

ESTTA Tracking number: **ESTTA1136095**

Filing date: **05/25/2021**

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

Proceeding	91251473
Party	Plaintiff Afyon Et ve Et Mamulleri Sanayi ve Ticaret Limited Sirketi
Correspondence Address	MATTHEW D ASBELL OFFIT KURMAN, P.A. 590 MADISON AVENUE, 6TH FLOOR NEW YORK, NY 10022 UNITED STATES Primary Email: trademarks@offitkurman.com Secondary Email(s): matthew.asbell@offitkurman.com, alison.pratt@offitkurman.com, michael.conway@offitkurman.com, lwinston@offitkurman.com 929-476-0048
Submission	Testimony For Plaintiff
Filer's Name	Matthew D. Asbell
Filer's email	trademarks@offitkurman.com, matthew.asbell@offitkurman.com, alison.pratt@offitkurman.com, michael.conway@offitkurman.com, lwinston@offitkurman.com
Signature	/ma/
Date	05/25/2021
Attachments	Motion To Use Testimony From Other Proceedings CUMURIYET 05-25-2021.pdf(649850 bytes)

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

AFYON ET VE ET MAMULLERI SANAYI VE TICARET LIMITED SIRKETI,		X	
	Opposer,	X	
		X	Opp. No. 91/251,473
v.		X	App. No. 88/284,023
CUMHURIYET MEATS,		X	
	Applicant.	X	
		X	

**OPPOSER'S MOTIONS TO USE TESTIMONY FROM ANOTHER PROCEEDING AND
TO EXTEND TIME**

In the event that the Board does not grant the April 28, 2021 Motion for Sanctions filed by Opposer Afyon Et Ve Et Mamulleri Sanayi Ve Ticaret Limited Sirketi ("Opposer"), or that the Board does grant such Motion but its Order sanctioning Applicant does not result in a final dispositive outcome of the proceeding, Opposer moves, pursuant to TBMP §§ 530 and 730, and 37 C.F.R § 122(f), to use testimony from another proceeding in the above-captioned matter and to extend the trial deadlines set by the Board in its Order of December 22, 2020.

In another matter before the Board, Cancellation Number 92070059, filed against the Applicant here under its related entity name, Nema Food Distribution Inc. ("Nema"), on April 28, 2021 a party filed the Declaration annexed hereto as Exhibit A (the "Seyidoglu Declaration"). The Seyidoglu Declaration is highly relevant to the present proceeding. In short, Mr. Serdar Seyidoglu submitted trial testimony in the form of a declaration which confirms a pattern or practice and the bad faith activities of Applicant whereby Applicant has registered and sought to register trademarks in the United States that it knows to already be the property of well-known entities in the food industry in Turkey.

Opposer also moves to extend the deadlines in this matter in the event that its Motion of Sanctions does not result in a final dispositive outcome in this proceeding.

ARGUMENT

OPPOSER IS ENTITLED TO USE THE TESTIMONY FROM ANOTHER PROCEEDING IN THE PRESENT MATTER

Opposer requests an Order that the Seyidoglu Declaration may be used as admissible Trial Testimony in support of Opposer's position with respect to Application No. 88/284,023.

37 C.F.R § 122(f) provides as follows:

Testimony from other proceedings. By order of the Trademark Trial and Appeal Board, on motion, testimony taken in another proceeding, or testimony taken in a suit or action in a court, between the same parties or those in privity may be used in a proceeding, so far as relevant and material, subject, however, to the right of any adverse party to recall or demand the recall for examination or cross-examination of any witness whose prior testimony has been offered and to rebut the testimony.

Here, Cumhuriyet Meats is in privity with Nema in that it included with its initial application filing for Application No. 88/284,023 on January 31, 2019, a copy of a Certificate of Alternate Name issued by the New Jersey Department of the Treasury, Division of Revenue and Enterprise Services. *See* Notice of Reliance annexed hereto as Exhibit B. The Certificate of Alternate Name was obtained by Nema and listed as its Alternate Name, Cumhuriyet Meats.

Moreover, the Seyidoglu Declaration established the following relevant facts (See also Notice of Reliance annexed hereto as Exhibit B):

1. Beyhan Nakiboglu ("Nakiboglu") is a Partner at and the President of Nema.
2. Nakiboglu resided in Istanbul, Turkey from the 1970s until the 2000s.
3. Abdullah Nakiboglu is a Partner at Nema and is located in Istanbul.
4. Nakiboglu knew of the Seyidoglu Company, the SEYIDOGLU trademark, and the company's products in Turkey since well before October 21, 2009.
5. Nakiboglu's signed, sworn declaration in Nema's application to register the SEYIDOGLU mark in the United States that he believed Nema "to be the owner of the trademark[] sought to be registered", that "to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce", and that "all statements made of his/her own knowledge are true" is knowingly false.

The Seyidoglu Declaration is relevant and material to the Opposition in that the asserted facts demonstrate Applicant's knowledge of Turkey, the Turkish food industry, and Turkish trademarks for food products, as well as Applicant's willingness to make signed, sworn statements to the U.S.P.T.O. that are knowingly false, and its efforts to seek U.S. registrations in bad faith for trademarks that it knows to belong to others. (See also Notice of Reliance annexed hereto as Exhibit B).

Accordingly, the Seyidoglu Declaration should be allowed into evidence in this proceeding.

THE TRIAL DATES SHOULD BE RESET

The Board set the following dates in its Order of December 22, 2020, 14 TTABVUE 14:

Plaintiff's Pretrial Disclosures Due 4/29/2021

Plaintiff's 30-day Trial Period Ends 6/13/2021

Defendant's Pretrial Disclosures Due 6/28/2021

Defendant's 30-day Trial Period Ends 8/12/2021

Plaintiff's Rebuttal Disclosures Due 8/27/2021

Plaintiff's 15-day Rebuttal Period Ends 9/26/2021

Plaintiff's Opening Brief Due 11/25/2021

Defendant's Brief Due 12/25/2021

Plaintiff's Reply Brief Due 1/9/2022

Request for Oral Hearing (optional) Due 1/19/2022

Opposer timely filed a Motion for Sanctions (as well as a Change of Correspondence Address) on April 28, 2021, but did not specifically request that the Board reset disclosure deadline and trial dates. 15 TTABVUE, 16 TTABVUE. Opposer therefore timely served its Pretrial Disclosures on Applicant on April 29, 2021. See Opposer's Pretrial Disclosures annexed as Exhibit C. Opposer served a first amended set of Pretrial Disclosures on Applicant on May 5, 2021. See Opposer's First Set of Amended Pretrial Disclosures annexed as Exhibit D. While Applicant was not required to do so, Applicant did not acknowledge or respond to Opposer's email service of Opposer's Motion for Sanctions, Opposer's Change of Correspondence Address, Opposer's Pretrial Disclosures, or Opposer's First Set of Amended Pretrial

Disclosures. Applicant also did not file a brief in response to Opposer's Motion for Sanctions.

Opposer considers that the Board's decision on Opposer's uncontested Motion for Sanctions may be dispositive or may otherwise impact the manner in which this proceeding goes forward. On the other hand, Opposer, having timely served its Pretrial Disclosures, recognizes the possibility that the Board may make a determination that is not dispositive. If the Board's determination on Opposer's Motion for Sanctions is not dispositive, Opposer moves to extend the trial dates as set forth in 14 TTABVUE 14, for a period of 90 days beginning with the June 13, 2021 deadline.

CONCLUSION

For the reasons set forth above, Opposer's Motions for an Order allowing the Seyidoglu Declaration in evidence in this matter and to extend the trial dates should be granted.

Respectfully submitted,

Offit Kurman, P.A.
Attorneys for Opposer
Afyon Et Ve Et Mamulleri Sanayi Ve Ticaret
Limited Sirketi



Date: 5/25/2021

Matthew D. Asbell
590 Madison Avenue, 6th Floor
New York, NY 10022
(929) 476-0048
Matthew.asbell@offitkurman.com
(OK Ref: 06500015.00004)

Index of Exhibits

Exhibit Label	Description
Exhibit A	April 27, 2021 Declaration of Serdar Seyidoglu
Exhibit B	Notice of Reliance
Exhibit C	Opposer's Pretrial Disclosures
Exhibit D	Opposer's First Amended Set of Pretrial Disclosures

EXHIBIT A

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

**GAZIANTEPLI HABES SEYIDOGLU
BAKLAVALARI ULUSLARARASI NAKLIYAT
VE SAN. TIC. LTD. STI.**

Petitioner,

v.

NEMA FOOD DISTRIBUTION INC.

Respondent

Cancellation No. 92070059

Registration No. 3,878,739

Registration Date: November 23, 2010

Trademark: SEYIDOGLU

**SUPPORTING DECLARATION OF SERDAR SEYIDOGLU ON BEHALF OF
PETITIONER**

I, Serdar Seyidoglu, declare under penalty of perjury as follows:

1. I am a shareholder and the General Manager of Gaziantepi Habes Seyidoglu Baklavalari Uluslararası Nakliyat Ve San. Tic. Ltd. Sti. ("Petitioner" or "Seyidoglu Company").

2. I submit this supporting declaration as my direct testimony in connection with the above-captioned proceeding between Seyidoglu Company and Nema Food Distribution Inc. ("Respondent" or "Nema"). I confirm that the facts and matters set out herein are based on my own knowledge and understanding or from my review of the records and documents, which are prepared and kept in the regular course of business and from documents available for the public via the Internet.

I. RELATIONSHIP BETWEEN SEYIDOGLU COMPANY AND NEMA

3. I am the son of Necati Seyidoglu, grandson of Habes Seyidoglu (founder of Seyidoglu Company), and have been a shareholder/the general manager of the Seyidoglu Company since 2002. I manage the import, export, and international trade of Seyidoglu-branded goods.

4. I established and developed Seyidoglu Company's relationship with Nema.

5. To my knowledge and belief, Beyhan Nakiboglu (“Nakiboglu”) is a Partner at and the President of Nema and he applied to register the SEYIDOGLU mark in the United States. Nakiboglu is also my relative. My grandmother is Nakiboglu’s cousin.

6. To my knowledge and belief, Nakiboglu was born in Gaziantep and resided in Istanbul, Turkey from the 1970s to the 2000s. He has known my mother, my father, and my grandfather for many years. He knew that our company was established in Istanbul in the 1950s with the name Seyidoglu. He knew that we had been the long-standing owners of the famous SEYIDOGLU mark in Turkey (Turkish Reg. No. 2002/18639). 20 TTABVUE, Ex. V.

7. In 2007, Nakiboglu conveyed to me that, in addition to the meat processing business, Nema was considering entering into food distribution, and they wanted to distribute Seyidoglu products. Thereafter, they bought Seyidoglu products from our company through Nema Holding, and exported the products to the United States where they were sold.

8. All agreements between Seyidoglu Company and Nakiboglu for Nema were with regards to the distribution and marketing of our products. We did not negotiate any other rights belonging to the Seyidoglu Company, either in writing or verbally, with Nakiboglu, Nema, or their other companies. *See* 20 TTABVUE, Ex. III.

9. In 2010, when we applied for extension of protection of our SEYIDOGLU mark in the United States (Application Serial No. 79087624) and was refused, *see* 20 TTABVUE, Ex. VII, we learned that Nema had filed to register SEYIDOGLU in the United States in 2009.

10. Upon learning this, I confronted Nakiboglu and his brother Abdullah Nakiboglu (also a Partner at Nema) who is located in Istanbul. They responded that sales of our Seyidoglu products were doing well in the United States, and they registered SEYIDOGLU to protect the Seyidoglu brand and our business, since it would be easier with a trademark registration to prevent name

violations in the United States by other companies. We, as the Seyidoglu Company, trusted Beyhan and Abdullah Nakiboglu because they are my relatives. At that time, we did not file for trademark cancellation.

11. In the years following, we stated to Nema that we wanted to sell our SEYIDOGLU products to another company due to the deterioration of Nema's business and the decrease in the U.S. sales of our products through Nema.

12. Subsequently, we entered into a business relationship with Vintage Food Corporation ("Vintage") to manufacture Turkish goods for their self-developed IPEK private label. When we inadvertently placed our signature tulip seal on the packaging of these products, Nema sent a cease-and-desist letter to Vintage alleging trademark infringement and an exclusive distributorship relationship with the Seyidoglu Company. Attached as Exhibit XIII is the cease-and-desist letter dated June 6, 2018 sent by Nema's attorney to Vintage. It was then when we realized that Nema had not registered our SEYIDOGLU mark to protect our Seyidoglu brand, but in an attempt to become the exclusive owner of our brand here in the United States. Upon this realization, we first filed this petition for cancellation of U.S. Registration No. 3878739 on November 19, 2018. 1 TTABVUE.

13. Being our relative and having resided in Istanbul, Turkey for an extended period of time, Nakiboglu has known of the Seyidoglu Company, our trademarks, and our food products since well before October 21, 2009, the date he applied to register the SEYIDOGLU mark in the United States. Nakiboglu's signed, sworn declaration that he believes Nema "to be the owner of the trademark[] sought to be registered", that "to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce", and that "all statements made of his/her own knowledge are true" is knowingly false.

II. MARKETING OF THE SEYIDOGLU COMPANY AND PRODUCTS IN THE UNITED STATES

14. Through the years, we have expended effort and finances to increase the sales of our products in United States. From 2008 to 2013, we participated in the “Fancy Food Show,” held annually in the Jacob Javits Convention Center in New York, to promote the Seyidoglu brand and products. Attached as Exhibit XIV is an official correspondence from General Secretariat of Istanbul Exporters’ Unions dated April 13, 2021, responding to our request for written information regarding Seyidoglu Company’s attendance at the “Fancy Food” conferences held in the United States between 2008-2010 and receipt of state incentives to attend these fairs; to my knowledge and belief, an accurate English translation of the correspondence has also been included.

III. MAINTENANCE OF RELATED TURKISH TRADEMARK REGISTRATIONS

15. In addition to owning International Registration No. 1051887, we have spent considerable resources registering and maintaining several related trademarks. Attached as Exhibit XV is a list of Seyidoglu Company’s Turkish trademark registrations. As shown, our oldest Seyidoglu registrations (Application Serial Nos. 95/014908 and 95/014909) were filed in Turkey on December 15, 1995 and granted on August 29, 1996.

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

Istanbul, Turkey

Dated: April 27, 2021


By: 
Serdar Seyidoglu

EXHIBIT B

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

AFYON ET VE ET MAMULLERI SANAYI VE TICARET LIMITED SIRKETI,	x	
	x	
Opposer,	x	
	x	Opp. No. 91/251,473
v.	x	App. No. 88/284,023
	x	
CUMHURIYET MEATS,	x	
	x	
Applicant.	x	
	x	

OPPOSER’S NOTICE OF RELIANCE ON TESTIMONY UNDER 37 C.F.R. § 2.122(f)

Pursuant to Rule 2.122(f) of the Trademark Rules of Practice, 37 C.F.R. § 2.120(k), and TBMP § 704.09, Opposer Afyon Et Ve Et Mamulleri Sanayi Ve Ticaret Limited Sirketi hereby makes of record and notifies Applicant Cumhuriyet Meats of its reliance on:

1. Excerpts from the declaration testimony of Serdar Seyidoglu, filed April 28, 2021, in Cancellation No. 92070059, attached hereto as Exhibit A.

- Page 2, line 1 through page 2, line 8. This testimony is relevant to show Applicant’s principal’s knowledge of Turkey, the Turkish food industry, and Turkish trademarks for food products.

- Page 2, line 20 through page 2, line 21. This testimony is relevant to show that Applicant has another principal based in Turkey and familiar with the Turkish food industry and Turkish trademarks for food products.

- Page 3, line 17 through page 3, line 23. This testimony is relevant to show Applicant’s willingness to make signed, sworn statements to the U.S.P.T.O. that are knowingly false, and its efforts to seek U.S. registrations in bad faith for trademarks that it knows to belong to others.

Opposer requests that the Board accept this testimony by notice of reliance because the witness is the principal of a party in a proceeding against Applicant, but is not related to

Opposer and is thus unavailable to Opposer for direct testimony.

I declare that the foregoing is true and correct under penalties of perjury. Executed on
May 25, 2021 in New York, New York.



Matthew D. Asbell

EXHIBIT C

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

AFYON ET VE ET MAMULLERI SANAYI VE TICARET
LIMITED SIRKETI,

Opposer,

Opp. No. 91/251,473

App. No. 88/284,023

v.

CUMHURIYET MEATS,

Applicant.

PRETRIAL DISCLOSURES OF
AFYON ET VE ET MAMULLERI SANAYI TICARET LIMITED SIRKETI

Opposer Afyon Et Ve Et Mamulleri Sanayi Ve Ticaret Limited Sirketi (“Opposer”) respectfully submits the following pretrial disclosures pursuant to 37 C.F.R § 2.121(e):

1. The following persons are witnesses from whom Opposer intends to take testimony, or may take testimony if the need arises:

- Donald Dabour, Retiree and former customer of Opposer, 935 W. Robert Ave., Oxnard, CA 93030, (805) 377-6339. Subjects of information: familiarity with and fame of Opposer’s mark; Opposer’s goods under Opposer’s mark; confusion arising from Applicant’s mark; injury or potential injury to consumers posed by Applicant's registration of Applicant's Designation.

The following documents and things may be introduced as exhibits during the testimony of the above-listed witness:

(a) Documents concerning the advertising, promotion, and marketing of goods under Opposer's Mark;

(b) Documents concerning the strength and fame of Opposer's Mark;

(c) Documents concerning consumer and industry recognition of Opposer's Mark;

(d) Documents concerning actual confusion caused by Applicant's use of Applicant's Designation.

- Erol Genlik, Retiree and former customer of Opposer, 511 South Rampart Blvd. #28, Los Angeles, CA 90057, (213) 432-7390. Subjects of information: familiarity with and fame of Opposer's mark; Opposer's goods under Opposer's mark; confusion arising from Applicant's mark; injury or potential injury to consumers posed by Applicant's registration of Applicant's Designation.

The following documents and things may be introduced as exhibits during the testimony of the above-listed witness:

(a) Documents concerning the advertising, promotion, and marketing of goods under Opposer's Mark;

(b) Documents concerning the strength and fame of Opposer's Mark;

(c) Documents concerning consumer and industry recognition of Opposer's Mark;

(d) Documents concerning actual confusion caused by Applicant's use of Applicant's Designation.

- Kemal Bora Temur, General Coordinator of Opposer, 30007 Sk. Yavuz Sitesi

B Blok Kat 12/23 Mezitli, Mersin, Turkey, 0 532 496 57 95. Subjects of information: General business of Opposer; history of the CUMHURIYET SUCUKLARI brand; the strength and fame of the CUMHURIYET SUCUKLARI mark; Opposer's Mark, Opposer's goods under Opposer's Mark, and the similarity of those goods with the goods identified in the opposed application at issue in this proceeding; Opposer's advertisement and promotion of goods under Opposer's Mark; Opposer's target consumers and channels of trade for goods under Opposer's Mark, and the overlap of those target consumers and channels of trade with the target consumers and channels of trade for the goods identified in the opposed application; efforts to license Opposer's Mark; Opposer's registrations for and applications to register Opposer's Mark; actual consumer confusion resulting from Applicant's use of the designation CUMHURIYET that is the subject of this proceeding; injury or potential injury to Opposer and to consumers posed by Applicant's registration of Applicant's Designation.

The following documents and things may be introduced as exhibits during the testimony of the above-listed witness:

(a) Opposer's registrations for and applications to register Opposer's Mark, including documents filed with and received from the United States Patent and Trademark Office in connection therewith;

(b) Documents showing Opposer's use of Opposer's Mark, including documents identifying Opposer's goods under the mark;

(c) Documents concerning the advertising, promotion, and marketing of

goods under Opposer's Mark;

(d) Documents concerning the strength and fame of Opposer's Mark, including any legal decisions recognizing the strength and fame of Opposer's Mark;

(e) Documents concerning consumer and industry recognition of Opposer's Mark;

(f) Documents concerning actual confusion caused by Applicant's use of Applicant's Designation;

(g) Documents establishing Opposer's priority and standing.

- Ömer Kocaşaban, Student and relative of shareholders of Opponent, Maslak Mah. Anka Sk. Eclipse Maslak Sitesi No: 5A İç Kapı No: 56 Sarıyer, İstanbul, Turkey, 0 532 340 04 04; Subjects of information: General business of Opposer; the strength and fame of the CUMHURİYET SUCUKLARI mark; Opposer's advertisement and promotion of goods under Opposer's Mark; actual consumer confusion resulting from Applicant's use of the designation CUMHURİYET that is the subject of this proceeding; injury or potential injury to consumers posed by Applicant's registration of Applicant's Designation.

The following documents and things may be introduced as exhibits during the testimony of the above-listed witness:

(a) Documents showing Opposer's use of Opposer's Mark, including documents identifying Opposer's goods under the mark;

(b) Documents concerning the advertising, promotion, and marketing of goods under Opposer's Mark;

(c) Documents concerning the range of licensed goods offered under Opposer's Mark;

(d) Documents concerning the strength and fame of Opposer's Mark;

(e) Documents concerning consumer and industry recognition of Opposer's Mark;

(f) Documents concerning actual confusion caused by Applicant's use of Applicant's Designation.

- Mehmet Kocasaban, Managing Partner of Afyon Et ve Et Mamulleri Sanayi ve Ticaret Limited Sirketi, Organize Sanayi Bölgesi 4. Cadde 6. Sokak No:4 Merkez, Afyonkarahisar, Turkey. Subjects of information: General business of Opposer; history of the CUMHURİYET SUCUKLARI brand; the strength and fame of the CUMHURİYET SUCUKLARI mark; Opposer's goods under Opposer's Mark, and the similarity of those goods with the goods identified in the opposed application at issue in this proceeding; Opposer's advertisement and promotion of goods and services under Opposer's Mark; Opposer's target consumers and channels of trade for goods under Opposer's Mark, and the overlap of those target consumers and channels of trade with the target consumers and channels of trade for the goods identified in the opposed application; licensing and efforts to license Opposer's Mark; Opposer's enforcement of Opposer's Mark; judicial decisions relating to Opposer's Mark; Opposer's registrations for and applications to register Opposer's Mark; actual consumer confusion resulting from Applicant's use of the designation CUMHURİYET that is the subject of this proceeding; injury or potential injury

to Opposer and to consumers posed by Applicant's registration of Applicant's Designation.

The following documents and things may be introduced as exhibits during the testimony of the above-listed witness:

(a) Opposer's registrations for and applications to register Opposer's Mark, including documents filed with and received from the United States Patent and Trademark Office in connection therewith;

(b) Documents relating to the assignment and licensing of Opposer's Mark;

(c) Documents showing Opposer's use of Opposer's Mark, including documents identifying Opposer's goods under the mark;

(d) Documents concerning the advertising, promotion, and marketing of goods under Opposer's Mark;

(e) Documents concerning the strength and fame of Opposer's Mark, including any legal decisions recognizing the strength and fame of Opposer's Mark;

(f) Documents concerning consumer and industry recognition of Opposer's Mark;

(g) Documents concerning actual confusion caused by Applicant's use of Applicant's Designation;

(h) Documents establishing Opposer's priority and standing;

(i) Documents concerning Opposer's enforcement of its rights in Opposer's Mark.

- Yavuz Kocasaban, Chairman of the Board of Afyon Meat GmbH c/o ECOVIS KSO Truehand & Steuerberatung Grafenberger Allee 297 40237 Düsseldorf, Germany. Subjects of information: General business of Opposer; history of the CUMHURIYET SUCUKLARI brand; the strength and fame of the CUMHURIYET SUCUKLARI mark; Opposer's goods under Opposer's Mark, and the similarity of those goods with the goods identified in the opposed application at issue in this proceeding; Opposer's advertisement and promotion of goods and services under Opposer's Mark; Opposer's target consumers and channels of trade for goods under Opposer's Mark, and the overlap of those target consumers and channels of trade with the target consumers and channels of trade for the goods identified in the opposed application; licensing and efforts to license Opposer's Mark; Opposer's enforcement of Opposer's Mark; judicial decisions relating to Opposer's Mark; Opposer's registrations for and applications to register Opposer's Mark; actual consumer confusion resulting from Applicant's use of the designation CUMHURIYET that is the subject of this proceeding; injury or potential injury to Opposer and to consumers posed by Applicant's registration of Applicant's Designation.

The following documents and things may be introduced as exhibits during the testimony of the above-listed witness:

- (a) Opposer's registrations for and applications to register Opposer's Mark, including documents filed with and received from the United States Patent and Trademark Office in connection therewith;

(b) Documents relating to the assignment and licensing of Opposer's Mark;

(c) Documents showing Opposer's use of Opposer's Mark, including documents identifying Opposer's goods under the mark;

(d) Documents concerning the advertising, promotion, and marketing of goods under Opposer's Mark;

(e) Documents concerning the strength and fame of Opposer's Mark, including any legal decisions recognizing the strength and fame of Opposer's Mark;

(f) Documents concerning consumer and industry recognition of Opposer's Mark;

(g) Documents concerning actual confusion caused by Applicant's use of Applicant's Designation;

(h) Documents establishing Opposer's priority and standing;

(i) Documents concerning Opposer's enforcement of its rights in Opposer's Mark.

- Galip Kiyakli, Chief Operations Officer and Vice President of Cumhuriyet Meats, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: Knowledge of Opposer's Mark; Applicant's due diligence, selection and adoption of Applicant's Designation; Applicant's use of Applicant's Designation; the meaning and commercial impression of Applicant's Designation; Applicant's goods identified in the opposed application; Applicant's intended and actual advertising, promotion, and

marketing of goods under Applicant's Designation; Applicant's access to and use of images of Opposer's goods; the channels of trade for and target consumers of Applicant's goods identified in the opposed application; actual confusion between and inquiries regarding any association between Opposer's Mark and Applicant's Designation; Applicant's knowledge of third-party marks that are similar to Applicant's Designation; Applicant's knowledge of famous and well-known third party marks in Turkey; Applicant's and its related entities' rationales and intentions in selecting, applying to register, and using famous and well-known Turkish marks for their own food products; Applicant's allegations and defenses set forth in its Answer and responses to discovery requests and the factual and evidentiary bases for said allegations and defenses; Selection of and access to images for use in e-commerce activities by Applicant; Applicant's communications with retailers, customers, and other third parties regarding CUMHURIYET goods; Applicant's advertising and sales figures in relation to CUMHURIYET goods; Applicant's knowledge of Opposer's activities at the time of filing of the application for CUMHURIYET. The following documents and things may be introduced as exhibits during the testimony of the above-listed witness:

(a) Documents submitted by Applicant to the U.S. Patent and Trademark Office in Applicant's application and prosecution thereof until publication.

- Beyhan Nakiboglu, President of Cumhuriyet Meats and President of Nema Food Distribution Inc., 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: Knowledge of Opposer's Mark; Applicant's due

diligence, selection and adoption of Applicant's Designation; Applicant's use of Applicant's Designation; the meaning and commercial impression of Applicant's Designation; Applicant's goods identified in the opposed application; Applicant's intended and actual advertising, promotion, and marketing of goods under Applicant's Designation; Applicant's access to and use of images of Opposer's goods; the channels of trade for and target consumers of Applicant's goods identified in the opposed application; actual confusion between and inquiries regarding any association between Opposer's Mark and Applicant's Designation; Applicant's knowledge of third-party marks that are similar to Applicant's Designation; Applicant's knowledge of famous and well-known third party marks in Turkey; Applicant's and its related entities' rationales and intentions in selecting, applying to register, and using famous and well-known Turkish marks for their own food products; Applicant's allegations and defenses set forth in its Answer and responses to discovery requests and the factual and evidentiary bases for said allegations and defenses; Selection of and access to images for use in e-commerce activities by Applicant; Applicant's communications with retailers, customers, and other third parties regarding CUMHURIYET goods; Applicant's advertising and sales figures in relation to CUMHURIYET goods; Applicant's knowledge of Opposer's activities at the time of filing of the application for CUMHURIYET.

- Selim Petek, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.

- Abdullah Nakiboglu, Partner in Nema Food Distribution Inc., 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Hasan Ozcan, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Hatice Funda Nakiboglu, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Dilar Nakiboglu, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Ihsan Nakiboglu, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Osman Nakiboglu, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Connor Nakiboglu, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Huseyin Dogme, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and

their activities.

- Suzan Dogme, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Serdar Ayman, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Any witness identified by Applicant in its Pretrial Disclosures.

All communications, other than witnesses affiliated with Applicant, should be made through Offit Kurman, P.A.


Subject Area(s): Filing and prosecution of Opposer's application for the CUMHURIYET SUCUKLARI Mark; selection, adoption, and use of Opposer's CUMHURIYET SUCUKLARI Mark; promotion and marketing of services and channels of trade relating to Opposer's CUMHURIYET SUCUKLARI Mark. Selection, adoption, and use of the CUMHURIYET name and mark corresponding due diligence involved therein by Applicant; Selection, adoption, and use of other well-known Turkish brand names by Applicant and Applicant's related companies; Selection of and access to images for use in e-commerce activities by Applicant; Applicant's communications with retailers, customers, and other third parties regarding CUMHURIYET goods; Applicant's advertising and sales figures in relation to CUMHURIYET goods; Applicant's knowledge of Opposer's activities at the time of filing of the application for CUMHURIYET.

Opposer expressly reserves its right to supplement these Pretrial Disclosures and identify additional witnesses to support its claims as the proceedings go forward.

Dated: April 30, 2021

Respectfully submitted,

Offit Kurman, P.A.
Attorneys for Opposer

By: 
Matthew D. Asbell
590 Madison Avenue, 6th Floor
New York, NY 10022
(929) 476-0048
Our Ref: 06500015.00004

CERTIFICATE OF SERVICE

I, Matthew D. Asbell, hereby certify that a copy of the foregoing **PRETRIAL DISCLOSURES OF AFYON ET VE ET MAMULLERI SANAYI VE TICARET LIMITED SIRKETI** was served by E-mail to the following persons on the date indicated below:

Mr. Bradley S. Rothschild
Rothschild & Associates LLC
38 High Avenue, 4th Floor
Nyack, NY 10960
brad@rothschildesq.com
Phone: (845) 287-0011

Dated: April 30, 2021


By: 
Matthew D. Asbell
590 Madison Avenue, 6th Floor
New York, NY 10022
(929) 476-0048
Our Ref: 06500015.00004

EXHIBIT D

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

AFYON ET VE ET MAMULLERI SANAYI VE TICARET
LIMITED SIRKETI,

Opposer,

Opp. No. 91/251,473

App. No. 88/284,023

v.

CUMHURIYET MEATS,

Applicant.

FIRST AMENDED PRETRIAL DISCLOSURES OF
AFYON ET VE ET MAMULLERI SANAYI TICARET LIMITED SIRKETI

Opposer Afyon Et Ve Et Mamulleri Sanayi Ve Ticaret Limited Sirketi (“Opposer”) respectfully submits the following first set of amended pretrial disclosures pursuant to 37 C.F.R § 2.121(e):

1. The following persons are witnesses from whom Opposer intends to take testimony, or may take testimony if the need arises:

- Donald Dabour, Retiree and former customer of Opposer, 935 W. Robert Ave., Oxnard, CA 93030, (805) 377-6339. Subjects of information: familiarity with and fame of Opposer’s mark; Opposer’s goods under Opposer’s mark; confusion arising from Applicant’s mark; injury or potential injury to consumers posed by Applicant's registration of Applicant's Designation.

The following documents and things may be introduced as exhibits during the

testimony of the above-listed witness:

(a) Documents concerning the advertising, promotion, and marketing of goods under Opposer's Mark;

(b) Documents concerning the strength and fame of Opposer's Mark;

(c) Documents concerning consumer and industry recognition of Opposer's Mark;

(d) Documents concerning actual confusion caused by Applicant's use of Applicant's Designation.

- Erol Genlik, Retiree and former customer of Opposer, 511 South Rampart Blvd. #28, Los Angeles, CA 90057, (213) 432-7390. Subjects of information: familiarity with and fame of Opposer's mark; Opposer's goods under Opposer's mark; confusion arising from Applicant's mark; injury or potential injury to consumers posed by Applicant's registration of Applicant's Designation.

The following documents and things may be introduced as exhibits during the testimony of the above-listed witness:

(a) Documents concerning the advertising, promotion, and marketing of goods under Opposer's Mark;

(b) Documents concerning the strength and fame of Opposer's Mark;

(c) Documents concerning consumer and industry recognition of Opposer's Mark;

(d) Documents concerning actual confusion caused by Applicant's use of Applicant's Designation.

- Kemal Bora Temur, General Coordinator of Opposer, 30007 Sk. Yavuz Sitesi B Blok Kat 12/23 Mezitli, Mersin, Turkey, 0 532 496 57 95. Subjects of information: General business of Opposer; history of the CUMHURIYET SUCUKLARI brand; the strength and fame of the CUMHURIYET SUCUKLARI mark; Opposer's Mark, Opposer's goods under Opposer's Mark, and the similarity of those goods with the goods identified in the opposed application at issue in this proceeding; Opposer's advertisement and promotion of goods under Opposer's Mark; Opposer's target consumers and channels of trade for goods under Opposer's Mark, and the overlap of those target consumers and channels of trade with the target consumers and channels of trade for the goods identified in the opposed application; efforts to license Opposer's Mark; Opposer's registrations for and applications to register Opposer's Mark; actual consumer confusion resulting from Applicant's use of the designation CUMHURIYET that is the subject of this proceeding; injury or potential injury to Opposer and to consumers posed by Applicant's registration of Applicant's Designation.

The following documents and things may be introduced as exhibits during the testimony of the above-listed witness:

(a) Opposer's registrations for and applications to register Opposer's Mark, including documents filed with and received from the United States Patent and Trademark Office in connection therewith;

(b) Documents showing Opposer's use of Opposer's Mark, including documents identifying Opposer's goods under the mark;

(c) Documents concerning the advertising, promotion, and marketing of goods under Opposer's Mark;

(d) Documents concerning the strength and fame of Opposer's Mark, including any legal decisions recognizing the strength and fame of Opposer's Mark;

(e) Documents concerning consumer and industry recognition of Opposer's Mark;

(f) Documents concerning actual confusion caused by Applicant's use of Applicant's Designation;

(g) Documents establishing Opposer's priority and standing.

- Ömer Kocaşaban, Student and relative of shareholders of Opponent, Maslak Mah. Anka Sk. Eclipse Maslak Sitesi No: 5A İç Kapı No: 56 Sarıyer, İstanbul, Turkey, 0 532 340 04 04; Subjects of information: General business of Opposer; the strength and fame of the CUMHURİYET SUCUKLARI mark; Opposer's advertisement and promotion of goods under Opposer's Mark; actual consumer confusion resulting from Applicant's use of the designation CUMHURİYET that is the subject of this proceeding; injury or potential injury to consumers posed by Applicant's registration of Applicant's Designation.

The following documents and things may be introduced as exhibits during the testimony of the above-listed witness:

(a) Documents showing Opposer's use of Opposer's Mark, including documents identifying Opposer's goods under the mark;

(b) Documents concerning the advertising, promotion, and marketing of

goods under Opposer's Mark;

(c) Documents concerning the range of licensed goods offered under Opposer's Mark;

(d) Documents concerning the strength and fame of Opposer's Mark;

(e) Documents concerning consumer and industry recognition of Opposer's Mark;

(f) Documents concerning actual confusion caused by Applicant's use of Applicant's Designation.

- Mehmet Kocasaban, Managing Partner of Afyon Et ve Et Mamulleri Sanayi ve Ticaret Limited Sirketi, Organize Sanayi Bölgesi 4. Cadde 6. Sokak No:4 Merkez, Afyonkarahisar, Turkey. Subjects of information: General business of Opposer; history of the CUMHURİYET SUCUKLARI brand; the strength and fame of the CUMHURİYET SUCUKLARI mark; Opposer's goods under Opposer's Mark, and the similarity of those goods with the goods identified in the opposed application at issue in this proceeding; Opposer's advertisement and promotion of goods and services under Opposer's Mark; Opposer's target consumers and channels of trade for goods under Opposer's Mark, and the overlap of those target consumers and channels of trade with the target consumers and channels of trade for the goods identified in the opposed application; licensing and efforts to license Opposer's Mark; Opposer's enforcement of Opposer's Mark; judicial decisions relating to Opposer's Mark; Opposer's registrations for and applications to register Opposer's Mark; actual consumer confusion resulting from Applicant's use of the designation

CUMHURIYET that is the subject of this proceeding; injury or potential injury to Opposer and to consumers posed by Applicant's registration of Applicant's Designation.

The following documents and things may be introduced as exhibits during the testimony of the above-listed witness:

(a) Opposer's registrations for and applications to register Opposer's Mark, including documents filed with and received from the United States Patent and Trademark Office in connection therewith;

(b) Documents relating to the assignment and licensing of Opposer's Mark;

(c) Documents showing Opposer's use of Opposer's Mark, including documents identifying Opposer's goods under the mark;

(d) Documents concerning the advertising, promotion, and marketing of goods under Opposer's Mark;

(e) Documents concerning the strength and fame of Opposer's Mark, including any legal decisions recognizing the strength and fame of Opposer's Mark;

(f) Documents concerning consumer and industry recognition of Opposer's Mark;

(g) Documents concerning actual confusion caused by Applicant's use of Applicant's Designation;

(h) Documents establishing Opposer's priority and standing;

(i) Documents concerning Opposer's enforcement of its rights in

Opposer's Mark.

.

- Yavuz Kocasaban, Chairman of the Board of Afyon Meat GmbH c/o ECOVIS KSO Truehand & Steuerberatung Grafenberger Allee 297 40237 Düsseldorf, Germany. Subjects of information: General business of Opposer; history of the CUMHURIYET SUCUKLARI brand; the strength and fame of the CUMHURIYET SUCUKLARI mark; Opposer's goods under Opposer's Mark, and the similarity of those goods with the goods identified in the opposed application at issue in this proceeding; Opposer's advertisement and promotion of goods and services under Opposer's Mark; Opposer's target consumers and channels of trade for goods under Opposer's Mark, and the overlap of those target consumers and channels of trade with the target consumers and channels of trade for the goods identified in the opposed application; licensing and efforts to license Opposer's Mark; Opposer's enforcement of Opposer's Mark; judicial decisions relating to Opposer's Mark; Opposer's registrations for and applications to register Opposer's Mark; actual consumer confusion resulting from Applicant's use of the designation CUMHURIYET that is the subject of this proceeding; injury or potential injury to Opposer and to consumers posed by Applicant's registration of Applicant's Designation.

The following documents and things may be introduced as exhibits during the testimony of the above-listed witness:

- (a) Opposer's registrations for and applications to register Opposer's Mark, including documents filed with and received from the United States

Patent and Trademark Office in connection therewith;

(b) Documents relating to the assignment and licensing of Opposer's Mark;

(c) Documents showing Opposer's use of Opposer's Mark, including documents identifying Opposer's goods under the mark;

(d) Documents concerning the advertising, promotion, and marketing of goods under Opposer's Mark;

(e) Documents concerning the strength and fame of Opposer's Mark, including any legal decisions recognizing the strength and fame of Opposer's Mark;

(f) Documents concerning consumer and industry recognition of Opposer's Mark;

(g) Documents concerning actual confusion caused by Applicant's use of Applicant's Designation;

(h) Documents establishing Opposer's priority and standing;

(i) Documents concerning Opposer's enforcement of its rights in Opposer's Mark.

- Galip Kiyakli, Chief Operations Officer and Vice President of Cumhuriyet Meats, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: Knowledge of Opposer's Mark; Applicant's due diligence, selection and adoption of Applicant's Designation; Applicant's use of Applicant's Designation; the meaning and commercial impression of Applicant's Designation; Applicant's goods identified in the opposed

application; Applicant's intended and actual advertising, promotion, and marketing of goods under Applicant's Designation; Applicant's access to and use of images of Opposer's goods; the channels of trade for and target consumers of Applicant's goods identified in the opposed application; actual confusion between and inquiries regarding any association between Opposer's Mark and Applicant's Designation; Applicant's knowledge of third-party marks that are similar to Applicant's Designation; Applicant's knowledge of famous and well-known third party marks in Turkey; Applicant's and its related entities' rationales and intentions in selecting, applying to register, and using famous and well-known Turkish marks for their own food products; Applicant's allegations and defenses set forth in its Answer and responses to discovery requests and the factual and evidentiary bases for said allegations and defenses; Selection of and access to images for use in e-commerce activities by Applicant; Applicant's communications with retailers, customers, and other third parties regarding CUMHURIYET goods; Applicant's advertising and sales figures in relation to CUMHURIYET goods; Applicant's knowledge of Opposer's activities at the time of filing of the application for CUMHURIYET. The following documents and things may be introduced as exhibits during the testimony of the above-listed witness:

- (a) Documents submitted by Applicant to the U.S. Patent and Trademark Office in Applicant's application and prosecution thereof until publication.
- Beyhan Nakiboglu, President of Cumhuriyet Meats and President of Nema Food Distribution Inc., 18 Commerce Road, Suite D, Fairfield, NJ 07004.

Subjects of information: Knowledge of Opposer's Mark; Applicant's due diligence, selection and adoption of Applicant's Designation; Applicant's use of Applicant's Designation; the meaning and commercial impression of Applicant's Designation; Applicant's goods identified in the opposed application; Applicant's intended and actual advertising, promotion, and marketing of goods under Applicant's Designation; Applicant's access to and use of images of Opposer's goods; the channels of trade for and target consumers of Applicant's goods identified in the opposed application; actual confusion between and inquiries regarding any association between Opposer's Mark and Applicant's Designation; Applicant's knowledge of third-party marks that are similar to Applicant's Designation; Applicant's knowledge of famous and well-known third party marks in Turkey; Applicant's and its related entities' rationales and intentions in selecting, applying to register, and using famous and well-known Turkish marks for their own food products; Applicant's allegations and defenses set forth in its Answer and responses to discovery requests and the factual and evidentiary bases for said allegations and defenses; Selection of and access to images for use in e-commerce activities by Applicant; Applicant's communications with retailers, customers, and other third parties regarding CUMHURIYET goods; Applicant's advertising and sales figures in relation to CUMHURIYET goods; Applicant's knowledge of Opposer's activities at the time of filing of the application for CUMHURIYET.

- Selim Petek, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and

their activities.

- Abdullah Nakiboglu, Partner in Nema Food Distribution Inc., 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Hasan Ozcan, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Hatice Funda Nakiboglu, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Dilar Nakiboglu, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Ihsan Nakiboglu, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Osman Nakiboglu, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Connor Nakiboglu, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Huseyin Dogme, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects

of information: general information about Applicant and its related entities and their activities.

- Suzan Dogme, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Serdar Ayman, 18 Commerce Road, Suite D, Fairfield, NJ 07004. Subjects of information: general information about Applicant and its related entities and their activities.
- Serdar Seyidoglu, General Manager of Gaziantepi Habes Seyidoglu Baklavalari Uluslararası Nakliyat Ve San. Tic. Ltd. Sti., Acelya Cad. No:5, Beylikduzu, Istanbul, 34522, Turkey. Subjects of information: Activities of Applicant and its related entities; Applicant's pattern of behavior in adopting well-known Turkish trademarks.
- Any witness identified by Applicant in its Pretrial Disclosures.

All communications, other than witnesses affiliated with Applicant, should be made through Offit Kurman, P.A.

Subject Area(s): Filing and prosecution of Opposer's application for the CUMHURIYET SUCUKLARI Mark; selection, adoption, and use of Opposer's CUMHURIYET SUCUKLARI Mark; promotion and marketing of services and channels of trade relating to Opposer's CUMHURIYET SUCUKLARI Mark. Selection, adoption, and use of the CUMHURIYET name and mark corresponding due diligence involved therein by Applicant; Selection, adoption, and use of other well-known Turkish brand names by Applicant and Applicant's related companies; Selection of and access to images for use in e-


commerce activities by Applicant; Applicant's communications with retailers, customers, and other third parties regarding CUMHURIYET goods; Applicant's advertising and sales figures in relation to CUMHURIYET goods; Applicant's knowledge of Opposer's activities at the time of filing of the application for CUMHURIYET.

Opposer expressly reserves its right to supplement these Pretrial Disclosures and identify additional witnesses to support its claims as the proceedings go forward.

Respectfully submitted,

Dated: May 5, 2021

Offit Kurman, P.A.
Attorneys for Opposer


By: 
Matthew D. Asbell
590 Madison Avenue, 6th Floor
New York, NY 10022
(929) 476-0048
Our Ref: 06500015.00004

CERTIFICATE OF SERVICE

I, Matthew D. Asbell, hereby certify that a copy of the foregoing **PRETRIAL DISCLOSURES OF AFYON ET VE ET MAMULLERI SANAYI VE TICARET LIMITED SIRKETI** was served by E-mail to the following persons on the date indicated below:

Mr. Bradley S. Rothschild
Rothschild & Associates LLC
38 High Avenue, 4th Floor
Nyack, NY 10960
brad@rothschildesq.com
Phone: (845) 287-0011

Dated: May 5, 2021

By: 
Matthew D. Asbell
590 Madison Avenue, 6th Floor
New York, NY 10022
(929) 476-0048
Our Ref: 06500015.00004

CERTIFICATE OF TRANSMISSION

I, Matthew D. Asbell, hereby certify that copies of the foregoing **OPPOSER'S MOTIONS TO USE TESTIMONY FROM ANOTHER PROCEEDING AND TO EXTEND TIME and Exhibits including OPPOSER'S NOTICE OF RELIANCE** are being electronically transmitted to the United States Patent and Trademark Office on the date indicated:

Dated: May 25, 2021



Matthew D. Asbell

CERTIFICATE OF SERVICE

I, Matthew D. Asbell, hereby certify that copies of the foregoing **OPPOSER'S MOTIONS TO USE TESTIMONY FROM ANOTHER PROCEEDING AND TO EXTEND TIME and Exhibits including OPPOSER'S NOTICE OF RELIANCE** were served on the person(s) listed below by email on the date indicated below:

Mr. Bradley S. Rothschild
Rothschild & Associates LLC
38 High Avenue, 4th Floor
Nyack, NY 10960
brad@rothschildesq.com
Phone: (845) 287-0011

Dated: May 25, 2021



Matthew D. Asbell