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Filing date: **08/04/2021**

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

Proceeding	91263671
Party	Plaintiff Wolfgang Puck and Wolfgang Puck Licensing LLC
Correspondence Address	ROBERT S. CHAPMAN SAUER & WAGNER LLP 1801 CENTURY PARK EAST SUITE 1150 LOS ANGELES, CA 90067 UNITED STATES Primary Email: rchapman@swattys.com Secondary Email(s): Gbarchie@swattys.com 310-712-8100
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Signature	/RSC/
Date	08/04/2021
Attachments	Opposers Wolfgang Puck and Wolfgang Puck Licensing LLC Opposition to Applicant Wolfgang Joops Motion to Amend Application.PDF(242370 bytes) Declaration of Tom Kaplan in Support of Opposition to Applicants Motion to Amend Application Deletion of Class 42.PDF(1282116 bytes) Declaration of Robert Chapman in Support of Opposition to Applicants Motion to Amend Application Deletion of Class 42.PDF(361015 bytes) Confidential Declaration of Robert Chapman in Support of Opposition to Applicants Motion to Amend Application Deletion of Class 42.PDF(214590 bytes)

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

WOLFGANG PUCK and
WOLFGANG PUCK LICENSING
LLC,

Opposers,

v.

WOLFGANG JOOP,

Applicant.

Proceeding No. 91263671
Mark: THE WOLFGANG
Application No. 79263615

**Opposers Wolfgang Puck’s and Wolfgang Puck Licensing LLC’s Opposition
to Applicant Wolfgang Joop’s Motion to Amend Application – Deletion of
Class 42**

*[Declaration of Tom Kaplan; Declaration of Robert S. Chapman; Confidential
Declaration of Robert S. Chapman filed concurrently herewith]*

I. INTRODUCTION

For the second time, Applicant Wolfgang Joop (“Applicant”) is seeking to amend his Application, and for the second time, he has totally failed to sustain his burden to make the *prima facie* showing required to demonstrate the deletion will present a substantially different issue for trial. Applicant has, again, submitted no admissible evidence. It is well settled that a party cannot use his own deposition as evidence because that evidence constitutes hearsay. F.R.C.P. 32(a)(1); *see Angelo v. Armstrong World Indus., Inc.*, 11 F.3d 957, 962–63 (10th Cir. 1993). Moreover,

Applicant's unsupported assertions are completely contrary to actual, admissible evidence before the Board. Applicant's admissible testimony, as offered by Opposers, and the additional admissible evidence before the Board demonstrate that even by deleting Class 42, the identical issues of likelihood of confusion will remain to be decided.

The admissible evidence before the Board demonstrates that Applicant's intent, under the guise of "hotel services," is to not only design restaurants in hotels but also to design the food to be served in those restaurants. The examples that Applicant has given, such as serving Asian food rather than "heavy" food, is a direct copy of a number of Wolfgang Puck's restaurants. That guarantees confusion. Applicant's claim that the proposed amendment would "substantially change" the issues is belied by his own testimony.

Remarkably, after Applicant combined his prior motion to amend with a motion for an extension of time concerning his designated expert, Applicant notified Opposers' counsel that Applicant will not be using an expert in his defense case. Moreover, Applicant failed to timely designate a rebuttal expert. Therefore, the time the Board took in deciding the prior motion, including multiple hearings due to Applicant's unauthorized disclosure of Opposers' expert report to Applicant's expert, was all for naught.

///

Finally, Applicant makes an unsupported statement in his motion that “Applicant’s counsel sought consent to amendment of the application, but consent was not provided.” [Mot., at 1.] As set forth in Robert S. Chapman’s declaration (“Chapman Decl.”), that statement is false.

Since Applicant has again failed to sustain his burden to have an amendment allowed, the motion should be denied.

II. BACKGROUND FACTS

Wolfgang Puck is a world-renowned chef and restaurateur and the mark “Wolfgang Puck” is, and has long been, famous and well-known in connection with restaurant services, restaurants, a wide variety of foods, packaged, frozen, and prepared food, and cooking utensils and products. Wolfgang Puck Licensing, LLC owns United States Trademark Registration No. 1901065 for the mark “WOLFGANG PUCK” for restaurant services. This registration is valid and subsisting and has become incontestable.

Wolfgang Puck, as a mark and a persona, is synonymous with the top tier of restaurant hospitality and all aspects of the culinary arts. Wolfgang Puck’s brand encompasses three companies: Wolfgang Puck Fine Dining Group, Wolfgang Puck Catering, and Wolfgang Puck Worldwide, Inc.

One of Wolfgang Puck’s iconic and most famous restaurants is Chinois on Main in Los Angeles. [See Declaration of Tom Kaplan (“Kaplan Decl.”), at ¶ 3.]

Chinois was the first Asian fusion restaurant in the United States and its menu has always been exclusively Asian-themed. [*Id.*, at ¶ 3.] Wolfgang Puck has and had a number of restaurants that feature Asian and Asian-themed food. [*Id.*, at ¶ 4.] Those restaurants include Merois in the Pendry West Hollywood hotel, WP24 by Wolfgang Puck at the Ritz Carlton in Los Angeles, 560 by Wolfgang Puck in Dallas, Texas, and The Source in Washington, D.C. [*Id.*] Wolfgang Puck’s first fine dining restaurant, Spago, opened in 1982. [*Id.*, at ¶ 5.] Spago has always had a significant Asian food component among its food selections. [*Id.*]

Some of Wolfgang Puck’s fine dining locations feature steak. However, those restaurants are less than a third of Wolfgang Puck’s 23 award-winning fine dining restaurants. [Kaplan Decl., at ¶ 6.]

III. APPLICANT’S ACTUAL TESTIMONY

Applicant was deposed on June 22, 2021. The following testimony is admissible since it is offered by Opposers and against Applicant. F.R.C.P. 32(a)(1).

Applicant has never had a business that used his first name “Wolfgang” only. [Chapman Decl., Ex. A at 18:18-19:2.]

Applicant has heard of Wolfgang Puck. Applicant has eaten in only one of Wolfgang Puck’s restaurants. That was in Los Angeles. Applicant met Wolfgang Puck at that restaurant. [Chapman Decl., Ex. A at 19:17-20:1.]

///

[REDACTED]
[REDACTED] [Confidential Decl. of Robert Chapman, Ex. B at 34:14-21.]

Although he has been to only one Wolfgang Puck restaurant, Applicant believes that Wolfgang Puck's restaurants are known for "heavy, heavy stuff." Applicant stated that his restaurants will be different than Wolfgang Puck's restaurants since Applicant's restaurants, in The Wolfgang hotels, will be more "Asian." [Chapman Decl., Ex. A at 39:13-25.]

IV. PRIOR MOTION AND RULING

In his prior motion to amend concerning Class 43, Applicant sought to amend his Application by eliminating the references to restaurant services and food and drink services. Applicant argued that the amendment would simplify the legal analysis because "restaurant services would be eliminated." Opposers presented undisputed evidence through Tom Kaplan that hotels typically have restaurants so providing "hotel services" would include restaurant services. [See Decl. of Tom Kaplan filed on June 8, 2021 in opposition to prior motion to amend, Dkt. # 14.] Opposers pointed out that Applicant failed to set forth any evidence demonstrating a distinction between "restaurant services" and hotel "restaurant services" (because there is none). Due to this lack of evidence, the Board found that Applicant failed to make the required *prima facie* showing to "change the nature and character of

the services or to restrict their channels of trade and customers in such a manner that the proposed amendment presents a substantially different issue for trial.”

[Chapman Decl., Ex. C (attaching Board Order, June 21, 2021), at 5).

The current motion suffers from the same frailty and more.

V. APPLICANT HAS ADMITTED THAT THE PROPOSED AMENDMENT WILL NOT CHANGE THE NATURE AND CHARACTER OF THE SERVICES

As set forth above, Applicant testified that in connection with his proposed hotel business, [REDACTED] what food will go on the menu and be served. The proposal is to have “Asian” food, just like a number of the Wolfgang Puck restaurants. [Kaplan Decl., at ¶ 3-5] Far from changing the character of the services, Applicant’s testimony confirms that the services are virtually identical and that he is copying Wolfgang Puck menus and restaurants. This testimony is fatal to the Application. *Johnson & Johnson v. Stryker*, 109 USPQ2d 1077, 1078-1079 (TTAB 2013).

VI. APPLICANT HAS NOT AGREED TO ACCEPT JUDGMENT IF THE PROPOSED DELETION IS GRANTED

An applicant seeking to amend his or her application is required to consent to the entry of judgment as to the broader recitation of services. *Johnson & Johnson, supra*. Failure to consent to entry of judgment is fatal to the motion to

amend. *Drive Trademark Holdings LP v. Inofin*, 83 USPQ2d 1433, 1435 (TTAB 2007). Here, Applicant has made his consent to entry of judgment conditional.

Applicant states at page 3 of his motion, “Applicant does not object to accepting judgment with respect to the broader identification of services *if amendment of the application allows registration for those remaining limited services.*” (emphasis added). To the extent this statement means that consent to entry of judgment is conditioned on the Board granting the pending request for amendment of Class 43 (and what else could it mean?), that conditional agreement is insufficient and is grounds by itself to deny the motion. *Id.*

VII. APPLICANT’S COUNSEL DID NOT SEEK CONSENT TO AMENDMENT OF THE APPLICATION

Contrary to the unsupported statement that Applicant’s counsel previously sought consent for the proposed amendment and that such consent was denied, no such consent was requested. Without violating Federal *Rules of Evidence* Rule 408, the actual facts are that Applicant made a settlement proposal that had two connected provisions. One was this proposed amendment, which was dependent on acceptance of the second provision. The entire proposal was rejected. [Chapman Decl., at ¶¶ 4-5.] For Applicant and his counsel to take those settlement discussions as a rejection solely of the amendment proposal is at best an overly sharp practice.

Applicant claims that there will be no prejudice to Opposers by reason of the deletion of Class 42, “despite having conducted an expert survey on the original services of the application at issue.” [Mot., at 1.] However, in Applicant’s first motion to amend in which he also sought (and received) additional time to file his own expert report, Applicant argued that he would be severely prejudiced by having to pay his expert to conduct a survey and submit a report based on the original Application. Opposers, as opposed to Applicant, complied with the original expert disclosure of May 21, 2021. Applicant has delayed and delayed and despite receiving relief, ended up not designating an expert at all. [Chapman Decl., at ¶¶ 6, 7.]

If the amendment is granted, Opposers will likely have to have their expert either re-do the (now disclosed) report or do additional modifications. [See Decl. of Hal Poret filed on June 8, 2021 in opposition to prior motion to amend, Dkt. # 14.] Once again, Applicant has provided no evidence to explain his delay in filing this second motion. Since Applicant has previously conceded that re-doing an expert report constitutes severe prejudice and yet has not explained his delay, the Board should deny the motion. *Pumpkin Ltd. v. The Seed Corps*, 43 U.S.P.Q. 2d 1582, 1587 (TTAB 1997) (holding that danger of prejudice to non-moving party and delay within moving party’s control are factors that weigh against excusable neglect).

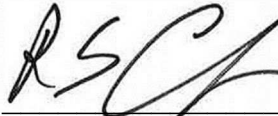
VIII. CONCLUSION

For the foregoing reasons, the motion to amend must be denied.

Respectfully submitted,
SAUER & WAGNER LLP

Dated: August 4, 2021

By:


Robert S. Chapman (Cal. Bar No. 70428)
rchapman@swattys.com
SAUER & WAGNER LLP
1801 Century Park East, Suite 1150
Los Angeles, CA 90067
Telephone: (310) 712-8100
Facsimile: (310) 712-8108

Attorneys for Opposers
Wolfgang Puck and Wolfgang Puck
Licensing LLC

PROOF OF SERVICE

I am employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the within action. My business address is 1801 Century Park East, Suite 1150, Los Angeles, CA 90067.


On August 4, 2021, I served the foregoing document(s) described as:
OPPOSERS WOLFGANG PUCK'S AND WOLFGANG PUCK LICENSING LLC'S OPPOSITION TO APPLICANT WOLFGANG JOOP'S MOTION TO AMEND APPLICATION – DELETION OF CLASS 42 on the interested party(ies) in this action, addressed as follows:

Julie A. Katz, Esq.
Katz Group LLC
1711 N. Hermitage Ave.
Chicago, IL 60622
julie@katzgroupllc.com

- I am readily familiar with the business practice for collection and processing of correspondence for mailing within the United States Postal Service. I know that the correspondence is deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices in the United States mailed at Los Angeles, California.
- By email, I caused the above-referenced document(s) to be transmitted to the party(ies) listed above.
- By personal service, I delivered such envelope by hand to the offices of the addressee(s) noted above.

Executed this 4th day of August 2021 at Los Angeles, California.

- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



Diana Olivo

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

WOLFGANG PUCK and
WOLFGANG PUCK LICENSING
LLC,

Opposers,

v.

WOLFGANG JOOP,

Applicant.

Proceeding No. 91263671
Mark: THE WOLFGANG
Application No. 79263615

**Declaration of Tom Kaplan in Support of Opposition to Applicant's Motion to
Amend Application – Deletion of Class 42**

Tom Kaplan declares:

1. I am the Senior Managing Partner of Wolfgang Puck Fine Dining Group and Assistant Secretary for Trademark and Copyright of Wolfgang Puck Licensing LLC. I have worked for the Puck companies for over 39 years and am familiar with the Wolfgang Puck business, its history, and future plans. I have also been involved in a number of the business negotiations to open Wolfgang Puck restaurants in hotels. I have personal knowledge of the matters set forth herein and, if called as a witness, I could and would testify to those matters under oath.

2. This declaration supplements my declaration dated June 8, 2021 which was filed in support of the opposition to the Applicant's first motion to amend his application. The contents of my June 8, 2021 declaration are true and correct and incorporated into this declaration.

3. One of Wolfgang Puck's iconic and most famous restaurants is Chinois on Main in Los Angeles. Chinois was the first Asian fusion restaurant in the United States and its menu has always been exclusively Asian-themed.

4. Wolfgang Puck has and had a number of restaurants that feature Asian and Asian-themed food. Those restaurants include Merois in the Pendry West Hollywood hotel, WP24 by Wolfgang Puck at the Ritz Carlton, Los Angeles, 560 by Wolfgang Puck in Dallas, Texas, and The Source in Washington, D.C.

5. Wolfgang Puck's first fine dining restaurant, Spago, opened in 1982. Spago has always had a significant Asian food component among its food selections.

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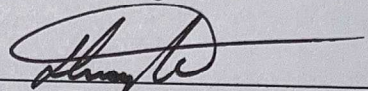
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6. Some of Wolfgang Puck's fine dining locations feature steak.

However, those restaurants are less than a third of Wolfgang Puck's 23 award-winning fine dining restaurants.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4 day of August 2021 at Las Vegas, Nevada.



Tom Kaplan

Declaration of Tom Kaplan in Support of Opposition to Applicant's Motion to
Deny Application - District of Nevada

Tom Kaplan declares:

1. I am the Senior Managing Partner of Wolfgang Puck Fine Dining Group and Assistant Secretary for Trademark and Copyright of Wolfgang Puck Licensing LLC. I have worked for the Puck companies for over 20 years and am familiar with the Wolfgang Puck business, its history, and current plans. I have been involved in a number of the business negotiations to open Wolfgang Puck restaurants in hotels. I have personal knowledge of the matter at issue and, if called as a witness, I could and would testify to what I know about

PROOF OF SERVICE

I am employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the within action. My business address is 1801 Century Park East, Suite 1150, Los Angeles, CA 90067.


On August 4, 2021, I served the foregoing document(s) described as:
DECLARATION OF TOM KAPLAN IN SUPPORT OF OPPOSITION TO APPLICANT'S MOTION TO AMEND APPLICATION – DELETION OF CLASS 42 on the interested party(ies) in this action, addressed as follows:

Julie A. Katz, Esq.
Katz Group LLC
1711 N. Hermitage Ave.
Chicago, IL 60622
julie@katzgroupllc.com

- I am readily familiar with the business practice for collection and processing of correspondence for mailing within the United States Postal Service. I know that the correspondence is deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices in the United States mailed at Los Angeles, California.
- By email, I caused the above-referenced document(s) to be transmitted to the party(ies) listed above.
- By personal service, I delivered such envelope by hand to the offices of the addressee(s) noted above.

Executed this 4th day of August 2021 at Los Angeles, California.

- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



Diana Olivo

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

WOLFGANG PUCK and
WOLFGANG PUCK LICENSING
LLC,

Opposers,

v.

WOLFGANG JOOP,

Applicant.

Proceeding No. 91263671
Mark: THE WOLFGANG
Application No. 79263615

**Declaration of Robert S. Chapman in Support of Opposition to Applicant's
Motion to Amend Application – Deletion of Class 42**

Robert S. Chapman declares:

1. I am an attorney licensed to practice in the State of California and a partner in the law firm of Sauer & Wagner LLP. I represent Wolfgang Puck and Wolfgang Puck Licensing LLC in *Wolfgang Puck and Wolfgang Puck Licensing LLC v. Wolfgang Joop* (Opposition No. 91263671). I have personal knowledge of the matters set forth in this declaration and, if called as a witness, I could and would testify to those matters under oath.

///

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2. On June 22, 2021, I took the deposition of Applicant Wolfgang Joop. Attached hereto as Exhibit A is a true and correct copy of the relevant portions of the transcript of Mr. Joop's non-confidential deposition testimony.

3. In his prior motion to amend concerning Class 43, Mr. Joop sought to amend his Application by eliminating the references to restaurant services and food and drink services. Mr. Joop argued that the amendment would simplify the legal analysis because "restaurant services would be eliminated." Opposers presented undisputed evidence through Tom Kaplan (who has submitted another declaration in opposition to Mr. Joop's second motion to amend) that hotels typically have restaurants so providing "hotel services" would include restaurant services.

Opposers pointed out that Applicant failed to set forth any evidence demonstrating a distinction between "restaurant services" and hotel "restaurant services" (because there is none). Due to this lack of evidence, the Board found that Applicant failed to make the required *prima facie* showing to "change the nature and character of the services or to restrict the channels of trade and customers in such a manner that the proposed amendment presents a substantially different issue for trial."

Attached hereto as Exhibit C is a true and correct copy of the Board's order on Mr. Joop's first motion to amend that was issued on June 21, 2021. The language quoted in this paragraph can be found on page 5 of Exhibit C.

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4. On June 22, 2021, Julie Katz, counsel for Mr. Joop sent an email to me with a settlement proposal. Without violating Federal Rule of Evidence 408 and disclosing confidential proposed terms, the proposal contained the following language: “In this regard, I have been authorized to make the following two-term offer:

- 1) Deletion of Class 42 in its entirety.
- 2) [REDACTED].”

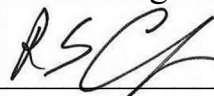
5. On June 25, 2021, I responded to that proposal in an email to Ms. Katz. In relevant part my email stated, “Thank you for your recent settlement proposal. However, it is rejected.”

6. On July 19, 2021, Ms. Katz sent another email to me which stated in part, “We will not be serving a primary expert report today or at all.”

7. The Board’s Order of June 21, 2021 (Exhibit C attached) states on page 7 that, “the parties must notify the Board in writing by **August 2, 2021** if they intend to use a rebuttal expert...” I received no such notification from Applicant.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of August, 2021 at Los Angeles, California.



Robert S. Chapman

EXHIBIT A

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

In the Matter of Application Serial No. 79263615
Published in the Official Gazette of March 17, 2020

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WOLFGANG PUCK and WOLFGANG PUCK)	Proceeding No.
LICENSING LLC,)	91263671
)	
Opposers,)	
)	
v.)	
)	
WOLFGANG JOOP,)	
)	
Applicant.)	

PORTIONS OF THIS TRANSCRIPT ARE
CONFIDENTIAL ATTORNEYS EYES ONLY

REMOTE DEPOSITION OF WOLFGANG JOOP
Potsdam, Germany
Tuesday, June 22, 2021
Volume I

Reported by:
JULIE T. MILLER
CSR No. 13638
Job No. 4626230
PAGES 1 - 58
PAGES 26 - 36, 46 - 58 ARE MARKED CONFIDENTIAL ATTORNEYS
EYES ONLY

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

WOLFGANG PUCK and WOLFGANG PUCK) Proceeding No.
LICENSING LLC,) 91263671

Opposers,)

v.)

WOLFGANG JOOP,)

Applicant.)

Remote deposition of WOLFGANG JOOP, Volume I,
taken on behalf of Opposers, with all parties, the
witness, and court reporter appearing remotely, Potsdam,
Germany, beginning at 4:59 p.m. and ending at 6:15 p.m.,
on Tuesday, June 22, 2021, before JULIE T. MILLER,
Certified Shorthand Reporter No. 13638.

1 APPEARANCES :

2

3 For Opposers :

4 SAUER & WAGNER, LLP

5 BY: ROBERT S. CHAPMAN

6 Attorney at Law

7 1801 Century Park East, Suite 1150

8 Los Angeles, California 90067

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10 rchapman@swattys.com

11 (Appearance Via Zoom Videoconference)

12

13 For Applicant :

14 KATZ GROUP, LLC

15 BY: JULIE A. KATZ

16 Attorney at Law

17 1711 North Hermitage Avenue

18 Chicago, Illinois 60622

19 312.857.3101

20 julie@katzgroupllc.com

21 (Appearance Via Zoom Videoconference)

22

23

24

25

1 APPEARANCES (Continued) :

2

3 Also Present (Appearance Via Zoom Videoconference) :

4 Diana Olivo, Sauer & Wagner, LLP

5 Judith Visher, The Wolfgang

6 Mariel Sarmiento, Veritext Concierge

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WITNESS EXAMINATION
WOLFGANG JOOP
Volume I

BY MR. CHAPMAN 6

EXHIBITS

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Exhibit 2	Women's Wear Daily article, "Court Orders Joop GmbH to Name a Co-CEO"	
	Bates Nos. APP000350 to APP000351	37

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Potsdam, Germany, Tuesday, June 22, 2021

4:59 p.m.

WOLFGANG JOOP,

having been administered an oath, was examined and testified as follows:

EXAMINATION

BY MR. CHAPMAN:

Q Sir, how do you pronounce your last name?

A Yope.

Q Yope?

A Yope, not Joop as many people to say.

Q It's Yope?

A I mean, it's a seduction to say Joop, but my name Yope and -- which is coming from Dutch.

Q Thank you.

Sir, have you ever had your deposition taken before?

A A deposition?

Q That's the proceeding we're having right now.

A No, never.

Q Have you ever testified in court before?

A No.

Q Have you ever been involved in any litigation

1 A An office?

2 Q An office, where you work?

3 A An office? An office; the office is in Zurich.

4 Q And do you work there?

5 A No, because I'm a designer, I'm an artist, and
6 I'm -- I'm on myself. I'm on my own feet, and I'm just
7 giving ideas or taste -- or hints for taste and style.

8 And -- and, also, I'm an artist. I'm painting
9 also sometimes. So I'm -- I'm known for my style,
10 lifestyle. This will be, perhaps, translated on hotels.
11 That's what the plan is, to give them more personality.

12 I'm also a fashion designer. I had many shows in
13 New York, also, and I was very, very successful in
14 creating perfume. So all those kind of lifestyle
15 products, they coming from my hand.

16 Q So you were a designer of clothing, for example,
17 correct?

18 A Also -- also, but mainly for perfume. Also, I
19 mean, I had many homes -- one in New York which I styled.
20 It became very known by CNN. It was reported by CNN. I
21 had a house in Monte Carlo. I had a house in Berlin.

22 I had -- now, I'm at -- at my -- my parents'
23 place which -- my parents died, and so I moved into their
24 places because they have a huge, huge, garden, about
25 20,000, 30,000 square meters.

1 So I'm -- now, I'm here. That's my final --
2 final place to be, and my business is my brain and a piece
3 of paper.

4 Q Are you an architect?

5 A No, I'm a designer. So I can design. But an
6 architect has to calculate the numbers and has to make
7 the status that it's really working. I'm -- I'm giving
8 the taste, you know.

9 Q Who came up with the name "The Wolfgang"?

10 A The Wolfgang was my idea because -- not to use
11 the full name because The Wolfgang sounds younger.
12 Because my real name is Wolfgang, and Wolfgang Amadeus
13 Mozart was a wunderkind and Goethe was a wunderkind --
14 Wolfgang Goethe.

15 And so I had also a brand was called -- that was
16 called "Wunderkind" regarding to all the wunderkind in
17 history, you know, which had the name Wolfgang.

18 Q Have you ever had a business that used your first
19 name only?

20 A No, it -- that was, sometimes I used my -- my
21 first name and my last name mainly together for signing
22 books, for signing paintings or designs.

23 But Wolfgang now alone is -- it sounds very, very
24 kind of, yeah, German in a way, you know. Therefore, I
25 like to use now my first name because the -- the full name

1 Joop was used on so many products already. Therefore, I
2 wanted to use Wolfgang only for a new pro- -- project.

3 Q So you had a company that was named "Joop,"
4 correct?

5 A Yes, yes.

6 Q And you designed a lot of --

7 A I sold that company. I sold that company, and
8 using the name Joop gives me a little bit of a limitation.
9 So I cannot make clothes under Joop. I cannot do products
10 under Joop because I sold that name. You understand?

11 Q And you had a company named "Wunderkind,"
12 correct?

13 A Yeah, so Wunderkind -- because a wunderkind is
14 like Wolfgang Amadeus Mozart, a wunderkind. Now, I'm
15 ready for the wunderkind -- naming the wunderkind by
16 Wolfgang.

17 Q Have you ever heard the name Wolfgang Puck
18 before?

19 A Yes.

20 Q And what --

21 A He has a restaurant. I was eating there once.

22 Q And which restaurant did you eat at?

23 A I think it was L.A. I -- I think so. Yeah, in
24 L.A., I think, and he came over and was shaking hands.

25 Q So you've met him?

1 A Yes, I think I met him.

2 Q And you know that he's famous for his
3 restaurants, correct?

4 (Overlapping speakers.)

5 MS. KATZ: Objection. Calls for a --

6 THE WITNESS: Yes, for -- for --

7 MS. KATZ: -- legal conclusion.

8 THE WITNESS: -- a big steak.

9 MS. KATZ: Objection. Calls for a legal
10 conclusion.

11 BY MR. CHAPMAN:

12 Q You can answer the question, sir. Mr. Joop, you
13 can answer the question.

14 A I think he was important for very fat steaks, and
15 was also friendly to Arnold Schwarzenegger. That's what
16 he told me. I guess so. So he -- he -- I mean, he said
17 "hi," like a colleague, because the -- the two of us have
18 the first name Wolfgang -- Wolfgang Puck as a -- as a
19 cook, a chef, and me as a world famous designer.

20 Q So you agree that Wolfgang Puck's name is famous,
21 correct?

22 MS. KATZ: Objection. Calls for a legal
23 conclusion. Misstates testimony.

24 BY MR. CHAPMAN:

25 Q You can answer the question, sir.

1 A What?

2 Q You can answer the question.

3 A Can you continue the question?

4 Q You agree that Wolfgang Puck's name is famous,
5 correct?

6 MS. KATZ: Objection. Misstates testimony.
7 Objection. Calls for a legal conclusion.

8 THE WITNESS: So I mean, it's -- that's famous
9 that it was written on the recipe, you know. It was
10 written on the restaurant, and -- but I didn't know him
11 before. But he introduced himself.

12 BY MR. CHAPMAN:

13 Q Sir --

14 A But -- but, to me -- to me, a cook or a chef is,
15 in my category, not a prominent person. I don't know for
16 what.

17 Q Sir, are you familiar with the star ratings for
18 hotels? For example a five-star hotel being the very best
19 and a four star being good, and, then, three and two, are
20 you familiar with that?

21 MS. KATZ: Objection. Foundation.

22 BY MR. CHAPMAN:

23 Q Are you --

24 A I don't know --

25 Q -- familiar with that, sir?

1 A Yeah?

2 Q -- who is or was Herbert Frommen?

3 A Herbert Frommen?

4 MS. KATZ: Objection. Foundation.

5 THE WITNESS: Herbert -- huh? Herbert Frommen
6 was my partner at Joop, and before, he was the manager of
7 the company Lancaster which belonged to the company
8 Beecham in England -- in England.

9 BY MR. CHAPMAN:

10 Q And so, in fact, you were involved in litigation
11 with Mr. Frommen, weren't you?

12 A Yes.

13 Q Now, earlier, you said you had never been
14 involved in litigation, but this refreshes your
15 recollection?

16 A I couldn't remember. I'm sorry. And -- and I
17 have never seen that. I have never seen that really. I
18 mean, as you see, I was living in that moment in Miami and
19 the -- the case went somewhere else. I can't remember.

20 Q Well, again, this is a document that your counsel
21 produced.

22 A Yeah, but it's very long time ago. It's in the
23 '90s, I think so.

24 Q Now, sir, the customers that you hope to attract
25 to the The Wolfgang hotels and restaurants, would they be

1 similar to the customers you saw in Mr. Puck's restaurant?

2 A In what? I didn't understand. If I saw people
3 in -- in which restaurant?

4 Q The Puck restaurant that you said you went to --

5 A Yeah.

6 Q -- in Los Angeles.

7 A You say Pook. Puck -- Puck is -- is a bad word.
8 I mis- -- it's very misunderstandable if you pronounce it
9 Puck. We -- he's called Pook, I guess, so because he is
10 not American.

11 Q Let me ask you the question again, sir.

12 A Yes.

13 Q Are the types of customers you hope to attract
14 to The Wolfgang hotels and restaurants similar to the
15 customers that you saw at the Wolfgang Puck restaurant
16 where you were?

17 A No, no, no. My customer would be not similar, I
18 must say. Because, first of all, I'm not offering meat,
19 and -- and it's not that cui- -- rich cuisine which
20 Mr. Puck offers.

21 I have an idea, a very more Asian, very more,
22 what can I say, vegan, much -- much more modern, much more
23 esoteric. I mean, Wolfgang Puck's restaurant, I think I
24 was there only once, is more known for the heavy, heavy
25 stuff.

1 And I would -- I would think I -- my -- my -- my
2 cuisine, if I would have one, would be more light and --
3 and more vegan, yeah, more green.

4 Q And that's part of your product --

5 A I don't see any comparison.

6 Q That's part of your plan, correct?

7 A Yes.

8 Q Now, sir, is the company Wunderkind still
9 operating?

10 A Why can I -- what? Operating?

11 Q Is the company Wunderkind --

12 A Yes.

13 Q -- still operating?

14 A No, not for the moment.

15 Q Sir, have you ever attended any meetings with
16 hotel owners concerning your idea about using "The
17 Wolfgang" as a brand name?

18 A Yeah, I mean, sometimes we were talking about
19 many things, perhaps, also about that, but I cannot recall
20 a certain moment or a certain importance. It's like a
21 having a conversation about this and that with all I can
22 do.

23 I -- I -- I could do a movie. I did two -- five
24 movies. I wrote two books. I painted many paintings,
25 and -- and, if we're sitting all together, then, of

EXHIBIT C

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500
General Email: TTABInfo@uspto.gov

RSC

June 21, 2021

Opposition No. 91263671

*Wolfgang Puck and Wolfgang Puck Licensing
LLC*

v.

Wolfgang Joop

Rebecca Stempien Coyle, Interlocutory Attorney:

On June 15, 2021, the Board held a conference with the parties to address contested scheduling issues related to the oral deposition of Applicant, scheduled for June 22, 2021. On June 17, 2021, the Board held a further conference with the parties to address additional contested issues related to Applicant's deposition and to resolve Applicant's May 21, 2021 motion to amend his application and reset dates.¹ Participating in the conferences were Robert Chapman, counsel for Opposers and Julie Katz, counsel for Applicant. Interlocutory Attorney Rebecca Stempien Coyle participated on behalf of the Board.

¹ 12 TTABVUE. The Board afforded Applicant the opportunity to present an oral reply in support of his motion during the conference.

1. Parties' Stipulation Regarding Applicant's Deposition

Applicant resides in Germany. The discovery deposition of a party taken in a foreign country must be taken on written questions, unless the Board, on motion for good cause, orders, or the parties stipulate, that the deposition be taken by oral deposition. Trademark Rule 2.120(c); TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE ("TBMP") § 404.03(b) (2021).

During the conference the parties agreed that Applicant's deposition would proceed orally on June 22, 2021, beginning at 8:00am Pacific Time (5:00pm CEST), and continuing until 1:00pm Pacific Time (10:00pm CEST). This time frame includes opportunities for Applicant to take breaks during the course of his deposition, and accordingly may not result in five hours of examination. If Applicant's deposition is not completed within this time, the deposition will continue on June 23, 2021, beginning at 8:00am Pacific Time and continuing until 1:00pm Pacific Time. If upon conclusion of the deposition on June 23, 2021, Opposers have not conducted seven hours of examination and Applicant's deposition is not completed within this time, Applicant's deposition will continue on June 24 or 25, 2021, or some other mutually agreeable date.

The parties further agreed that Ms. Judith Vescher may be present in the same room as Applicant during his deposition, solely to assist Applicant with any physical or technical issues.

The Board appreciates the parties' cooperation in reaching an agreement on conducting Applicant's deposition orally. The discussions regarding the discovery

deposition of Applicant are indicative of issues that may arise during the testimony period. The Board encourages the parties to review the Board's manual regarding testimony, including testimony depositions of a foreign party and the stipulations available to the parties to streamline evidentiary issues during trial. *See* TBMP §§ 703 and 705.

2. Applicant's May 21, 2021 Motion

Through his motion, Applicant seeks to amend the identification of services in his application and reset dates in the proceeding, beginning with expert disclosures.

a. Proposed Amendment to the Application

By the proposed amendment, Applicant seeks to amend the identification of services in International Classes 42 and 43 as follows (proposed deletions indicated in strikethrough):

International Class 42

From: ~~Design of restaurants, namely,~~ interior and architectural design; furnishing design services for the interiors of buildings; design of building interiors; interior design

To: interior and architectural design; furnishing design services for the interiors of buildings; design of building interiors; interior design

International Class 43

From: ~~Services for providing food and drink, namely, food and drink catering, bar and restaurant services;~~ providing temporary accommodation; hotel services; ~~bar and restaurant services~~

To: providing temporary accommodation; hotel services

“An application subject to an opposition may not be amended in substance...except with the consent of the other party or parties and the approval of the Trademark Trial

and Appeal Board, or upon motion granted by the Board.” Trademark Rule 2.133(a). Generally, an unconsented motion to amend an application is deferred until final decision or until the case is decided upon summary judgment, unless (1) the proposed amendment limits the identification of goods or recitation of services, (2) the applicant consents to the entry of judgment as to the broader identification of goods or recitation of services, and (3) the applicant makes a prima facie showing that the amendment serves to change the nature and character of the goods and services or to restrict their channels of trade and customers in such a manner that a substantially different issue for trial has been introduced from the issue presented by the opposition against the application based on the original identification of goods or recitation of services. *Johnson & Johnson v. Stryker*, 109 USPQ2d 1077, 1078-79 (TTAB 2013); *Drive Trademark Holdings LP v. Inofin*, 83 USPQ2d 1433, 1435 (TTAB 2007) (proposed amendment not approved where applicant did not consent to entry of judgment as to the broader recitation of services); *see also* TBMP § 514.01.

Additionally, a proposed amendment to any application or registration which is the subject of an *inter partes* proceeding must comply with all applicable rules and statutory provisions, including Trademark Rules 2.71-2.75. *See* TBMP § 514.01. In particular, while an applicant may amend to clarify or limit the identification, adding to or broadening the scope of the identification is not permitted. *See* Trademark Rule 2.71(a); TMEP §§1402.06 *et seq.*, 1402.07.

The Board **DENIED** the proposed amendment to International Class 42 as improper because the deletion of the limiting language “design of restaurants, namely,” broadens the scope of the identification.

In regard to the proposed amendment to International Class 43, the Board stated that although the amendment is limiting in nature and Applicant “does not object to accepting judgment with respect to the broader identification”,² Applicant failed to make a *prima facie* showing that the amendment serves to change the nature and character of the services or to restrict their channels of trade and customers in such a manner that the proposed amendment presents a substantially different issue for trial. Accordingly, the Board **DEFERRED** consideration of the proposed amendment to International Class 43 until final decision or the case is decided upon summary judgment. *See* TBMP § 514.01.

b. Extension of Time

Applicant also seeks to reset dates in this proceeding. Applicant contends additional time is necessary for his expert to conduct a proper survey, both due to conflicts in the expert’s schedule and the need for a prior decision on Applicant’s motion to amend. Applicant further maintains more time is needed for fact discovery to allow the parties sufficient time to conduct depositions and review transcripts and other discovery responses, and Opposers would not be prejudiced by the requested extension.

² 12 TTABVUE 5.

In response, Opposers contend Applicant's own lack of diligence by failing to serve discovery in the first three month of the discovery period or agreeing to an earlier date for his deposition, and repeated delays in the proceeding, are insufficient to support the requested extension of time.

The standard for allowing an extension of a prescribed period prior to the expiration of that period as originally set, or as reset, is good cause. *See Fed. R. Civ. P. 6(b)(1); Trans-High Corp. v. JFC Tobacco Corp.*, 127 USPQ2d 1175, 1177 (TTAB 2018). Generally, the Board is liberal in granting extensions of time before the specified period has elapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused. *See Am. Vitamin Prods., Inc. v. Dowbrands Inc.*, 22 USPQ2d 1313, 1315 (TTAB 1992).

The Board found good cause for granting a limited extension. Accordingly, the motion to extend is **GRANTED, in part**, such that expert disclosures are due July 19, 2021,³ and discovery closes September 3, 2021.

During the conference Opposers' counsel requested an order prohibiting Applicant's expert from utilizing, in the drafting of his own report, Opposers' previously-disclosed expert report. Applicant's counsel represented during the conference that his expert was not intended, at this time, as a rebuttal expert. Opposers' request is well-taken. Accordingly, Applicant may not share Opposers' expert's report with his own expert in advance of service of Applicant's expert's report.

³ The Board notes Opposers filed a notice of designation of experts on May 21, 2021. 11 TTABVUE.

3. Proceedings Resumed

Both parties in this proceeding have disclosed experts. Upon disclosure of an expert, the Board, on its own initiative, may issue an order regarding expert discovery. Trademark Rule 2.120(a)(2)(iii); TBMP § 401.03. In view of the resetting of the schedule below, the Board will not, at this time, suspend proceedings for expert discovery or otherwise issue an order regarding expert discovery. Notwithstanding, and upon further consideration, the parties must notify the Board in writing by **August 2, 2021** if they intend to use a rebuttal expert and the Board will reset dates at that time, as appropriate, including a date by which to serve rebuttal expert reports.

Proceedings are **resumed** and dates are reset as follows:

Expert Disclosures Due	7/19/2021
Discovery Closes	9/3/2021
Plaintiff's Pretrial Disclosures Due	10/18/2021
Plaintiff's 30-day Trial Period Ends	12/2/2021
Defendant's Pretrial Disclosures Due	12/17/2021
Defendant's 30-day Trial Period Ends	1/31/2022
Plaintiff's Rebuttal Disclosures Due	2/15/2022
Plaintiff's 15-day Rebuttal Period Ends	3/17/2022
Plaintiff's Opening Brief Due	5/16/2022
Defendant's Brief Due	6/15/2022
Plaintiff's Reply Brief Due	6/30/2022
Request for Oral Hearing (optional) Due	7/10/2022

The Federal Rules of Evidence generally apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many

requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).

PROOF OF SERVICE

I am employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the within action. My business address is 1801 Century Park East, Suite 1150, Los Angeles, CA 90067.


On August 4, 2021, I served the foregoing document(s) described as:
**DECLARATION OF ROBERT S. CHAPMAN IN SUPPORT OF
OPPOSITION TO APPLICANT'S MOTION TO AMEND APPLICATION –
DELETION OF CLASS 42** on the interested party(ies) in this action, addressed as follows:

Julie A. Katz, Esq.
Katz Group LLC
1711 N. Hermitage Ave.
Chicago, IL 60622
julie@katzgroupllc.com

- I am readily familiar with the business practice for collection and processing of correspondence for mailing within the United States Postal Service. I know that the correspondence is deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices in the United States mailed at Los Angeles, California.
- By email, I caused the above-referenced document(s) to be transmitted to the party(ies) listed above.
- By personal service, I delivered such envelope by hand to the offices of the addressee(s) noted above.

Executed this 4th day of August 2021 at Los Angeles, California.

- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



Diana Olivo

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

WOLFGANG PUCK and
WOLFGANG PUCK LICENSING
LLC,

Opposers,

v.

WOLFGANG JOOP,

Applicant.

Proceeding No. 91263671
Mark: THE WOLFGANG
Application No. 79263615

**Confidential Declaration of Robert S. Chapman in Support of Opposition to
Applicant's Motion to Amend Application – Deletion of Class 42**

Robert S. Chapman declares:

1. I am an attorney licensed to practice in the State of California and a partner in the law firm of Sauer & Wagner LLP. I represent Wolfgang Puck and Wolfgang Puck Licensing LLC in *Wolfgang Puck and Wolfgang Puck Licensing LLC v. Wolfgang Joop* (Opposition No. 91263671). I have personal knowledge of the matters set forth in this declaration and, if called as a witness, I could and would testify to those matters under oath.

2. On June 22, 2021, I took the deposition of Applicant Wolfgang Joop. Attached hereto as Exhibit B is a true and correct copy of the relevant portions of

transcript of Mr. Joop’s deposition testimony that were marked “Confidential – Attorneys’ Eyes Only” under the Trademark Trial and Appeal Board Standard Protective Order. This declaration and the attached Exhibit B are therefore being filed under seal.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of August, 2021 at Los Angeles, California.

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

Robert S. Chapman

EXHIBIT B

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

In the Matter of Application Serial No. 79263615
Published in the Official Gazette of March 17, 2020

)	
WOLFGANG PUCK and WOLFGANG PUCK)	Proceeding No.
LICENSING LLC,)	91263671
)	
Opposers,)	
)	
v.)	
)	
WOLFGANG JOOP,)	
)	
Applicant.)	

PORTIONS OF THIS TRANSCRIPT ARE
CONFIDENTIAL ATTORNEYS EYES ONLY

REMOTE DEPOSITION OF WOLFGANG JOOP
Potsdam, Germany
Tuesday, June 22, 2021
Volume I

Reported by:
JULIE T. MILLER
CSR No. 13638
Job No. 4626230
PAGES 1 - 58
PAGES 26 - 36, 46 - 58 ARE MARKED CONFIDENTIAL ATTORNEYS
EYES ONLY

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

WOLFGANG PUCK and WOLFGANG PUCK) Proceeding No.
LICENSING LLC,) 91263671

Opposers,)

v.)

WOLFGANG JOOP,)

Applicant.)

Remote deposition of WOLFGANG JOOP, Volume I,
taken on behalf of Opposers, with all parties, the
witness, and court reporter appearing remotely, Potsdam,
Germany, beginning at 4:59 p.m. and ending at 6:15 p.m.,
on Tuesday, June 22, 2021, before JULIE T. MILLER,
Certified Shorthand Reporter No. 13638.

1 APPEARANCES :

2

3 For Opposers :

4 SAUER & WAGNER, LLP

5 BY: ROBERT S. CHAPMAN

6 Attorney at Law

7 1801 Century Park East, Suite 1150

8 Los Angeles, California 90067

9 310.712.8100

10 rchapman@swattys.com

11 (Appearance Via Zoom Videoconference)

12

13 For Applicant :

14 KATZ GROUP, LLC

15 BY: JULIE A. KATZ

16 Attorney at Law

17 1711 North Hermitage Avenue

18 Chicago, Illinois 60622

19 312.857.3101

20 julie@katzgroupllc.com

21 (Appearance Via Zoom Videoconference)

22

23

24

25

1 APPEARANCES (Continued) :

2

3 Also Present (Appearance Via Zoom Videoconference) :

4 Diana Olivo, Sauer & Wagner, LLP

5 Judith Visher, The Wolfgang

6 Mariel Sarmiento, Veritext Concierge

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WITNESS EXAMINATION
WOLFGANG JOOP
Volume I

BY MR. CHAPMAN 6

EXHIBITS

NUMBER		PAGE
Exhibit 2	Women's Wear Daily article, "Court Orders Joop GmbH to Name a Co-CEO"	
	Bates Nos. APP000350 to APP000351	37

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Potsdam, Germany, Tuesday, June 22, 2021

4:59 p.m.

WOLFGANG JOOP,

having been administered an oath, was examined and testified as follows:

EXAMINATION

BY MR. CHAPMAN:

Q Sir, how do you pronounce your last name?

A Yope.

Q Yope?

A Yope, not Joop as many people to say.

Q It's Yope?

A I mean, it's a seduction to say Joop, but my name Yope and -- which is coming from Dutch.

Q Thank you.

Sir, have you ever had your deposition taken before?

A A deposition?

Q That's the proceeding we're having right now.

A No, never.

Q Have you ever testified in court before?

A No.

Q Have you ever been involved in any litigation

PROOF OF SERVICE

I am employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the within action. My business address is 1801 Century Park East, Suite 1150, Los Angeles, CA 90067.


On August 4, 2021, I served the foregoing document(s) described as:
CONFIDENTIAL DECLARATION OF ROBERT S. CHAPMAN IN SUPPORT OF OPPOSITION TO APPLICANT'S MOTION TO AMEND APPLICATION – DELETION OF CLASS 42 on the interested party(ies) in this action, addressed as follows:

Julie A. Katz, Esq.
Katz Group LLC
1711 N. Hermitage Ave.
Chicago, IL 60622
julie@katzgroupllc.com

- I am readily familiar with the business practice for collection and processing of correspondence for mailing within the United States Postal Service. I know that the correspondence is deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices in the United States mailed at Los Angeles, California.
- By email, I caused the above-referenced document(s) to be transmitted to the party(ies) listed above.
- By personal service, I delivered such envelope by hand to the offices of the addressee(s) noted above.

Executed this 4th day of August 2021 at Los Angeles, California.

- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



Diana Olivo