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

Proceeding no.	91270193
Party	Defendant Kenneth Thomas
Correspondence address	BERNIE LAWRENCE-WATKINS B. LAWRENCE WATKINS & ASSOCIATES, PC 325 EDGEWOOD AVENUE SE, SUITE 200 ATLANTA, GA 30312 UNITED STATES Primary email: akil@blwapc.com Secondary email(s): bernie@blwapc.com 404-593-2077
Submission	Defendant's Notice of Reliance
Filer's name	Akil Dan-Fodio
Filer's email	akil@blwapc.com, bernie@blwapc.com
Signature	/Akil Dan-Fodio/
Date	10/11/2022
Attachments	Applicant Notice of Reliance Kulture Kings Queens FINAL Part 1 and 2. pdf(745217 bytes) Applicant Notice of Reliance Kulture Kings Queens FINAL Part 3.pdf(2885011 bytes) Applicant Notice of Reliance Kulture Kings Queens FINAL Part 4.pdf(2885013 bytes) Applicant Notice of Reliance Kulture Kings Queens FINAL Part 5.pdf(1202471 bytes)

		(number and nature of similar marks in use on similar goods)
APP007	File History for stylized/design mark “Culture Candy” (Registration No. 6638220) Accessed on October 6, 2022	<ul style="list-style-type: none"> • Du Pont Factors (number and nature of similar marks in use on similar goods)
APP008	File History for standard mark “The Birth of Culture” (Registration No. 6216390) Accessed on October 6, 2022	<ul style="list-style-type: none"> • Du Pont Factors (number and nature of similar marks in use on similar goods)
APP009	File History for this standard mark “Culture Shock School Tour” (Registration No. 5906141) Accessed on October 6, 2022	<ul style="list-style-type: none"> • Du Pont Factors (number and nature of similar marks in use on similar goods)
APP010	File History for standard mark “Kingdom Culture” (Registration No. 6572216) Accessed on October 6, 2022	<ul style="list-style-type: none"> • Du Pont Factors (number and nature of similar marks in use on similar goods)
APP011	File History for standard mark “Culture Corner” (Registration No. 6332892) Accessed on October 6, 2022	<ul style="list-style-type: none"> • Du Pont Factors (number and nature of similar marks in use on similar goods)
APP012	File History for stylized/design mark “Culture Jam” (Serial No. 88781281) Accessed on October 6, 2022	<ul style="list-style-type: none"> • Du Pont Factors (number and nature of similar marks in use on similar goods)
APP013	File History for standard mark “Essence Festival of Culture” (Serial No. 88599408) Accessed on October 6, 2022	<ul style="list-style-type: none"> • Du Pont Factors (number and nature of similar marks in use on similar goods)
APP014	File History for standard mark “Culture Currency” (Serial No. 88901547) Accessed on October 6, 2022	<ul style="list-style-type: none"> • Du Pont Factors • (number and nature of similar marks in use on similar goods)
APP015	File History for standard mark “Authentic Black Culture” (Registration No. 6663940) Accessed on October 6, 2022	<ul style="list-style-type: none"> • Du Pont Factors (number and nature of similar marks in use on similar goods)
APP016	File History for standard mark “Culture Jam” (Serial No. 90706840) Accessed on October 6, 2022	<ul style="list-style-type: none"> • Du Pont Factors (number and nature of similar marks in use on similar goods)

APP017	File History for standard mark “3 rd Culture Style Try & Keep Up” (Registration No. 5489144) Accessed on October 6, 2022	<ul style="list-style-type: none"> • Du Pont Factors (number and nature of similar marks in use on similar goods)
APP018 / CK0015	Applicant’s unreleased trailer for its Kulture Kings & Queens documentary series	<ul style="list-style-type: none"> • <i>DuPont</i> Factors (Diissimilarity of trade channels)
APP019	Opposer’s Social Media Accounts accessed on October 10, 2022	<ul style="list-style-type: none"> • <i>DuPont</i> Factors (Diissimilarity of goods and services, and trade channels)

Respectfully submitted this 10th day of October, 2022.

/s Bernie Lawrence-Watkins/

Bernie Lawrence-Watkins
Georgia Bar No. 439935
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**APPLICANT KENNETH THOMAS
NOTICE OF RELIANCE**

EXHIBIT APP001

Document Title / Description: **Opposer's Objections and Responses to Applicant's
First Set of Interrogatories to Opposer**

Date Document was created: **January 14, 2022**

EXHIBIT APP001

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

TF Intellectual Property Pty Ltd	:	
	:	
Opposer,	:	
v.	:	Opposition No.
	:	91270193
	:	
Kenneth Thomas,	:	
	:	
Applicant.	:	

Application Serial No. 90343860
Mark: KULTURE KINGS & QUEENS

OPPOSER’S OBJECTIONS AND RESPONSES TO APPLICANT’S FIRST SET OF INTERROGATORIES TO OPPOSER

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, 37 C.F.R. § 2.120, and Rule 405 of the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”), TF Intellectual Property Pty Ltd (“TFIP” or “Opposer”), through its counsel, hereby objects and responds to Applicant Kenneth Thomas (“Applicant”) First Set of Interrogatories, dated December 16, 2021.

These responses, while based on diligent exploration by Opposer and its counsel, reflect only the current status of Opposer’s knowledge, understanding and belief responding to the matters about which inquiry has been made. Discovery in this action is continuing and, consequently, Opposer may not yet fully understand the significance, information or facts, and/or may not have yet discovered all relevant documents pertinent to these interrogatories. Opposer reserves the right to modify or supplement its responses.

Specific objections to each separate interrogatory are made on an individual basis in Opposer’s responses below. In addition to specific objections, Opposer makes certain Continuing

Objections ("Continuing Objections") to the interrogatories. These Continuing Objections are hereby incorporated by reference into the responses made with respect to each interrogatory. Opposer's response to each individual interrogatory is submitted without prejudice to, and without in any respect waiving, any Continuing Objections not expressly set forth in that response. Accordingly, the inclusion of any specific objection to an interrogatory in any response below is neither intended as, nor shall in any way be deemed to be, a waiver of any Continuing Objection or of any other specific objection made herein or asserted at a later date. In addition, the failure to include at this time any continuing or specific objection to an interrogatory is neither intended as, nor in any way shall be deemed, a waiver of Opposer's right to assert that or any other objection at a later date.

CONTINUING OBJECTIONS

1. Opposer objects to the interrogatories and to each and every interrogatory contained therein, to the extent that they seek information that is neither relevant to nor reasonably calculated to lead to the discovery of admissible evidence in this matter.

2. Opposer objects to the interrogatories, and to each and every interrogatory contained therein, to the extent they seek information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Nothing contained in these responses is intended as, nor shall in any way be deemed, a waiver of any attorney-client privilege, any work product protection or any other applicable privilege or doctrine. Responding to each interrogatory, Opposer will not undertake to provide information which is privileged or otherwise protected from discovery by law.

3. Opposer objects to the interrogatories, and to each separate interrogatory contained therein, to the extent they are vague, ambiguous, unintelligible, overly broad or unduly burdensome,

harassing and oppressive.

4. Opposer objects to the interrogatories, and to each separate interrogatory contained therein, to the extent they seek discovery of proprietary and/or confidential information (including, but not limited to, confidential research, development, commercial and financial information), which is not adequately protected from public disclosure by a Protective Order.

5. Opposer objects to these interrogatories, and to each and every separate interrogatory contained therein, to the extent they seek information in the possession of the propounding party or third parties.

6. Opposer objects to the Instructions and Definitions, and to each and every separate interrogatory contained therein, to the extent they purport to impose any requirement or obligation on Opposer beyond those required by the Federal Rules of Civil Procedure. Opposer will comply with the Federal Rules of Civil Procedure.

7. Opposer objects to the interrogatories to the extent that they call for any document or information that is subject to the attorney-client privilege, work product immunity or other applicable privilege or immunity. With respect to privileged documents, Opposer will provide a list of those documents as to which it claims privilege or work product exemption or other privilege or immunity. Opposer objects to identifying documents generated since inception of this proceeding by and/or among legal representatives of Opposer, as such information is likely to reveal work product and/or attorney-client privileged information. Inadvertent disclosure of any such document shall not constitute a waiver of any privilege, immunity or any other ground for objecting to discovery with respect to any document or information and shall not waive the right of Opposer to object to the use of any such document or information contained therein during this action or in any other proceeding.

8. Opposer objects to these interrogatories, and to each and every separate interrogatory contained therein them, as overly broad and not reasonably calculated to lead to the discovery of admissible evidence to the extent not limited to the use of relevant marks in the United States.

9. Opposer objects to the Interrogatories to the extent that they seek information equally available to the Applicant as to the Opposer.

10. Opposer objects to the definition of the term CULTURE KINGS as “the marks that are the subject of United States Trademark Registration No. 4,801,658, and Serial Nos. 90369944, 90370048, 79307360, and 79303725, respectively” because it is unclear and ambiguous.

11. Opposer provides each of the following responses subject to and without waiving the continuing objections contained herein.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1

Identify the person or persons employed by Opposer, who authorized the filing of this Opposition.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Simon Beard.

INTERROGATORY NO. 2

List by number and date all trademark registrations and applications owned by Opposer that consist of the relevant “CULTURE KINGS” term. Include registration or serial numbers for each mark listed.


RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Request to the extent that the term “CULTURE KINGS” as defined by the Applicant and used in this Request are vague, ambiguous and inconsistent. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding, including regarding activity outside the United States. Opposer objects to this Interrogatory to the extent that it is not bounded in time. Opposer objects to this Interrogatory to the extent it has multiple parts.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Opposer owns at least the following U.S. trademark applications and registrations containing the term CULTURE KINGS:

Mark	Registration / Serial No.	Goods and Services	Registration / First Use / Priority Date
Culture Kings	4801658	<p>IC 025: Clothing and clothing accessories, namely, shirts, trousers, skirts, dresses, suits, underwear, coats, dressing gowns, headbands, neckties, hosiery, socks, jackets, knitwear, namely, sweaters and jumpers, mittens, pyjamas, bathrobes, scarfs, shawls, swimsuits, belts, jeans, footwear, headgear, namely, berets, caps, hats, bandannas</p> <p>IC 035: Advertising services; Advertising by mail order; Advertising services provided over the internet; Advertising commercial information services provided by access to a computer database; Arranging exhibitions for advertising purposes; Online advertising on a computer network; Promotional marketing services using audiovisual media; Advertising and promotional Services; Retail store services featuring streetwear clothing and accessories; Retail and wholesale department stores services in the field of consumer goods and equipment for domestic use; Retail store services via global computer networks featuring streetwear clothing and accessories; Retail mail and telephone order services featuring streetwear clothing and accessories; Marketing services</p> <p>IC 042: Clothing and fashion design consulting services; Commercial and graphic art designing; Commercial design services, namely, art design; design of brand names, namely, development of brands for businesses; business management services, namely, administration of business engaged in clothing and jewellery design</p> <p>IC 044: Barber shop services; hair care services, namely, haircutting, styling, colouring and hair extension services;</p>	Reg Date: 09/01/2015

		hair salon services; hair styling; personal hair removal services; cosmetology services, namely, hair shampooing and shaving and grooming services	
CULTURE KINGS	90369944	IC 009: Protective masks. IC 024: Face cloths of textile; Apparel fabrics; Cotton fabrics; Fabric; Fabrics made from synthetic threads.	First Use at least as early as: 04/26/2020
	90370048	IC 009: Protective masks. IC 014: Articles of jewellery; Bracelets (jewellery); Cases adapted to contain items of jewellery; Chains (jewellery); Charms for jewellery; Ear ornaments in the nature of jewellery; Gold jewellery; Gold thread (jewellery); Jewellery; Jewellery fashioned from non-precious metals; Jewellery fashioned of cultured pearls; Jewellery fashioned of precious metals; Jewellery fashioned of semi-precious stones; Jewellery items; Jewellery made from gold; Jewellery made from silver; Jewellery made of bronze; Jewellery made of crystal; Jewellery made of glass; Jewellery made of non-precious metal; Jewellery products; Jewellery stones; Jewellery watches; Neck chains (jewellery); Pendants (jewellery); Pewter jewellery; Precious jewellery; Ring bands (jewellery); Rings (jewellery); Sterling silver jewellery; Trinkets (jewellery); Bands for watches; bracelets and watches combined; Bracelets for watches; Cases (fitted) for watches; Cases of precious metals for watches; Chronographs (watches); Digital watches with automatic timers; Electrically operated movements for watches; Electronic watches; Mechanical watches with automatic winding; Mechanical watches with manual winding; Ornaments of precious metals incorporating watches; Pendant watches; Pocket watches; Presentation boxes for watches; Presentation cases for watches; Quartz	First Use at least as early as: 04/26/2020

		<p>movements for watches; Quartz watches; Sports watches; Stop watches; Watches; Watches made of gold; Watches made of plated gold; Watches made of precious metals; Watches made of rolled gold; Wrist straps for watches; Wrist Watches.</p> <p>IC 024: Face cloths of textile; Apparel fabrics; Cotton fabrics; Fabric; Fabrics made from synthetic threads.</p> <p>IC 025: Apparel (clothing, footwear, headgear); Clothing and clothing accessories (in this class); Clothing; Pants (clothing); Polo shirts; Printed t-shirts; Shirts, Short-sleeve shirts; T-shirts; Tee-shirts; Skirts, Dresses, Suits, Underwear, Coats, Dressing gowns, Headbands (clothing); Neckties, Hosiery, Socks, Shoes; Jackets (clothing); Knitwear (clothing); Mittens, Slippers; Outer clothing, Pyjamas, Baseball caps; Beach caps; Caps being headwear; Flat caps; Jumpers (pullovers); Jumpers (sweaters); Polo neck jumpers; Sports jumpers; Singlets; Sport singlets; Shorts; Scarfs, Shawls, Swimsuits; Footwear; Berets, Bandannas (neckerchiefs).</p> <p>IC 035: Advertising; Advertising by mail order; Advertising services provided over the internet; Advertising services provided via a data base; Arranging exhibitions for advertising purposes; Online advertising on a computer network; Promotional advertising services; Online retail services; Retail services; Retailing of goods (by any means); Department store retailing; Telephone order services for goods.</p>	
CULTURE KINGS	79307360	<p>IC 018: Articles of luggage being bags; bags for shaving kits; bags for sports; bags for toiletry kits; bags for transport of clothes; bags for use in sports for carrying sports clothing; bags made of imitation leather; bags made of leather; beach bags; belt bags; book bags; casual bags; clutch bags; cosmetic bags (not</p>	<p>Priority Date: 02/19/2021</p>

		<p>fitted); evening bags; garment bags for travel; hat bags; jewellery bags (empty); leather bags; make-up bags; net bags for shopping; overnight bags; portable bags (luggage); shoe bags; shopping bags; shoulder bags; sling bags; toilet bags; tote bags; travel bags; waist bags; weekend bags; articles of luggage; luggage; luggage tags; travel goods (luggage); chain mesh purses; clutch purses; coin purses; cosmetic purses (not fitted); evening purses; leather purses; purses; card holders (wallets); credit card cases (wallets); leather wallets; pocket wallets; key cases; make-up cases; boxes of leather or leather board</p> <p>IC 028: Articles of sports apparatus; bags adapted for carrying sporting articles; gloves made specifically for use in playing sports; protective covers for sporting articles; protective paddings (parts of sports suits); protectors for the knees for use when participating in the sport of cricket; protectors for the knees for use when riding bicycles (sports articles); protectors for the knees for use when skateboarding (sports articles); punch bags (sporting apparatus); sport balls; wrist bands for use in playing sports; balls for games; boxing gloves; apparatus for games; gloves for games; pumps specially adapted for use with balls for games; men's athletic supporters (sports articles); nets for sports; weight lifting belts (sports articles); toy figures; video game machines; yoga swings</p>	
Culture Kings	79303725	<p>IC 014: Articles of jewellery; bracelets (jewellery); cases adapted to contain items of jewellery; chains (jewellery); charms for jewellery; ear ornaments in the nature of jewellery; gold jewellery; gold thread (jewellery); jewellery; jewellery fashioned from non-precious metals; jewellery fashioned of cultured pearls; jewellery fashioned of precious</p>	11/18/2020

	<p>metals; jewellery fashioned of semi-precious stones; jewellery items; jewellery made from gold; jewellery made from silver; jewellery made of bronze; jewellery made of crystal; jewellery made of glass; jewellery made of non-precious metal; jewellery products; jewellery stones; jewellery watches; neck chains (jewellery); pendants (jewellery); pewter jewellery; precious jewellery; ring bands (jewellery); rings (jewellery); sterling silver jewellery; trinkets (jewellery); bands for watches; bracelets and watches combined; bracelets for watches; cases (fitted) for watches; cases of precious metals for watches; chronographs (watches); digital watches with automatic timers; electrically operated movements for watches; electronic watches; mechanical watches with automatic winding; mechanical watches with manual winding; metal watch bands; ornaments of precious metals incorporating watches; pendant watches; pendants for watch chains; pocket watches; presentation boxes for watches; quartz movements for watches; quartz watches; sports watches; stop watches; watch bands; watch chains; watches made of gold; watches made of plated gold; watches made of precious metals; watches made of rolled gold</p>	
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Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 3

Describe the nature of your business.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory to the extent that it is not bounded in time. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding, including regarding activity outside the United States.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

As relevant to this proceeding, TFIP's Culture Kings brand is the leader in designer streetwear and custom collections that blend music, fashion, and sport, and their streetwear brands define the next big thing in street culture and fashion. Culture Kings is known and recognized around the world for their exclusive designer products and world-first fashion trends. Culture Kings is renowned worldwide for all things music, sport, and streetwear. Culture Kings retail shops are an immersive experience featuring leading DJs performing in every store, interactive games where players can win exclusive collector pieces and limited items. Culture Kings stores receive visits by some of the world's best athletes, artists, and tastemakers, such as Drake, Justin Bieber, A\$AP Rocky, Snoop Dogg, Jayson Tatum, and Israel Adesanya. Brands

sold by Culture Kings include Nike, Calvin Klein, Converse, Tommy Hilfiger. Culture Kings and its affiliated accounts have over 2 million followers on various social media platforms.

Pursuant to Federal Rule of Civil Procedure 33(d), Opposer anticipates it may produce responsive, non-privileged documents, to the extent they exist and can be located after a reasonable search, from which answers to portions of this Interrogatory may be derived or ascertained.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 4

Identify and describe each good or service offered by Opposer in the United States under the relevant CULTURE KINGS marks, and all other marks listed in Interrogatory question #2.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Request to the extent that the term “CULTURE KINGS” as defined by the Applicant and used in this Request are vague, ambiguous and inconsistent. Opposer objects to this Interrogatory to the extent that it is not bounded in time. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory to the extent it has multiple parts.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

The CULTURE KINGS Marks are used in connection with the goods and services described in the U.S. Trademark Registration Number 4801658, and Application Serial Numbers 90369944, 90370048, 79307360, and 79303725. In addition, the culturekings.com website lists tops, bottoms, headwear, footwear, jewelry, accessories, face marks, and other products available for sale for men, women, and children. In addition to CULTURE KINGS-branded merchandise, Culture Kings also sells music tour merchandise, sports merchandise (NBA, MLB, NFL, and NHL), and brands such as Starter, New Era, Champion, Adidas, and more.

Pursuant to Federal Rule of Civil Procedure 33(d), Opposer anticipates it may produce responsive, non-privileged documents, to the extent they exist and can be located after a reasonable search, from which answers to portions of this Interrogatory may be derived or ascertained.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 5

Identify and describe the types of consumers who purchase Opposer's goods and services offered under Opposer's marks.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that the terms "types of consumers," "Opposer's goods and services" and "Opposer's marks," and

“offered” are vague and ambiguous. Opposer objects to this Interrogatory to the extent that it is not bounded in time. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding, including regarding activity outside the United States. Opposer objects to this Interrogatory to the extent it has multiple parts.

Opposer advertises and markets its products and services to the general public, including to persons interested in streetwear and hip-hop/rap.

Pursuant to Federal Rule of Civil Procedure 33(d), Opposer anticipates it may produce responsive, non-privileged documents, to the extent they exist and can be located after a reasonable search, from which answers to portions of this Interrogatory may be derived or ascertained.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 6

Identify and describe the level of sophistication/degree of care of the average consumer of Opposer’s goods and services offered under Opposer’s marks.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to

lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that the terms “level of sophistication/degree of care of the average consumer,” “Opposer’s goods and services” and “Opposer’s marks,” and “offered” are vague and ambiguous. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding, including regarding activity outside the United States. Opposer objects to this Interrogatory to the extent that it is not bounded in time. Opposer objects to this Interrogatory to the extent it has multiple parts.

Opposer advertises and markets its products and services to the general public, including to persons interested in streetwear and hip-hop/rap.

Pursuant to Federal Rule of Civil Procedure 33(d), Opposer anticipates it may produce responsive, non-privileged documents, to the extent they exist and can be located after a reasonable search, from which answers to portions of this Interrogatory may be derived or ascertained.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 7

Identify and describe all trade channels through which goods and services offered under Opposer’s mark are advertised, marketed, and sold, particularly in the United States.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that the terms “all trade channels,” “Opposer’s mark,” and “offered under” are vague and ambiguous. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding, including regarding activity outside the United States. Opposer objects to this Interrogatory to the extent that it is not bounded in time. Opposer objects to this Interrogatory to the extent it has multiple parts.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Goods and services bearing the CULTURE KINGS Marks are sold and marketed via the Internet, such as on the Culture Kings website (<https://www.culturekings.com/>) and other channels and social media platforms such as eBay, Instagram, Facebook, LinkedIn, YouTube, Snapchat, Spotify, Tik Tok, Twitter, Tumblr, and Pinterest.

Pursuant to Federal Rule of Civil Procedure 33(d), Opposer anticipates it may produce responsive, non-privileged documents, to the extent they exist and can be located after a reasonable search, from which answers to portions of this Interrogatory may be derived or ascertained.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 8

Identify by date and publication any press releases or publicity for Opposer's goods and/or services, bearing the CULTURE KINGS mark(s), alone or in combination with other elements from the date of first use thereof to date.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Request to the extent that the term "CULTURE KINGS" as defined by the Applicant and used in this Request are vague, ambiguous and inconsistent. Opposer objects to this Interrogatory to the extent that the terms "Opposer's goods and/or services," and "alone or in combination with other elements from the date of first use thereof to date" are vague and ambiguous. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding, including regarding activity outside the United States. Opposer objects to this Interrogatory to the extent it has multiple parts.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Goods and services bearing the CULTURE KINGS marks are sold and marketed via the Internet, such as on the Culture Kings website (<https://www.culturekings.com/>) and other channels and social media platforms such as eBay, Instagram, Facebook, LinkedIn, YouTube,

Snapchat, Spotify, Tik Tok, Twitter, Tumblr, and Pinterest. CULTURE KINGS is regularly featured in press releases and news publications, including those devoted to streetwear and hip-hop/rap.

Pursuant to Federal Rule of Civil Procedure 33(d), Opposer anticipates it may produce responsive, non-privileged documents, to the extent they exist and can be located after a reasonable search, from which answers to portions of this Interrogatory may be derived or ascertained.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 9

Identify the persons (and in particular, the persons located in the United States) who, from Opposer's date of first use to date, have had personal knowledge of any business or marketing plans for Opposer's goods and/or services bearing the CULTURE KINGS mark(s), alone or in combination with other elements, including a description of the role played by each such individual in the development or implementation of the same.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Request to the extent that the term "CULTURE KINGS" as defined by the Applicant and used in this Request are vague, ambiguous and inconsistent. Opposer objects to this Interrogatory to the extent that the terms "Opposer's date of first use to date", Opposer's goods and/or services," "alone or in combination

with other elements,” “role played” and “development or implementation of the same” are vague and ambiguous. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding, including regarding activity outside the United States. Opposer objects to this Interrogatory to the extent it has multiple parts.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Simon Beard, CEO.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 10

Identify all additional goods and services currently in use, if any, other than those subject to this opposition, on or in connection with which Opposer has used the term CULTURE KINGS.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Request to the extent that the term “CULTURE KINGS” as defined by the Applicant and used in this Request are vague,

ambiguous and inconsistent. Opposer objects to this Interrogatory to the extent that the terms “additional goods and services,” and “other than those subject to this opposition” are vague and ambiguous. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding, including regarding activity outside the United States. Opposer objects to this Interrogatory to the extent it has multiple parts.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

The CULTURE KINGS Marks are used in connection with the goods and services described in the U.S. Trademark Registration Number 4801658, and Application Serial Numbers 90369944, 90370048, 79307360, and 79303725. In addition, the culturekings.com website lists tops, bottoms, headwear, footwear, jewelry, accessories, face marks, and other products available for sale for men, women, and children. In addition to CULTURE KINGS-branded merchandise, Culture Kings also sells music tour merchandise, sports merchandise (NBA, MLB, NFL, and NHL), and brands such as Starter, New Era, Champion, Adidas, and more. In addition, the CULTURE KINGS marks are used on social media pages such as social media platforms such as Instagram, Facebook, LinkedIn, YouTube, Snapchat, Spotify, Tik Tok, Twitter, Tumblr, and Pinterest, where pictures, videos, and music are posted.

Pursuant to Federal Rule of Civil Procedure 33(d), Opposer anticipates it may produce responsive, non-privileged documents, to the extent they exist and can be located after a reasonable search, from which answers to portions of this Interrogatory may be derived or ascertained.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 11

Identify all documents which describe the additional goods and services in connection with which Opposer uses and/or has used the term CULTURE KINGS as identified in Interrogatory 10.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that “the additional goods and services in connection with which Opposer uses and/or has used the term CULTURE KINGS as identified in Interrogatory 10” is ambiguous and unintelligible. Opposer objects to this Request to the extent that the term “CULTURE KINGS” as defined by the Applicant and used in this Request are vague, ambiguous and inconsistent. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding, including regarding activity outside the United States. Opposer objects to this Interrogatory to the extent it has multiple parts.

Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or

immunity. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding, including regarding activity outside the United States.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

The CULTURE KINGS Marks are used in connection with the goods and services described in the U.S. Trademark Registration Number 4801658, and Application Serial Numbers 90369944, 90370048, 79307360, and 79303725. In addition, the culturekings.com website lists tops, bottoms, headwear, footwear, jewelry, accessories, face marks, and other products available for sale for men, women, and children. In addition to CULTURE KINGS-branded merchandise, Culture Kings also sells music tour merchandise, sports merchandise (NBA, MLB, NFL, and NHL), and brands such as Starter, New Era, Champion, Adidas, and more.

Pursuant to Federal Rule of Civil Procedure 33(d), Opposer anticipates it may produce responsive, non-privileged documents, to the extent they exist and can be located after a reasonable search, from which answers to portions of this Interrogatory may be derived or ascertained.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 12

Identify each person who authorized, directed, or otherwise participated in the prosecution of U.S. trademark applications Registration No. 4,801,658, and Serial Nos. 90369944, 90370048, 79307360, and 79303725, respectively.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that “authorized, directed, or otherwise participated in the prosecution of U.S. trademark applications” is ambiguous and unintelligible. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Pursuant to Federal Rule of Civil Procedure 33(d), Opposer anticipates it may produce responsive, non-privileged documents, to the extent they exist and can be located after a reasonable search, from which answers to portions of this Interrogatory may be derived or ascertained.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 13

Identify any written or oral communications, invoices, letters, documents, or reports that set forth or relate to any instances of actual confusion between goods and services bearing Applicant's mark KULTURE KINGS & QUEENS, and Opposer's goods and services bearing the designation CULTURE KINGS, alone or in connection with other elements.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Request to the extent that the term "CULTURE KINGS" as defined by the Applicant and used in this Request are vague, ambiguous and inconsistent. Opposer objects to this Request to the extent that it provides an incomplete hypothetical, at least because it lists no goods and services with which the alleged mark would be associated, and because Applicant has never used the KULTURE KINGS & QUEENS mark in commerce per Applicant's response to Opposer's Interrogatory No. 3. Opposer objects to this Interrogatory to the extent that the terms "instances of actual confusion," "goods and services bearing Applicant's mark," and "Opposer's goods and services bearing the designation CULTURE KINGS, alone or in connection with other elements" are vague and ambiguous

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Applicant's Response to Opposer's Interrogatory No. 3 states that "Applicant's Mark has not yet been used in commerce." Accordingly, no actual confusion has yet come to Opposer's

attention.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 14

Identify all persons who were consulted or participated in the preparation of Opposer's responses to the Applicant's Interrogatories.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory to the extent that the terms "consulted or participated in the preparation of" is vague and ambiguous. Opposer objects to this Interrogatory to the extent it has multiple parts.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Simon Beard.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 15

Identify the factual basis for each denial by Opposer served in response to the Applicant's First Requests for Admission.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory for the same reasons it objected to Requests for Admission 1-13. Opposer objects to this Interrogatory to the extent it has multiple parts.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Opposer did not deny any Request in Applicant's First Requests for Admission.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 16

Identify and describe any and all use and enforcement policies in connection with Opposer's Mark(s), or other marks owned by Opposer incorporating the term "CULTURE KINGS".

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory to the extent that the terms “use and enforcement policies” and “Opposer’s Mark(s),” are vague and ambiguous.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Opposer does not have formal use and enforcement policies in connection with the marks protected by U.S. Trademark Registration Number 4801658, and Application Serial Numbers 90369944, 90370048, 79307360, and 79303725.

INTERROGATORY NO. 17

Identify and describe any and all legal proceedings and/or communications Opposer had with any third parties about the trademark registration and/or application of Opposer’s Mark(s), or other marks owned by Opposer incorporating the term “CULTURE KINGS”.

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory to the extent that the terms

“all legal proceedings and/or communications,” “about the trademark registration and/or application” and “Opposer’s Mark(s),” are vague and ambiguous.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Opposer’s marks protected by U.S. Trademark Registration Number 4801658, and Application Serial Numbers 90369944, 90370048, 79307360, and 79303725 have been or are being prosecuted before the USPTO.

Opposer has never been a party to a legal proceeding challenging U.S. Trademark Registration Number 4801658, and Application Serial Numbers 90369944, 90370048, 79307360, and 79303725.

Opposer has sought to protect its brand and reputation by opposing third-party trademark applications at the USPTO.

Pursuant to Federal Rule of Civil Procedure 33(d), Opposer anticipates it may produce responsive, non-privileged documents, to the extent they exist and can be located after a reasonable search, from which answers to portions of this Interrogatory may be derived or ascertained.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

INTERROGATORY NO. 18

Identify and describe any and all legal proceedings and/or communications Opposer had with any third parties opposing the registration or use of such third party’s mark in connection

with Opposer's Mark(s), or other marks owned by Opposer incorporating the term "CULTURE KINGS".

RESPONSE:

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Opposer objects to this Interrogatory to the extent that the terms "all legal proceedings and/or communications," "any third parties opposing the registration or use of such third party's mark" and "Opposer's Mark(s)," are vague and ambiguous.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Opposer's marks protected by U.S. Trademark Registration Number 4801658, and Application Serial Numbers 90369944, 90370048, 79307360, and 79303725 have been or are being prosecuted before the USPTO.

Opposer has never been a party to a legal proceeding challenging U.S. Trademark Registration Number 4801658, and Application Serial Numbers 90369944, 90370048, 79307360, and 79303725.

Opposer has sought to protect its brand and reputation by opposing third-party trademark applications at the USPTO.

Pursuant to Federal Rule of Civil Procedure 33(d), Opposer anticipates it may produce responsive, non-privileged documents, to the extent they exist and can be located after a

reasonable search, from which answers to portions of this Interrogatory may be derived or ascertained.

Discovery is ongoing and Opposer reserves the right to amend, revise, clarify, and/or supplement its response or otherwise change its response as additional information becomes available.

TF Intellectual Property Pty Ltd,

January 14, 2022

/s/ Michael J. Kosma
Michael J. Kosma
Robert D. Keeler
WHITMYER IP GROUP LLC
600 Summer Street
Stamford, CT 06901
Tel. (203) 703-0800
Facsimile (203) 703-0801
Email: litigation@whipgroup.com

Attorneys For Opposer

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing **OPPOSER'S OBJECTIONS AND RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER** was served by electronic mail on the Counsel and Correspondent for the Applicant at the address identified in USPTO records:

Akil Dan-Fodio
B. Lawrence Watkins & Associates, PC
325 Edgewood Avenue SE, Suite 200
Atlanta, Georgia 30312
akil@blwapc.com; bernie@blwapc.com

Jan. 14, 2022
Date

/s/ Joan M. Burnett
Joan M. Burnett

**APPLICANT KENNETH THOMAS
NOTICE OF RELIANCE**

EXHIBIT APP002

Document Title / Description: Applicant's Responses to Opposer's Second First Set of Interrogatories

Date Document was created: November 8, 2021

EXHIBIT APP002

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

TF Intellectual Property Pty Ltd,)	Opposition No. 91270193
)	
Opposer,)	Serial No. 90343860
)	
v.)	Mark: Kulture Kings & Queens
)	
Kenneth Thomas,)	
)	
Applicant.)	
_____)	

APPLICANT’S RESPONSES TO OPPOSER’S FIRST SET OF INTERROGATORIES

COMES NOW *Kenneth Thomas* (“Applicant”), by counsel, and for his answers and responses to Opposer’s First Set of Interrogatories to Applicant, furnishes the following:

Interrogatory No. 1: Describe the nature of Your business.

Answer: The intended nature of the Kulture Kings & Queens brand is to create a series of documentaries and short films aimed at informing and providing context to interested consumers within the urban culture of the many iconic and legendary men and women who played important roles in developing what we now know as hip-hop culture.

Interrogatory No. 2: Fully describe the circumstances by which You conceived, created, selected, adopted, designed, approved and/or cleared Applicant’s Mark, including an identification of all persons involved.

Answer: Applicant desired to honor many of hip-hop culture’s iconic influencers, often referred to within the aforementioned culture and circles as “kings” and “queens”,

outside of the typical names and faces that most already know. Applicant settled on the alternative spelling of ‘culture’ as a way of emphasizing the referenced culture as being different from others. Applicant also wanted to use the alternative spelling of “Kulture” to highlight the ‘K’ in “Kings”.

Interrogatory No. 3: Identify and describe each product or service in connection with which Applicant’s Mark is or has been used in the United States, and, for each such product or service:

- (a) state the date of first use in commerce of the Mark and describe the circumstances surrounding such first use, including the identity and geographic location of the first customer and the price at which the sale was made; and
- (b) state the dates during which and geographic location in which the Mark has been used in connection with such products or services.

Answer: The development and production of documentaries, short films and videos for the purpose of entertainment. (a) Applicant’s Mark has not yet been used in commerce, however, subject to the Section 1(b) filing of Applicant’s Mark, Applicant maintains a good faith bona fide intention to do so in the future. (b) Applicant’s Mark has been used at least as early as October 2020 in preliminary communications with counsel.

Interrogatory No. 4: Identify and describe any past, current or planned uses of Applicant’s Mark or any similar term in connection with any goods or services, regardless of whether you believe that such uses were or are uses as a mark.

Answer: Applicant’s Mark is currently being used in unfinished short trailers and promotion videos that Applicant plans to use as advertising and marketing content

to garner interest in connection with the goods and/or services listed in the application, as well as in allegation 8 of the Opposition.

Interrogatory No. 5: For each product or service identified in Your response to Interrogatory No. 3., identify and describe all channels and media in which You have advertised or marketed or intend to advertise or market each such product under Applicant's Mark, including the geographic scope of any advertisements and promotions.

Answer: Applicant intends to advertise by using showings in various venues, video sharing platforms such as Vimeo, social media platforms such as Instagram, and an exclusive website tailored to marketing and advertising Applicant's goods and/or services.

Interrogatory No. 6: For each product or service identified in Your response to Interrogatory No. 3., identify, by class, all actual or anticipated purchasers (e.g., retailers, general public) to whom You advertise or market, or intend to advertise or market, under Applicant's Mark.

Answer: Applicant intends to license its documentaries and films to streaming platforms such as Netflix, Hulu, and/or others alike.

Interrogatory No. 7: For each product or service identified in Your response to Interrogatory No. 3., identify and describe the channels of trade in the United States of each product or service.

Answer: Applicant intends to license its documentaries and films to streaming services such as Netflix, Hulu, or others alike to be viewed by the respective subscribers of those streaming services.

Interrogatory No. 8: Identify the price at which each such product or service identified in Interrogatory No. 3. is offered.

Answer: Applicant has not yet decided on a price at which to offer its goods and/or services.

Interrogatory No. 9: For each product identified in Your response to Interrogatory No. 3., state the dollar amount that You have spent, by year, advertising, marketing and promoting that product or service in the United States.

Answer: At the time of this response, Applicant has approximately spent a cumulative amount of Five-Thousand Dollars (\$5,000.00) in costs for advertising, marketing, and promoting of Applicant's goods and/or services.

Interrogatory No. 10: For each product identified in Your response to Interrogatory No. 3., state by dollar and unit amount Your total annual sales, by year, of that product in the United States.

Answer: Applicant's Mark has not yet been used in commerce.

Interrogatory No. 11: Identify any studies, tests, opinion polls, surveys, ratings, focus groups, research, or similar procedure performed by You or by any person or entity at Your request or on Your behalf to assess the presence and/or absence of confusion between Opposer's goods or services and the goods or services identified in Your response to Interrogatory No. 3.

Answer: At the time of this response, Applicant, through counsel, has not performed such study, tests, opinion polls, surveys, ratings, focus groups, research or similar procedures.

Interrogatory No. 12: Identify all persons who provided information or documents in response to discovery requests in this Opposition, including to these Interrogatories.

Answer: Applicant Kenneth Thomas and Attorney Akil Dan-Fodio.

Interrogatory No. 13: Fully describe Applicant's bona fide intent to use Applicants' Mark

(KULTURE KINGS AND QUEENS) for the services registered under Class 41.

Answer: Applicant intends to create a series of documentaries and short films aimed at informing and providing context to interested consumers within the urban culture of the many iconic and legendary men and women who played important roles in the emergence of what we now know as hip-hop culture.

Respectfully submitted this 8th day of November, 2021.

/s Bernie Lawrence-Watkins/

Bernie Lawrence-Watkins
Georgia Bar No. 439935
Akil Dan-Fodio
Georgia Bar No. 786878
Attorney for Respondent

B. Lawrence Watkins & Associates, P.C.

325 Edgewood Avenue SE, Suite 200

Atlanta, Georgia 30312

Office: (404) 593-2077

Facsimile: (404) 223-2398

bernie@blwapc.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day a true and correct copy of the foregoing APPLICANT KENNETH THOMAS ANSWER has been served on Opposer TF Intellectual Property Pty Ltd. by mailing said copy, via First Class Mail, postage prepaid, to the following:

TF Intellectual Property Pty Ltd
c/o Whitmyer IP Group LLC
600 Summer Street
Stamford, CT 06901
Attention: Michael J. Kosma

Respectfully submitted this 8th day of November, 2021.

/s Bernie Lawrence-Watkins/

Bernie Lawrence-Watkins
Georgia Bar No. 439935
Akil Dan-Fodio
Georgia Bar No. 786878
Attorney for Respondent

B. Lawrence Watkins & Associates, PC
325 Edgewood Avenue SE, Suite 200
Atlanta, Georgia 30312
Office: (404) 593-2077
Facsimile: (404) 223-2398
bernie@blwapc.com

**APPLICANT KENNETH THOMAS
NOTICE OF RELIANCE**

EXHIBIT APP003

Document Title / Description: Applicant's Responses to Opposer's Second Set of Interrogatories

Date Document was created: June 24, 2022

EXHIBIT APP003

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

TF Intellectual Property Pty Ltd,)	Opposition No. 91270193
)	
Opposer,)	Serial No. 90343860
)	
v.)	Mark: Kulture Kings & Queens
)	
Kenneth Thomas,)	
)	
Applicant.)	
_____)	

APPLICANT’S RESPONSES TO OPPOSER’S SECOND SET OF INTERROGATORIES

COMES NOW *Kenneth Thomas* (“Applicant”), by counsel, and for his answers and responses to Opposer’s Second Set of Interrogatories to Applicant, furnishes the following:

Interrogatory No. 14: If Applicant so contends, explain all facts, and identify all documents supporting Applicant’s contention that Applicant’s use of Applicant’s Mark is not confusingly similar to Opposer’s use of Opposer’s Mark, including an explanation of why the channels of trade, products, services, and customers are different.

Answer: Applicant objects to the Interrogatory No. 14 on the basis that the information sought is overly broad and is best suited to be addressed in Applicant’s legal brief.

Interrogatory No. 15: Identify and the ‘interested consumers’ identified in Your response to Interrogatory No. 13, including their age, demographic, gender, and any other identifying characteristics.

Answer: As a Section 1(b) intent-to-use application, Applicant does not yet have any identifiable ‘interested consumers.’ The term was used to generally identify prospective consumers once Applicant begins to use its mark in commerce in connection with its applicable goods and services.

Interrogatory No. 16: Identify and describe the circumstances behind the founding of SuperFly Entertainment, LLC.

Answer: Applicant objects to Interrogatory No. 16 on the basis that the information sought by this request lacks any relevance and is not likely to lead to the discovery of admissible evidence.

Interrogatory No. 17: Describe the quality of Applicant’s Goods and Services.

Answer: Applicant intends to provide a series of technically and commercially satisfactory documentaries and films.

Interrogatory No. 18: Identify all other social media platforms You intend to use to promote Applicant’s Goods and Services beyond those identified in Your response to Interrogatory No. 5.

Answer: In addition to the social media platforms identified in Interrogatory No. 5, Applicant intends to use YouTube as well.

Respectfully submitted this 24th day of June, 2022.

/s Bernie Lawrence-Watkins/

Bernie Lawrence-Watkins
Georgia Bar No. 439935
Akil Dan-Fodio
Georgia Bar No. 786878
Attorney for Applicant

B. Lawrence Watkins & Associates, P.C.
2300 Lake Park Drive SE, Suite 280
Atlanta, GA 30080
Office: (404) 593-2077
bernie@blwapc.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day a true and correct copy of the foregoing APPLICANT’S RESPONSES TO OPPOSER’S SECOND SET OF INTERROGATORIES has been served on Opposer TF Intellectual Property Pty Ltd. via e-mail, to the following:

TF Intellectual Property Pty Ltd
c/o Whitmyer IP Group LLC
600 Summer Street
Stamford, CT 06901
Attention: Michael J. Kosma
litigation@whipgroup.com, mkosma@whipgroup.com

Respectfully submitted this 24th day of June, 2022.

/s Bernie Lawrence-Watkins/

Bernie Lawrence-Watkins
Georgia Bar No. 439935
Akil Dan-Fodio
Georgia Bar No. 786878
Attorney for Respondent

B. Lawrence Watkins & Associates, PC
2300 Lake Park Drive SE, Suite 280
Atlanta, GA 30080
Office: (404) 593-2077
bernie@blwapc.com

**APPLICANT KENNETH THOMAS
NOTICE OF RELIANCE**

EXHIBIT APP004

Document Title / Description: **Applicant's File History for Serial No. 90343860**

Date Document was accessed: **October 10, 2022**

Document Location: **USPTO.gov TSDR System**

EXHIBIT APP004

Generated on: This page was generated by TSDR on 2022-10-10 20:51:48 EDT

Mark: KULTURE KINGS & QUEENS

KULTURE KINGS & QUEENS

US Serial Number: 90343860

Application Filing Date: Nov. 25, 2020

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Opposition Pending

The pending trademark application has been examined by the Office and was published for opposition, at which time one or more oppositions were filed but they have not yet been decided.

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 30, 2021

Publication Date: Jun. 22, 2021

Mark Information

Mark Literal Elements: KULTURE KINGS & QUEENS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "CULTURE"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Entertainment services in the nature of development, creation, production, distribution, and post-production of documentaries about the history and ongoing impact of urban and hip hop culture; Entertainment services in the nature of production of documentaries about the history and ongoing impact of urban and hip hop culture; Entertainment media production services for motion pictures, television and Internet; Film and video film production; Film distribution; Entertainment services, namely, displaying a series of films; Multimedia entertainment services in the nature of development, production and post-production services in the fields of video and films

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Thomas, Kenneth

Owner Address: 1135 Carlo Terrace
Atlanta, GEORGIA UNITED STATES 30331

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: BERNIE LAWRENCE-WATKINS

**Attorney Primary
Email Address:** akil@blwapc.com

**Attorney Email
Authorized:** Yes

Correspondent

**Correspondent
Name/Address:** BERNIE LAWRENCE-WATKINS
B. LAWRENCE WATKINS & ASSOCIATES, PC
325 EDGEWOOD AVENUE SE, SUITE 200
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**Correspondent e-
mail:** akil@blwapc.com bernie@blwapc.com

**Correspondent e-
mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 30, 2021	OPPOSITION INSTITUTED NO. 999999	270193
Jun. 30, 2021	OPPOSITION PAPERS RECEIVED AT TTAB	
Jun. 22, 2021	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 22, 2021	PUBLISHED FOR OPPOSITION	
Jun. 02, 2021	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 17, 2021	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 17, 2021	EXAMINER'S AMENDMENT ENTERED	88888
May 17, 2021	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 17, 2021	EXAMINERS AMENDMENT E-MAILED	6328
May 17, 2021	EXAMINERS AMENDMENT -WRITTEN	81097
May 10, 2021	ASSIGNED TO EXAMINER	81097
Feb. 01, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 28, 2020	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: RINKER, ANTHONY MICHAEL

**Law Office
Assigned:** LAW OFFICE 102

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 18, 2021

Proceedings

Summary

**Number of
Proceedings:** 1

Type of Proceeding: Opposition

Proceeding Number: [91270193](#)

Filing Date: Jun 30, 2021

Status: Pending

Status Date: Feb 25, 2022

Interlocutory Attorney: WENDY COHEN

Defendant

Name: Kenneth Thomas

Correspondent Address: BERNIE LAWRENCE-WATKINS
B. LAWRENCE WATKINS & ASSOCIATES, PC
325 EDGEWOOD AVENUE SE, SUITE 200
ATLANTA GA UNITED STATES , 30312

Correspondent e-mail: akil@blwapc.com , bernie@blwapc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
KULTURE KINGS & QUEENS	Opposition Pending	90343860	

Plaintiff(s)

Name: TF Intellectual Property Pty Ltd

Correspondent Address: MICHAEL J. KOSMA
WHITMYER IP GROUP LLC
600 SUMMER STREET
STAMFORD CT UNITED STATES , 06901

Correspondent e-mail: litigation@whipgroup.com , mkosma@whipgroup.com , rkeeler@whipgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
C CULTURE KINGS	Registered	90370048	6861945
CULTURE KINGS	Registered	79303725	6564801
CULTURE KINGS	Published For Opposition	90369944	
CULTURE KINGS	Registered	79307360	6648912
CULTURE KINGS	PARTIAL SECTION 71 & 15 ACCEPTED AND ACKNOWLEDGED	79153005	4801658

Prosecution History

Entry Number	History Text	Date	Due Date
10	PAPER RECEIVED AT TTAB	Oct 03, 2022	
9	P NOTICE OF RELIANCE	Sep 23, 2022	
8	PROCEEDINGS RESUMED	Feb 25, 2022	
7	SUSP PEND DISP OF OUTSTNDNG MOT	Dec 15, 2021	
6	P OPP/RESP TO MOTION	Nov 22, 2021	
5	AMENDED ANSWER	Nov 02, 2021	
4	ANSWER	Aug 09, 2021	
3	INSTITUTED	Jun 30, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 30, 2021	Aug 09, 2021
1	FILED AND FEE	Jun 30, 2021	

**APPLICANT KENNETH THOMAS
NOTICE OF RELIANCE**

EXHIBIT APP005

Document Title / Description: **Opposer's Official Website**

Date Document was created: **October 7, 2022**

URL: <https://www.culturekings.com/>

EXHIBIT APP005

10/10/22, 8:11 PM

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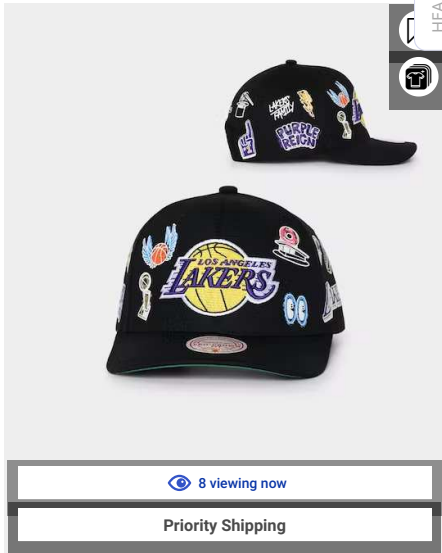
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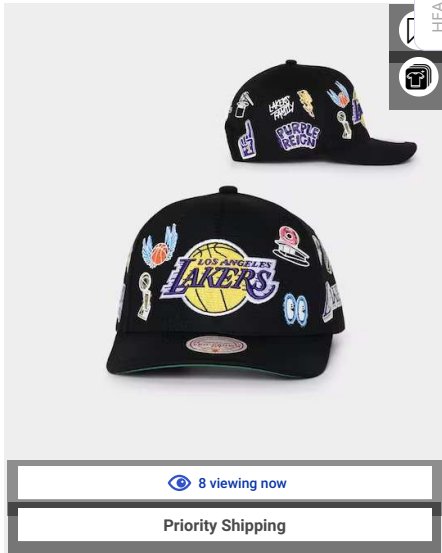
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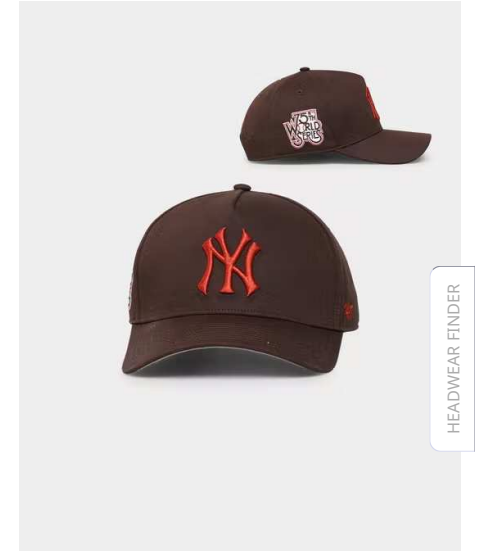
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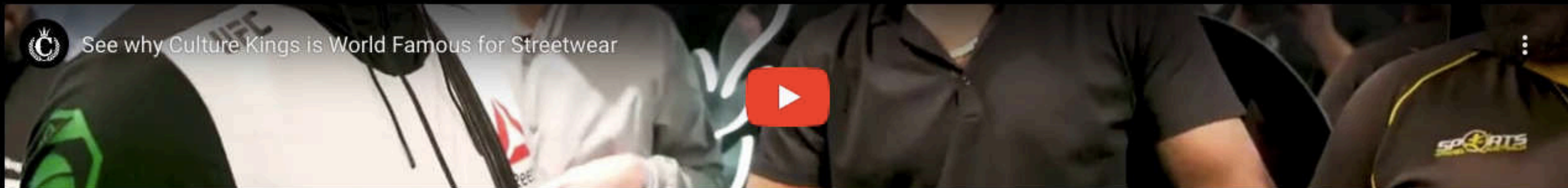
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ABOUT US

WORLD FAMOUS FOR STREETWEAR

Culture Kings stands at the forefront of a worldwide streetwear phenomenon, showcasing a unique blend of music, sport and fashion found across the globe. These core foundations represent the three pillars from which Culture Kings is built, bringing to the international stage an unforgettable atmosphere and exclusive buying experience.



Culture Kings have established themselves as a premium streetwear brand with exclusivity and superiority across a wide range of genres, styles and cultures. Curated with an extensive selection of over 100 leading brands from around the world, as well as World Exclusive pieces you won't find anywhere else, the Culture Kings collection stands as one the most sought-after streetwear retailers on the market today.

The immersive Culture Kings experience begins the moment you arrive with leading Australian DJs performing daily in every store. Scattered throughout select locations, the Culture Kings entertainment activations offer remarkable opportunities to win exclusive collector pieces and limited 'Not-For-Sale' items. Players get the choice of competing in the Sharpshooter Challenge free-throws, the Culture Kings Claw Machine or the tactful Holy Grail, each stacked with everything from Jordans to Yeezys, NFS products, paid experiences and custom holiday packages.

The first of its kind, Culture Kings have envisioned a luxury space known as 'The Vault', pushing the boundaries of streetwear to long-overdue new heights. Here, you can browse the latest in men and women's jewellery, watches and all-round style accessories. Step inside to finalise any outfit with touches of gold, silver or anything in between, effortlessly capturing the authenticity and class of well-dressed royalty. These prestigious additions are crafted with the finest of skill and artisanship, perfect for those seeking an immaculate, lifetime look unlike any other.

Frequently visited by some of the world's best athletes, artists and tastemakers, Culture Kings remains ahead of its game in offering an elite perspective of the ever-changing global streetwear landscape.

Appearances often come hand-in-hand with one-on-one meet & greets, giving our audience an incredible opportunity to meet their idols face-to-face for what could be the first and only time. Over the years, Culture Kings has

STORES

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