

ESTTA Tracking number: **ESTTA1129808**

Filing date: **04/27/2021**

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

Proceeding	91267319
Party	Defendant House of Fun USA, LLC
Correspondence Address	KIMBERLY KORN 275 WEST 96TH STREET SUITE 32D NEW YORK, NY 10025 UNITED STATES Primary Email: kimberlykornesq@aol.com 267-980-8704
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Date	04/27/2021
Attachments	Untitled document.pdf(73829 bytes) APPLICANTS FIRST SET OF REQUESTS FOR PRODUCTION TO OP- POSER.pdf(91706 bytes) DISCLOSURES.pdf(79862 bytes)

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

In the matter of Application Serial No. 88878030
Filed on April 19, 2020
For the mark HOUSE OF FUN
Published in the *Official Gazette* on November 24, 2020

Playtika - UK, House of Fun, Limited, ANSWER TO REQUEST FOR ADMISSION
Opposer

v.

House of Fun, USA, LLC,
Applicant

ANSWER TO REQUEST FOR ADMISSION

ANSWER FOR ADMISSION NO. 1:

Admit

ANSWER FOR ADMISSION NO. 2:

Admit

ANSWER FOR ADMISSION NO. 3:

Deny

ANSWER FOR ADMISSION NO. 4:

Deny

ANSWER FOR ADMISSION NO. 5:

Deny

ANSWER FOR ADMISSION NO. 6:

Deny

ANSWER FOR ADMISSION NO. 7:

Deny

ANSWER FOR ADMISSION NO. 8:

Deny

ANSWER FOR ADMISSION NO. 9:

Admit

ANSWER FOR ADMISSION NO. 10:

Deny

ANSWER FOR ADMISSION NO. 11:

Deny

ANSWER FOR ADMISSION NO. 12:

Deny, Applicant has no prior knowledge

ANSWER FOR ADMISSION NO. 13:

Deny, Applicant has no prior knowledge

ANSWER FOR ADMISSION NO. 14:

Deny

ANSWER FOR ADMISSION NO. 15:

Deny, Applicant has no prior knowledge

Dated: April 27, 2021.

By: /s/ Kimberly Korn
Kimberly Korn
275 West 96th Street, Suite 32D
New York, NY 10026
Telephone: (267)0980-8704
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kimberlykornesq@aol.com

Attorney for Applicant,
House of Fun, USA, LLC

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on April 27, 2021, a true and correct copy of the above and foregoing document was served upon Opposer and/or its counsel of record via electronic mail as follows:

Jenifer deWolf Paine
Fish & Richardson P.C.
paine@fr.com

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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REQUESTS FOR PRODUCTION

Opposer

v.

House of Fun, USA, LLC,
Applicant

APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION TO OPPOSER

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant (□Applicant□), by its attorneys, hereby requests that Opposer (□Opposer□) produce for examination, inspection and copying by Applicant, his attorneys or others acting on his behalf, the documents and things set forth below at the offices of Applicant's attorney, Kimberly Korn, Esq. 275 West 96th, Suite 32D, New York, NY 10025 no later than thirty (30) days after service of these requests.

DEFINITIONS

Unless otherwise defined, all words and phrases used herein shall be accorded their usual meaning and shall be interpreted in their common, ordinary sense. As used in these requests, the words set forth below shall be defined as follows:

1. "Applicant" means Applicant HOUSE OF FUN, USA, LLC the Applicant in the above-captioned proceeding.

2. "Opposer," "you," or "your" means Opposer PLAYTIKA - UK, HOUSE OF FUN LIMITED, its subsidiaries, divisions, predecessor, and successor companies, affiliates, parents, any partnership

or joint venture to which it may be a party, and/or each of its employees, agents, officers, directors,

representatives, consultants, accountants, and attorneys.

3. "Applicant's Mark" means the mark that is the subject of U.S. Trademark

Registration No. 88878030, and this proceeding.

4. "Asserted Marks" means the marks identified in Paragraph 1 of the Petition for Cancellation in this proceeding and any other marks alleged by Opposer in its Petition for Cancellation that Opposer asserts as grounds for cancellation.

5. "Document" is synonymous in meaning and equal in scope to its usage in FRCP 34(a)(1)(A).

The term "document" refers to any document now or at any time in Opposer's possession, custody,

or control. A person is deemed in control of a document if the person has any ownership,

possession, or custody of the document, or the right to secure the document or a copy thereof from

any person or public or private entity having physical possession thereof.

6. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or

otherwise), including, without limitation, emails, text messages, letters, memoranda, and the like.

7. "Concerning" means consisting of, referring to, relating to, reflecting, or being in any way logically or factually connected with the matter discussed.
8. The term "mark" means any word, name, symbol, or device (including any key word or metatag) or any combination thereof.
9. A reference to a "person" includes an individual, corporation, partnership, joint venture, limited liability company, governmental authority, unincorporated organization, trust, association, or other entity and includes all of that person's principals, employees, agents, attorneys, consultants, and other representatives.
10. The terms "and" and "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of the request all responses that might otherwise fall outside the scope of this request.
11. The terms "all," "any," or "each" encompass any and all of the matter discussed.
12. The use of singular form includes plural, and vice versa.
13. The use of present tense includes past tense, and vice versa.

INSTRUCTIONS

1. All documents are to be produced as they are kept in the usual course of business with any identifying labels, file markings, or similar identifying features, or shall be organized and labeled to

correspond to the categories requested herein. If there are no documents in response to a particular

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

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

standard email client programs (e.g., .msg or .pst files).

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

4. Each request contemplates production of all documents in their entirety. If a portion of a document is responsive to one or more requests, the document shall be produced in its entirety.

5. If any document is withheld in whole or in part, for any reason including, without limitation, a claim of privilege or other protection from disclosure such as the work product doctrine, business confidentiality, or trade secret protection, set forth separately with respect to each document: (a) the

ground of privilege or protection claimed; (b) each and every basis under which the document is withheld; (c) the type of document; (d) its general subject matter; (e) the document's date; and (f) other information sufficient to enable a full assessment of the applicability of the privilege or protection claims, as required by FRCP 26(b)(5) and TBMP §406.04(c).

6. To the extent you assert that a document contains information that should be protected from disclosure (based on the attorney-client privilege, work product doctrine, or another protection) and non-privileged information, the non-privileged portions of the document must be produced. For each such document, indicate the portion of the document withheld by stamping the words "REDACTED" on the document in an appropriate location that does not obscure the remaining text.

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

8. These requests are continuing, and your response to these requests must be promptly supplemented when appropriate or necessary in accordance with Federal Rule of Civil Procedure 26(e) and TBMP §408.03.

DOCUMENTS TO BE PRODUCED

1. All documents identified in Opposer's initial disclosures.
2. All documents concerning, regarding or referencing Opposer's consideration of marks and selection and clearance of the Asserted Marks, including but not limited to, searches, investigations, surveys, studies, research, polls, reports and opinions that Opposer has ever

conducted, received, or seen concerning the availability for use and/or registration of the Asserted Marks and of variations thereof.

3. All documents concerning the allegations in paragraph 14 of the Notice of Opposition that the Mark was in prior use before Applicant used it in commerce including all known uses of Applicant's Mark.

4. All documents concerning the allegations in paragraph 20 of the Notice of Opposition that The Registration, thus, is causing injury and damage to Opposer.

5. All documents concerning the allegation in paragraph 18 of the Notice of Opposition that the services covered by the HOUSE OF FUN application are highly similar to Opposer ..

6. All documents concerning the allegation in paragraph 19 of the Notice of Opposition that consumers who encounter Applicant's Mark and the Asserted Marks would be likely to assume a connection between the parties.

7. All documents concerning Opposer's knowledge of Applicant's adoption, use, or registration of Applicant's Mark.

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

9. For each of the goods sold or offered for sale by Opposer in connection with the Asserted Marks, produce all Documents, if any, evidencing that such goods are related to the

goods sold by Applicant in connection with Applicant's Mark.

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

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

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

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

14. Documents sufficient to identify all goods and services actually or planned or intended to be sold, offered, or licensed by Opposer under or in connection with the Asserted Marks.

15. Documents sufficient to identify all channels of trade through which Opposer advertises, promotes, distributes, sells, offers, or licenses, or plans or intends to advertise,

promote, distribute, sell, offer, or license, any goods or services under or in connection with the Asserted Mark, including, but not limited to, documents identifying the distributors, retail, or other business outlets that offer or will offer Opposer's goods or services in connection with the Asserted Marks.

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

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

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

19. Representative samples of all tags, labels, signs, and packaging that have displayed or that will display the Asserted Marks, including documents sufficient to show every manner of presentation

of the Asserted Marks in such materials.

20. All newspaper, magazine, newsletter, trade journal, website, or other media coverage concerning the Asserted Marks or any goods or services offered in connection with the Asserted Marks, whether or not authored by any official member of the press.

21. Documents sufficient to describe the actual and target purchasers of goods or services actually or planned or intended to be sold, offered, or licensed by Opposer under or in connection with the Asserted Marks.

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

23. Documents sufficient to identify any graphic, package, product, or other designers contacted or engaged by Opposer with respect to the preparation of any materials bearing or otherwise using the Asserted Marks, and all communications between Opposer and each designer.

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

25. All documents concerning any complaint, petition, demand, objection, civil action, or administrative proceeding relating to the Asserted Marks.

26. All documents concerning any objection by Opposer to any third party

involving the Asserted Marks or any similar to, or that Opposer has at any time been alleged to be similar to, the Asserted Marks.

27. All documents concerning any instances of actual or possible confusion, mistake, deception, or

association of any kind between Applicant, Applicant's Mark, or Applicant's goods/services and Opposer, the Asserted Marks or Opposer's goods/services.

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

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

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

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

goods/services in any way.

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

33. Documents sufficient to identify all third parties that did, do, or will manufacture, sell, offer, distribute, or license goods or services under or in connection with the Asserted Marks.

34. To the extent not produced in response to the foregoing requests, all documents that support or

refute Opposer's contentions in this proceeding, including, but not limited to, any documents that support or refute any factual allegations or legal theories or conclusions Opposer has presented or

relied on or intends to present or rely on in connection with such contentions.

Dated: April 27, 2021.

By: /s/ Kimberly Korn
Kimberly Korn
275 West 96th Street, Suite 32D
New York, NY 10026
Telephone: (267) 0980-8704
Fax: (347) 487-3901
kimberlykornesq@aol.com

Attorney for Applicant,
House of Fun, USA, LLC

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on April 27, 2021, a true and correct copy of the above and foregoing document was served upon Opposer and/or its counsel of record via electronic mail as follows:

Jenifer deWolf Paine
Fish & Richardson P.C.
paine@fr.com

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Playtika - UK, House of Fun, Limited,

APPLICANT INITIAL DISCLOSURES

Opposer

v.

House of Fun, USA, LLC,
Applicant

APPLICANT RULE 26(a)(1) INITIAL DISCLOSURES

Pursuant to Trademark Rule 2.120(a)(3) and Rule 26(a)(1) of the Federal Rules of Civil Procedure, Applicant House of Fun, USA, LLC (Applicant) makes the following Initial Disclosures to Opposer Playtika - UK, House of Fun, Limited (Opposer).

These disclosures are based on information reasonably available to Applicant at this time.

Applicant reserves the right to supplement or modify these disclosures. Applicant's disclosures represent a good-faith effort to identify discoverable information that Applicant currently reasonably believes it may use to support his claims or defenses as required by Fed. R. Civ. P. 26(a)(1). These disclosures do not include information that may be used solely for impeachment purposes. In addition, these disclosures do not include witnesses, information, or documents that may be revealed through discovery. By making the following disclosures, Applicant does not

represent that it is identifying each and every document, tangible thing, or witness possibly relevant to this proceeding.

Applicant's disclosures are made without waiving, in any way: (1) any claim of privilege or work product; (2) the right to object on the grounds of competency, relevancy, materiality, hearsay, or any other proper ground, to the use of any such information for any purpose, in whole or in part, in any subsequent proceeding in this action or any other action; and (3) the right to object on any and all grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these disclosures. Finally, these disclosures do not identify or otherwise include information concerning experts, as this subject is not covered by Fed. R. Civ. P. 26(a)(1). All of the disclosures set forth below are made subject to the above Qualifications.

A. DISCLOSURE OF INDIVIDUALS

The initial disclosures requirements of Rule 26(a)(1)(A) are expressly limited to the identification of individuals likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment. Applicant reserves the right to supplement or amend his identification of individuals under Rule 26(a)(1)(A):

NAME	ADDRESS	SUBJECT OF INFORMATION
Uri Zucker	Contact through undersigned counsel	Mr. Zucker may have information regarding the following: The information set forth in the Answer. Adoption, ownership, and nature of use of the mark

		HOUSE OF FUN, the services offered in connection with the mark, dates of first use of the mark, advertising and promotion of the mark, trade channels and class(es) of consumers for goods offered in connection with the mark, advertising and promotion of the mark and goods thereunder, and sales and advertising for services offered and sold in connection with the mark.

Applicant's investigation to identify persons likely to have discoverable information that Applicant may use to support his claims or defenses is ongoing. Accordingly, Applicant reserves the right to identify and rely on additional witnesses and topics.

B. DISCLOSURE OF DOCUMENTS AND THINGS

The initial disclosure requirements of Rule 26(a)(1)(B) are expressly limited to documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment. Registrant reserves the right to supplement or amend the items identified under Rule 26(a)(1)(B), if necessary, at a later time, or to supplement it through the course of discovery in this proceeding.

The following are categories of documents, data compilations, and tangible things that Applicant may use to support its claims:

- a. Documents regarding adoption and ownership of the HOUSE OF FUN mark;
- b. Documents regarding the nature and manner of use of the HOUSE OF FUN mark;
- c. Documents regarding the services offered in connection with the HOUSE OF FUN mark;
- d. Documents regarding the trademark registration application for the HOUSE OF FUN mark;
- e. Documents pertaining to sales and advertising for services offered and sold in connection with the HOUSE OF FUN mark;
- f. Representative advertising and promotional materials showing use of the HOUSE OF FUN mark; and
- g. Documents regarding trade channels and class(es) of consumers for services offered in connection with the HOUSE OF FUN mark.

Applicant's search for relevant documents is ongoing. Many of the documents date back several years, may be in the possession of third-parties, or otherwise may be difficult and therefore take some time to locate. Accordingly, Applicant reserves the right to amend and/or supplement its disclosure of documents as they become available.

Dated: April 27, 2021

Respectfully Submitted,
By: /s/ Kimberly Korn
Kimberly Korn
275 West 96th Street, Suite 32D
New York, NY 10026
Telephone: (267)980-8704

kimberlykornesq@aol.com

Attorney for Applicant,
House of Fun, USA, LLC

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on April 27, 2021, a true and correct copy of the above and foregoing document was served upon Opposer and/or its counsel of record via electronic mail as follows:

Jenifer deWolf Paine
Fish & Richardson P.C.
paine@fr.com