems, Inc.*, 231 USPQ 666, 667 (TTAB 1986) (parties who served identical discovery requests on each other in effect waived their right to object and must answer each request completely).

Applicant is willing to narrow its Requests *provided that* Opposer produces the responsive documents, and answers the request for admissions, or in the alternative, identifies that no responsive documents or information exists. Specifically, Applicant requests:

1. EMAIL COMMUNICATIONS:

A. Doc. Request No. 14. All Documents that relate to Opposer’s email signatures and communications after January 2015.

Opposer has not produced communications showing its email signatures from 2015 to the present. Opposer’s objections lack specificity and do not indicate whether Opposer is withholding documents based on the objections.¹ Opposer objects that the request is overly broad, not relevant, and relates to documents outside its control. Opposer’s email signatures and communications with customers and potential customers are relevant – they evidence how Opposer held itself out during the relevant time period. Opposer’s emails to customers and potential customers are not privileged. Applicant requests communications in Opposer’s control. Opposer has also not indicated whether any documents have been withheld based on the objections.

In the spirit of compromise, Applicant further limits the timeframe of this request to Jan. 1, 2016 through December 31, 2018. Applicant also limits the request to communications between Opposer and Opposer’s customers or potential customers. See below:

For Doc. Request 14, please produce email communications showing Opposer’s email signatures to customers and potential customers from 2016 through 2018.

¹ **Response/Objections to Doc. Request No. 14:** In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, not proportional to the needs of the case to the extent the Request seeks “all documents.” Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work product doctrine, or any other applicable privilege protection or immunity. Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

B. Doc. Request 33. All Communications relating to Caidan Management Company, LLC.

Opposer has not produced any communications between it and Caidan Management Company, LLC (“Caidan”), Opposer’s customer. Opposer’s objections lack specificity and do not indicate whether Opposer is withholding documents based on the objections.² Opposer objects that the request is overly broad, unduly burdensome and not proportionate to the needs of the case. Opposer claims that the information may be confidential, but the Board’s standard protective order is in place. With regard to Opposer’s objection that “Caidan Management Company, LLC” is vague, ambiguous, and inadequately defined, Caidan is Opposer’s customer and is familiar to Opposer. Opposer must also indicate whether Opposer is withholding documents based on the objections.

In the spirit of cooperation, Applicant further limits the timeframe of this request from July 31, 2016 to July 31, 2018. See below:

For Doc. Request 33, please produce all communications between Opposer and Caidan Management Company, LLC between July 31, 2016 through July 31, 2018.

C. Doc. Request 39. All of Opposer’s invoices, purchase orders, receipts, work orders, or presentations regarding Guardhat, a US based creator of intelligent and connected hardhats, from the time period January 1, 2015 to December 31, 2015.

Opposer has not produced any communications between it and its customer, Guardhat. Opposer’s objections lack specificity and do not indicate whether Opposer is withholding documents based on the objections.³ Opposer objects that the request is overly broad, unduly burdensome, and not proportionate to the needs of this case. Guardhat is or was Opposer’s customer and is listed as

² **Response/Objections to Doc. Request No. 33:** In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request on the grounds that “Caidan Management Company, LLC” as used herein is vague, ambiguous, and inadequately defined. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request to the extent it is duplicative of Request No. 31. Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in its custody and control in response to this Request to the extent such documents exist and can be located after a reasonable search.

³ **Response/Objections to Doc. Request No. 39:** Response/Objections: In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad, unduly burdensome, and not proportionate to the needs of this case. Tilt objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Tilt objects to this Request on the grounds that the terms “invoices, purchase orders, receipts, work orders, [and] presentations” as used herein are vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks the confidential information of third parties and requests that Tilt breach its obligations of confidentiality to such third parties. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt’s possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request on the grounds that Guardhat as used herein is vague, ambiguous, and inadequately defined. Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request to the extent such documents exist and can be located after a reasonable search.

such in Opposer's documents. Applicant's request is limited to 2015. Opposer objects that "Guardhat" is vague, ambiguous, and/or confusing. Opposer's use of its name is relevant because Guardhat is a customer identified by Opposer. "Invoices, purchase orders, receipts, work orders, or presentations" are well understood and common business documents. Therefore, these terms are not vague, ambiguous, or inadequately defined. Opposer must also indicate whether Opposer is withholding documents based on the objections.

For Doc. Request 39, please produce the requested documents between Opposer and Guardhat between January 1, 2015 through December 31, 2015.

2. USE OF "FRAMEWORKS"

A. Doc. Request 25. All Documents that relate to Opposer's use of the Frameworks Word Mark.

B. Doc. Request 50. All of Opposer's correspondence containing the Frameworks Logo or the Frameworks Word Mark from June 15, 2017 to July 31, 2018.

Applicant defined the terms "Frameworks Logo" and "Frameworks Word Mark":



- "Frameworks Logo" means the stylized F shown below:
- "Frameworks Word Mark" means the literal element FRAMEWORKS or FRAMEWORKS WORLDWIDE.

Opposer has not produced any documents in response to Applicant's requests for production relating to use of the Frameworks Word Mark. Opposer's objections lack specificity and do not indicate whether Opposer is withholding documents based on the objections.⁴ Opposer objects that "Frameworks Word Mark" is vague, ambiguous, and inadequately defined.

⁴ **Response/Objections to Doc. Request No. 25:** In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek "all Documents." Tilt objects to this Request to the extent it seeks information that is protected from disclosure by the attorney/client privilege, work-product doctrine, or any other applicable privilege protection or immunity. Tilt further objects to the Request on the grounds that the term "Frameworks Word Mark" as used herein is inadequately defined, vague, ambiguous, and/or confusing. **Subject to its general and specific objections, and to the extent that Tilt understands the Request, Tilt has not used the Frameworks Word Mark.** (emphasis added).

Response/Objections to Doc. Request No. 50: In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek "All of Opposer's correspondence." Tilt further objects to the Request on the grounds that the term "Frameworks Word Mark" as used herein is inadequately defined, vague, ambiguous, and/or confusing. Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request to the extent that it is duplicative of Request No.25. Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request, to the extent Tilt has any such relevant documents.

Opposer alleges it never used the Frameworks Word Mark, but Opposer's documents show use of the literal element Frameworks by Opposer throughout its production. It appears, therefore, that Opposer is withholding documents and information based on its objections to the "Frameworks Word Mark" term. Applicant requests documents in Opposer's control. Opposer also objects vaguely that the request is overly broad and unduly burdensome, yet does not explain why.

In the spirit of cooperation, Applicant further limits the timeframe of Doc. Request 25 to July 31, 2016 to July 31, 2019. Applicant can also limit the document requested to correspondence and contracts. WHY limit to correspondence and contracts????

For Doc. Request 25: Please produce documents relating to Opposer's use of the Frameworks Word Mark – the literal element FRAMEWORKS or FRAMEWORKS WORLDWIDE.

For Doc. Request 50: Please produce correspondence containing the Frameworks Logo or the Frameworks Word Mark from June 15, 2017 to July 31, 2018.

- C. Request for Admission No. 5. Admit that Opposer's webpages or social media contained the Frameworks Word Mark or the Frameworks Logo after July 31, 2017.
- D. Request for Admission No. 6. Admit that Opposer's invoices to customers or contracts with customers contained the Frameworks Word Mark or the Frameworks Logo after September 30, 2017.
- E. Request for Admission No. 7. Admit that Opposer's invoices to customers or contracts with customers contained the Frameworks Word Mark or the Frameworks Logo after October 31, 2017.

Applicant defined the term "Frameworks Word Mark" as "the literal element FRAMEWORKS or FRAMEWORKS WORLDWIDE." Opposer's objections lack specificity in what portion is denied and why, and also do not indicate whether Opposer is denying solely based on the objections.⁵ Fed. R. Civ. P. 36 ("A denial must fairly respond to the substance of the matter; and when good faith requires that a party qualify an answer or deny only a part of a matter, the answer must specify the part admitted and qualify or deny the rest."). Opposer objects that "Frameworks Word Mark" is vague, ambiguous, confusing, and/or inadequately defined.

⁵ **Answer/Objections to Request for Admission No. 5:** In addition to its general objections, Tilt objects to this Request on the grounds that the term "contained" as used herein is vague and ambiguous. Tilt further objects to this Request on the grounds that the term "Frameworks Word Mark" as used herein is inadequately defined, vague, ambiguous, and/or confusing. Subject to its general and specific objections, Tilt responds as follows: Denied.

Answer/Objections to Request for Admission No. 6: In addition to its general objections, Tilt objects to this Request on the grounds that the term "contained" as used herein is vague and ambiguous. Tilt further objects to this Request on the grounds that the term "Frameworks Word Mark" as used herein is inadequately defined, vague, ambiguous, and/or confusing. Subject to its general and specific objections, Tilt responds as follows: Denied

Answer/Objections to Request for Admission No. 7: In addition to its general objections, Tilt objects to this Request on the grounds that the term "contained" as used herein is vague and ambiguous. Tilt further objects to this Request on the grounds that the term "Frameworks Word Mark" as used herein is inadequately defined, vague, ambiguous, and/or confusing. Subject to its general and specific objections, Tilt responds as follows: Denied.

Opposer alleges it never used the Frameworks Word Mark, but Opposer's documents show use of the literal element Frameworks by Opposer. It appears that Opposer is denying requests for admissions based on its objections to the "Frameworks Word Mark" term. Opposer also objects that "contained" is vague, ambiguous, and inadequately defined. The word "contained" means included.

Based on the clarifications above, please provide Opposer's answers to these Requests for Admission 5, 6, and 7.

3. GEOGRAPHIC SALES

A. Doc. Request 29. Documents sufficient to show Opposer's sales by customer and geographic region from January 2015.

Opposer has not produced sales documents to show sales from customers during the relevant time period based on geographic area. Opposer's objections lack specificity and do not indicate whether Opposer is withholding documents based on the objections.⁶ Opposer objects that the request is overly broad and unduly burdensome. Applicant further narrows the timeframe of its request to January 1, 2016 to January 1, 2019. Opposer's sales information and customers are relevant for comparison to Applicant's business and for the issue of whether there is a likelihood of confusion. Opposer objects that "geographic region" is vague, ambiguous, and inadequately defined.

Opposer also objects that "contained" is vague, ambiguous, and inadequately defined. Both are common terms, but Applicant can agree that "geographic region" means the city and state where each customer is located. Also, Opposer can limit its response to US sales only. Opposer has a moderate number of customers. Documents such as email communications or contracts typically list the customer's address including city and state. The geographic location of the customers is also relevant to Opposer's priority claim.

For Doc. Request No. 29, please supplement Opposer's production to include documents showing the city and state of each of Opposer's customers. Opposer can produce the first and last document by date as representative documents for each customer.

4. SOCIAL MEDIA

A. Doc. Request 55. The content as of the date of these requests found on each internet website on which you have a presence, including but not limited to social networking sites such as Facebook, SnapChat, Twitter, LinkedIn, Google+, Pinterest, Quora, Vine, Instagram, Flickr, and YouTube ("Applicant's Websites"). Regarding Facebook and Twitter, please produce the

⁶ **Response/Objections to Doc. Request 29:** In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request on the grounds that the term "geographic region" as used herein is vague, ambiguous, and/or confusing. Tilt objects to this Request as overly broad and unduly burdensome in that it appears to seek information that is unlimited in geographic scope. Tilt further objects to this Request on the grounds that it is not proportional to the needs of this proceeding because it seeks irrelevant information that will not assist in resolving any issues before the Board. Subject to its general objections, Tilt is unable to ascertain the scope of this Request, upon clarification from Applicant, Tilt will supplement its production. Notwithstanding, Tilt has produced documents sufficient to show its customers.

files obtainable. by downloading the entire accounts directly from the site hosts (see <https://www.facebook.com/help/133221086752707/> and <http://blog.twitter.com/2012/12/yourtwitter-archive.html> for instructions) and that contain, link to, or make any use of the TILT Trademarks by Opposer. Regarding Instagram, please go to [instagram.com](https://www.instagram.com), click on the gear icon next to your Edit Profile option and select Privacy and Security, scroll down to Data Download, click Request Download, type in your email address if it doesn't automatically pop up, then click Next, enter your password and click Request Download.

Opposer has not produced the native documents or a substantially comparable set of documents as requested. Opposer's produced only a few LinkedIn pages of some employees. Opposer's objections lack specificity and do not indicate whether Opposer is withholding documents based on the objections.⁷

This request is not overly burdensome because Opposer served the nearly identical Document Request upon Applicant, and Applicant produced native files and responsive printout documents. See *Sentrol, Inc. v. Sentex Systems, Inc.*, 231 USPQ 666, 667 (TTAB 1986) (parties who served identical discovery requests on each other in effect waived their right to object and must answer each request completely). The request includes Opposer's identical instructions for downloading Facebook, Twitter, and Instagram (Opposer's Document Request No. 13) and Opposer must provide responsive documents. See TBMP 402.01 (citing *Gastown Inc. of Delaware v. Gas City, Ltd.*, 180 USPQ 477, 477 (TTAB 1974)).

The social media information sought relates to Opposer's priority and likelihood of confusion claims. Opposer's social media presence will evidence how it used its marks in commerce. Opposer objects to this request in boilerplate form as overly broad and burdensome, seeks documents beyond the Opposer's control, that the information is publicly available, and that the information sought is above and beyond what is required by the Federal Rules of Civil Procedure and the Trademark Rules. Further, Opposer objects to the terms of the request including "content," "presence," "downloading the entire accounts" and "gear icon," are vague and ambiguous.

"Content" means the information including photos, posts, comments, and webpages of the internet websites or social networking sites. "Presence" means for websites or social networking sites owned by Opposer. "Downloading the entire accounts" means that Opposer should provide the complete files downloaded from the social networking sites according to these instructions. "Gear icon" means the icon in the shape of a gear or cog – this icon typically indicates a link for user

⁷ **Response/Objections to Doc. Request 55:** In addition to the general objections, which are restated here and incorporated herein by reference, Tilt objects to this Request as overly broad and unduly burdensome. Tilt further objects to the Request on the grounds that the many of the terms and phrases used herein are inadequately defined, vague, ambiguous, and/or confusing, including but not limited to, "content," "presence," "downloading the entire accounts" and "gear icon." Tilt further objects to this Request to the extent it seeks documents and information not within Tilt's possession, custody, or control, calls for Tilt to prepare information that does not already exist, or calls for information in a format other than that which is ordinarily kept by Tilt. Tilt further objects to this Request to the extent it seeks information that is publicly available. Tilt objects to this Request to the extent it seeks information above and beyond what is required by the Federal Rules of Civil Procedure and the Trademark Rules. Subject to its general and specific objections, Tilt will produce relevant, non-privileged documents in response to this Request.

settings. These documents are in Opposer's possession, custody, and control because only the site owner can access the complete history of these files. Not all of the files are not publicly available and are based on the privacy controls of the Opposer and its founders and employees.

For Doc. Request No. 55, please provide the download files requested from Opposer's accounts from at least the three main social networking sites: Twitter, Facebook, and Instagram.

Please produce the requested documents and information and advise whether Opposer is withholding any documents based on its objections by July 14, 2020. If Opposer needs further clarification, Applicant is willing to meet and confer.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael T. Murphy', with a long horizontal stroke extending to the right.

Michael T. Murphy
Tel. 202-293-0585

EXHIBIT J

July 14, 2020

Michael Murphy
Global IP Counselors, LLP
1233 Twentieth Street, N.W.
Suite 600
Washington, D.C. 20036

Re: Opposition No. 91250172

Dear Mike:

This communication is in response to your July 7, 2020 letter. As an initial matter, we responded to your May 1, 2020 communication over two months ago, and as part of that response and in the interest of cooperation, our undertook additional searches and produced additional documents, despite the fact that our objections were not addressed at all in the May communication until last week.

With respect to your July letter, we disagree with your newly advanced characterizations of Opposer's responses and objections. Your letter makes various false assertions devoid of any factual basis and takes positions that are at odds with the actual requests and definitions you propounded, as well as your own objections made to Opposer's discovery requests to Applicant. Indeed, in an effort to escape Opposer's proper objections, the letter attempts to recast and redefine the scope of the requests. Especially problematic is your continuing attempt to conflate a third party, The Frameworks Worldwide with Tilt.

Opposer has properly searched for documents and electronic files that it has available. Certain documents are simply no longer available as they were stored on a different server that Opposer ceased using in 2017 and has not had access to since well-before this Opposition commenced. Opposer has produced those documents in which they have possession, custody and control, subject to its objections.

With these preliminary comments, we address the specific requests identified in your July letter.

A. Communications

Opposer has properly objected to Request No. 14 as overly broad and not proportional to the needs of the case, in that the request literally sought all documents that "relate" to Opposer's email signatures, as well as all communications for several years. Moreover, the request as written is simply unclear as to the true scope of the request. Nevertheless, consistent with its objections and its understanding of the request, Opposer produced several representative

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documents that illustrated email signatures used by some of Opposer's employees. *See, e.g.*, TILT_CO 000181, TILT_CO 000415, TILT_CO 000417 and TILT_CO 000964. While Opposer believes that any further responsive documents will be duplicative of those already produced, Opposer is undertaking another search to see if there are any other "email signatures" that differ from what has already been produced. We expect this additional search to be completed in the next week.

With respect to Request 33, Opposer states that based on its prior search, it does not believe that it has any communications exchanged with Caidan Management Company LLC in its possession, custody and control. However, our client will conduct an additional search to ascertain if any responsive documents exist. We expect this additional search to be completed in the next week.

Opposer has no further documents that are responsive to Request No. 39.

B. FRAMEWORKS

With respect to your allegations concerning FRAMEWORKS and FRAMEWORKS WORLDWIDE, Opposer has properly responded to your request. As Opposer understands the Request as propounded, Opposer has not used the literal element FRAMEWORKS or FRAMEWORKS WORLDWIDE as a word mark. Thus, Opposer has no further documents responsive to Request No. 25.

Opposer has searched for correspondence that contains the Framework Logo and has not located any documents responsive to the request and does not believe that any exists. However, in the interest of cooperation, Opposer will conduct an additional search to ascertain if any responsive documents exist. We expect this additional search to be completed in the next week.

Your complaints concerning Request for Admissions Nos. 5, 6 and 7 are unfounded. Opposer has denied each of those requests, a proper response to the Request for Admission.

C. Geographic Sales

Request No. 29 was properly objected to. Further, your reference in the July letter to "sales documents" is confusing and does not clarify what specific document you are seeking, especially as Opposer has numerous documents concerning client presentations and invoices that are in its possession custody and control that would identify clients and their respective city/states. Representative documents include TILT_CO 000375; TILT_CO 000413; TILT_CO 001322; TILT_CO 000433; TILT_CO 000466; TILT_CO 000872; and TILT_CO 001320.

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D. Social Media

With respect to your narrowed request for Request 55, Opposer states as a partial response that Opposer has no responsive documents with respect to Twitter. Opposer will conduct an additional search to ascertain if any relevant documents exist with respect to Facebook and Instagram.

Very truly yours,

HONIGMAN LLP

A handwritten signature in blue ink, appearing to read 'KLM', with a long horizontal flourish extending to the right.

Kristin L. Murphy

EXHIBIT K



July 17, 2020

VIA ELECTRONIC MAIL: ASUJEK@HONIGMAN.COM
VIA ELECTRONIC MAIL: KMURPHY@HONIGMAN.COM

Angela Sujek, Esq.
Kristin Murphy, Esq.
Honigman LLP
315 East Eisenhower Parkway, Suite 100
Ann Arbor, Michigan 48108-3330

Re: Opposition No. 91250172 – T!LT– Opposer’s Deficient Discovery Responses

Dear Kristin:

Opposer still has not advised whether it is withholding any documents based on its objections. Documents from Opposer’s server that it “ceased using in 2017” are relevant to Opposer’s claim it has been using its trademarks since 2015, and Opposer has not advised whether it has made any attempts to retrieve these documents. Further, Opposer’s response makes it clear that it is withholding documents based on its improper definition of the “Frameworks Word Mark”.

Further, Applicant did not narrow its Request No. 55. It is identical to Opposer’s request and Opposer cannot object as to the terms used. Opposer is refusing to download the requested documents from its social media accounts. Finally, Opposer claims it has no Twitter information. This cannot be correct unless Opposer is reading out, improperly, the Twitter and other social media accounts of Mr. Lawrence James and Mr. Shanky Das. The data from Mr. Das’ and Mr. James’ accounts are responsive to Document Request 55.

Opposer has not made a good faith effort to respond to the deficiencies detailed in our July 7, 2020 letter. Because of Opposer’s refusal to answer Applicant’s discovery, enclosed are service copies of Applicant’s additional discovery requests.

As you know, Applicant intends to take the deposition of at least Mr. Das, Mr. James, and Opposer’s 30(b)(6) witness. These depositions cannot proceed until Opposer produces all documents requested. Applicant has no choice but to move to compel opposer’s responses and to seek an extension of discovery until all documents are produced.

Please contact me if you would like to discuss.

Sincerely,

Michael T. Murphy
Tel. 202-293-0585