

ESTTA Tracking number: **ESTTA1385033**
Filing date: **09/20/2024**

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

Proceeding no.	91290125
Party	Plaintiff KB Home
Correspondence address	LEE B. BENNIN LATHROP GPM LLP 80 SOUTH 8TH STREET 3100 IDS CENTER MINNEAPOLIS, MN 55402 UNITED STATES Primary email: lee.bennin@lathropgpm.com Secondary email(s): sheldon.klein@lathropgpm.com, trademark@lathropgpm.com 612-632-3203
Submission	Motion to Compel Discovery or Disclosure
Filer's name	Lee B. Bennin
Filer's email	lee.bennin@lathropgpm.com, trademark@lathropgpm.com
Signature	/Lee B. Bennin/
Date	09/20/2024
Attachments	Opposers Motion to Compel Discovery.pdf(295473 bytes) Declaration of Lee Bennin in Support of Opposers Motion to Compel Discovery.pdf(1866991 bytes)

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

KB HOME,

Opposer,

v.

OM IMPORTS INC.,

Applicant.

Opposition No. 91290125

Serial No. 97858466

Mark:



OPPOSER’S MOTION TO COMPEL DISCOVERY

Pursuant to Federal Rule of Civil Procedure 37, TBMP § 523.01, and 37 C.F.R. 2.120, Opposer KB Home (“Opposer”) moves the Board for an order compelling discovery and finding Applicant OM Imports Inc. (“Applicant”) has forfeited its right to object on the merits to Opposer’s discovery requests.

FACTUAL BACKGROUND

Opposer initiated this Opposition proceeding on March 5, 2024. (1 TTABVUE). That same day, the Board issued a Notice of Institution setting May 14, 2024 as the deadline for the parties to conduct a discovery conference and the date discovery opens. (2 TTABVUE at 3). The parties held the discovery conference on April 26, 2024. (Bennin Decl. ¶ 2).

Opposer served its first set of discovery requests to Applicant on July 23, 2024. Opposer served a First Set of Interrogatories (“Interrogatories”) seeking information about Applicant’s conception, adoption, and use of the mark that is the subject of this proceeding (“Applicant’s Mark”); the goods or services Applicant offers under Applicant’s Mark, Applicant’s advertising or promotional materials that utilize Applicant’s Mark, and more. (Bennin Decl. Ex. A). Opposer also served a First Set of Requests for Production of Documents (“Document

Requests”) seeking documents about many of the same categories of information. (Bennin Decl. Ex. B).

Applicant’s deadline to respond to the Interrogatories and Document Requests was August 22, 2024. *See* TBMP § 403.03 (responses to discovery due 30 days after service). Applicant did not serve responses on that day. (Bennin Decl. Ex. C). On August 23, 2024, Opposer emailed Applicant stating that Applicant’s responses were past-due and asking when Applicant would provide them. (Bennin Decl. Ex. C). After receiving no response, on September 10, 2024, Opposer sent a second email requesting Applicant’s responses as soon as possible. (Bennin Decl. Ex. C). Applicant responded stating, “I will seek instructions from my client.” (Bennin Decl. Ex. C).

On September 12, 2024, Opposer emailed Applicant with another request for Applicant’s responses to Opposer’s discovery requests. (Bennin Decl. Ex. C). Opposer also notified Applicant that if written responses and documents were not produced by close of business on September 16, 2024, Opposer would move to compel discovery. (Bennin Decl. Ex. C).

Applicant has not responded to Opposer’s September 12 email. (Bennin Decl. ¶ 6). Applicant has not served responses to Opposer’s Interrogatories or Document Requests. (Bennin Decl. ¶¶ 7–8). Nor has Applicant produced any documents responsive to the Document Requests. (Bennin Decl. ¶ 8).

ARGUMENT

Parties are entitled to discovery on “any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case.” Fed. R. Civ. P. 26(b)(1). Discovery responses must be served “within thirty days after the date of service of the request

for discovery.” TBMP § 403.03. “In inter partes proceedings before the Board, a motion to compel is available in the event of a failure to provide required disclosures or discovery requested by means of discovery depositions, interrogatories, and requests for production of documents and things.” TBMP § 523.01. “A party which fails to respond to interrogatories or document requests during the time allowed therefor, and which is unable to show that its failure was the result of excusable neglect, may be found, upon motion to compel filed by the propounding party, to have forfeited its right to object to the discovery request on its merits.” TBMP § 403.03. “Objections going to the merits of a discovery request include claims that the information sought by the request is irrelevant, overly broad, unduly vague and ambiguous, burdensome and oppressive, or not likely to lead to the discovery of admissible evidence.” TBMP § 403.03.

This motion is straightforward: Applicant has not responded to Opposer’s discovery requests. Applicant’s responses are now overdue by almost an entire month. Opposer has made several good-faith attempts to prompt Applicant to provide discovery responses, to no avail. (Bennin Decl. ¶ 9; Bennin Decl. Ex. C). Applicant’s unwillingness or inability to provide the responses, commit to providing the responses, or offer *any* explanation for its failure to respond leaves Opposer no choice but to seek relief from the Board. Applicant has undisputedly violated its obligations to timely respond to discovery requests. Consequently, Applicant has forfeited its right to object to Opposer’s discovery requests on their merits.

This type of discovery violation is not uncommon. For example, the applicant in *Besurance Corp. v. Wesure Ins. Co. Ltd.* failed to timely respond to the opposer’s discovery requests and failed to produce any responsive documents. Opp. No. 91255769, 2021 WL 2287001, at *3 (T.T.A.B. May 26, 2021). The applicant did not offer any reason for its failure

to timely respond to the discovery requests. *Id.* The Board granted the opposer's motion to compel discovery, finding the applicant also forfeited its right to object to discovery on the merits. *Id.* The Board's rationale in *Besurance Corp.* squarely applies here and urges the same result: that this motion to compel be granted, that Applicant be ordered to respond to discovery and produce documents, and that Applicant forfeited its right to object to the Interrogatories and Document Requests on their merits.

CONCLUSION

For the foregoing reasons, Opposer respectfully requests that the Board grant Opposer's Motion to Compel and issue an order (1) compelling Applicant to answer the Interrogatories within thirty (30) days of the Board's order, (2) compelling Applicant to produce documents responsive to each of Opposer's Document Requests within thirty (30) days of the Board's order, and (3) finding that Applicant has forfeited its right to object on the merits to the Interrogatories and Document Requests.

Dated: September 20, 2024

Respectfully submitted,

LATHROP GPM LLP

By: /Lee B. Bennin/
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lee.bennin@lathropgpm.com

Attorneys for Opposer KB Home

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2024, a true and correct copy of the foregoing OPPOSER’S MOTION TO COMPEL was served via email upon Applicant’s counsel at the following:

Ran He
THC Lawyers
100 Wellington St. W, Suite 2130
Toronto, Canada M5K1K7
300 Cadman Plaza West
12th Floor
Brooklyn, New York 11201
rhe@thclawyers.ca

/Lee B. Bennin/
Lee B. Bennin

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

KB HOME,

Opposer,

v.

OM IMPORTS INC.,

Applicant.

Opposition No. 91290125

Serial No. 97858466

Mark:



**DECLARATION OF LEE B. BENNIN IN SUPPORT OF
OPPOSER’S MOTION TO COMPEL DISCOVERY**

I, Lee B. Bennin, declare as follows:

1. I am an attorney with the law firm of Lathrop GPM LLP, counsel for Opposer KB Home (“Opposer”) in the above-captioned matter. I submit this declaration in support of Opposer’s motion to compel. I have personal knowledge of the matters stated herein and, if called upon, could testify competently thereto.
2. On April 26, 2024, counsel for the parties conducted a discovery conference.
3. Attached hereto as Exhibit A is a true and correct copy of Opposer’s First Set of Interrogatories to Applicant OM Imports, Inc. (“Applicant”), dated July 23, 2024.
4. Attached hereto as Exhibit B is a true and correct copy of Opposer’s First Set of Requests for Production of Documents to Applicant, dated July 23, 2024.
5. Attached hereto as Exhibit C is an email thread regarding Opposer’s requests that Applicant respond to Opposer’s discovery requests and produce documents.
6. As of the date of this declaration, Applicant has not responded to Opposer’s September 12, 2024 email.

7. As of the date of this declaration, Applicant has not responded to Opposer's First Set of Interrogatories.

8. As of the date of this declaration, Applicant has not responded to Opposer's First Set of Requests for Production of Documents. Nor has Applicant produced any documents responsive to Opposer's First Set of Requests for Production of Documents.

9. Opposer has made a good-faith effort by conference or correspondence to resolve Applicant's failure to respond to Opposer's discovery requests. The parties have been unable to reach an agreement because Applicant has not responded to Opposer's discovery requests or produced documents.

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

Dated: September 20, 2024

By: /Lee B. Bennin/
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EXHIBIT A

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

KB HOME,

Opposer,

v.

OM IMPORTS, INC.,

Applicant.

Opposition No. 91290125

Serial No. 97858466

Mark:



OPPOSER’S FIRST SET OF INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Opposer KB Home hereby serves Opposer’s First Set of Interrogatories to be answered by Applicant OM Imports, Inc., under oath, within 30 days.

DEFINITIONS AND INSTRUCTIONS

1. As used herein, “Opposer” shall mean KB Home.
2. As used herein, “Applicant,” “you,” or “your” shall mean OM Imports, Inc., its divisions, subsidiaries, related companies, licensees, employees, representatives, attorneys, or any other persons purporting to act on its behalf.
3. As used herein, “Opposer’s Marks” shall mean the marks owned by KB Home as set forth and defined in Paragraph 1 of the Notice of Opposition in this case.
4. As used herein, “Opposer’s Goods and Services” shall mean the goods and services set forth in Paragraph 1 of the Notice of Opposition in this case.
5. As used herein, “Applicant’s Mark” shall mean the mark KB COUNTERTOPS and Design that is the subject of Application Serial No. 97858466.
6. “Applicant’s Goods and Services” shall mean the goods and services identified in Application No. 97858466.

7. As used herein, “person” shall mean an individual, partnership, corporation, group, association, or other organization.

8. Where an identified person is an individual, please state the person’s name, citizenship, present business and business address, present employer and position held, and, if the person is not an employee of Applicant, the person’s last known address, home telephone number, and business telephone number.

9. Where an identified person is an organization, please state the organization’s correct legal name, primary trade name, address, principal officer, and telephone number of the principal officer.

10. As used herein, “document” and “documents” shall be construed in its broadest sense possible under Fed. R. Civ. P. 26(b)(1), including electronically stored information and any original, reproduction, or non-identical copy of any kind of written, typed, printed, recorded or graphic matter, photographic matter, tapes, records, or other devices, however produced or reproduced, in Applicant’s actual or constructive possession, custody, or control, or of which Applicant has knowledge, wherever located, including notes, drafts, and copies on which any mark, alteration, writing or any other change from the original has been made. The following are non-limiting examples of “documents:” correspondence, agreements, financial statements, invoices, minutes, memoranda, notes, diaries, records, computer readable files, interoffice communications, email, electronic data processing cards and tapes, tapes or other recordings, text messages, photographs, drawings, reports, advertising and promotional materials, packaging materials, printed matter, and publications. Each copy of a document, embodying or having attached to it any alterations, notes, comments, or other material not embodied in or attached to the original or any other copy being identified, shall be deemed a separate document.

11. “All documents” means every known document, whether an original or copy, as defined above, and every such document which can be located or discovered by reasonable, diligent effort.

12. Where identification of a document is requested, please state the date of the document, identify the author, specify the type of document (e.g., letter, memorandum, email, telegram, drawing, etc.) or some other means of identifying it, identify each of the recipients, specify its present location, and identify its custodian, and, if a document is no longer in Applicant’s possession, custody, or control, please state what disposition was made of the document and when.

13. As used herein, “and” as well as “or” shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the interrogatories and requests for production all information which would otherwise be construed as outside its scope.

14. The singular shall include the plural, and the present tense shall always include the past tense, and vice versa, in order to bring within the scope of the interrogatory and requests for production all information that might otherwise be construed to be outside its scope.

15. If Applicant does not respond to any interrogatory or request, or if Applicant withholds any document because of a claim of privilege, Applicant shall expressly make the claim; and describe the nature of the documents, communications, or tangible things not produced or disclosed pursuant to Federal Rule of Civil Procedure 26(b)(5).

16. In the event that Applicant cannot answer any of the following interrogatories in full, after exercising due diligence to secure the information requested, specify the inability to answer the remainder, and state what information or knowledge Applicant has concerning the unanswered portion, including who Applicant believes has the information requested.

17. If Applicant is aware that a responsive document once existed but has been destroyed, Applicant is requested to state when the document was destroyed, who destroyed it, why it was destroyed, and the circumstances under which it was destroyed.

18. Opposer's discovery requests are continuing in character, and therefore require Applicant to serve upon Opposer supplemental answers and/or responses if other, further, or different information and/or documents are secured by or available to Applicant prior to the trial of the above-identified proceeding.

INTERROGATORIES

INTERROGATORY NO. 1. Describe the relationship between Applicant and the business "KB Countertops."

INTERROGATORY NO. 2. Identify all trade names under which Applicant has ever done business.

INTERROGATORY NO. 3. Identify and each form of the logo, other than the one that was selected to be part of Applicant's Mark, that was considered during the selection process that ended with the selection of Applicant's Mark.

INTERROGATORY NO. 4. Describe in detail the facts and circumstances concerning your conception, creation, selection, and adoption of Applicant's Mark.

INTERROGATORY NO. 5. Identify all persons who were responsible for, or participated in, the conception, creation, selection, and adoption of Applicant's Mark.

INTERROGATORY NO. 6. For each person identified in response to Interrogatory No. 5, describe in detail his or her knowledge of the facts and circumstances concerning your conception, creation, selection, and adoption of Applicant's Mark.

INTERROGATORY NO. 7. Identify and describe in detail each trademark search, investigation, and any other inquiry conducted by or for Applicant concerning the availability to use or register Applicant's Mark.

INTERROGATORY NO. 8. Identify each person involved in the review of any trademark search, investigation, or other inquiry conducted by or for Applicant concerning the availability to use or register Applicant's Mark.

INTERROGATORY NO. 9. Identify all goods and services that Applicant or a distributor has offered for sale, sold, or provided under or in connection with Applicant's Mark.

INTERROGATORY NO. 10. For each good or service identified in response to Interrogatory No. 9, state the date ranges of use of Applicant's Mark and in connection with the good or service, including the date of first use for each good or service.

INTERROGATORY NO. 11. Identify all classes and types of customers (for example, age, gender, socioeconomic group, line of business) that comprise the intended market for every good or service sold under Applicant's Mark.

INTERROGATORY NO. 12. Describe the nature of any advertisements, promotional materials, and marketing materials which Applicant or a distributor is using or has used bearing Applicant's Mark.

INTERROGATORY NO. 13. Identify all persons who were or are primarily responsible for or participated in the marketing or advertising of any goods or services offered for sale, sold, or intended to be offered for sale or sold by Applicant or a distributor under or in connection with Applicant's Mark.

INTERROGATORY NO. 14. Identify all domains, websites, website subpages, and social media pages that you own or control that display Applicant's Mark.

INTERROGATORY NO. 15. Identify all websites, website subpages, and social media pages of which you are aware that you do not own or control that display Applicant's Mark.

INTERROGATORY NO. 16. Identify all channels of trade through which Applicant advertises, promotes, distributes, sells, offers, or licenses goods or services under or in connection with Applicant's Mark.

INTERROGATORY NO. 17. Identify the mailing addresses of all locations from which Applicant or a distributor sells Applicant's Goods and Services under Applicant's Mark, including for each location the dates that Applicant or the distributor began selling Applicant's Goods and Services under Applicant's Mark.

INTERROGATORY NO. 18. Describe all market research conducted by or on behalf of Applicant concerning Applicant's Mark for any goods or services marketed or proposed to be marketed under Applicant's Mark, including the results of the research.

INTERROGATORY NO. 19. Identify the date and describe the circumstances of Applicant's first becoming aware of any of Opposer's Marks.

INTERROGATORY NO. 20. Identify all surveys, investigations, studies, or other research conducted by or on behalf of Applicant concerning Applicant's Mark, including but not limited to any trademark or service mark searches, by date, title, the entity conducting the survey, and the person requesting the survey, investigation, study, or other research.

INTERROGATORY NO. 21. Describe in detail any communications or discussions Applicant has had concerning Opposer or Opposer's Marks, including the persons participating in such communications or discussions, the date of such communications or discussions, the substance of such communications or discussions, and any actions taken by Applicant as a result of such communications.

INTERROGATORY NO. 22. Describe every instance of which Applicant is aware of confusion or potential confusion by any person as to the source, sponsorship, or affiliation of any goods or services sold by Applicant or Opposer.

INTERROGATORY NO. 23. Identify each person who provided information or otherwise assisted in the preparation of the answers to the foregoing interrogatories.

Date: July 23, 2024

Respectfully submitted,

LATHROP GPM, LLP

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Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2024, a true and correct copy of the foregoing OPPOSER'S FIRST SET OF INTERROGATORIES was served via email upon Applicant's counsel at the following:

Ran He
THC Lawyers
100 Wellington St. W, Suite 2130
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Email: rhe@thclawyers.ca

/Lee B. Bennin/
Lee B. Bennin

EXHIBIT B

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

KB HOME,

Opposer,

v.

OM IMPORTS, INC.,

Applicant.

Opposition No. 91290125

Serial No. 97858466

Mark:



OPPOSER’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Opposer KB Home hereby serves Opposer’s First Set of Document Requests to be responded to by Applicant OM Imports, Inc., and to produce for inspection and copying the documents and things responsive thereto via electronic transfer or physical delivery to the offices of Lathrop GPM LLP, 600 New Hampshire Avenue, NW, Suite 700, Washington, DC 20037, within 30 days.

DEFINITIONS AND INSTRUCTIONS

Opposer incorporates the definitions and instructions from its First Set of Interrogatories to Applicant as though fully set forth herein.

DOCUMENT REQUESTS

REQUEST NO. 1. All documents that support the facts, claims, contentions, and defenses in your Answer filed in this matter.

REQUEST NO. 2. All documents identified in your responses to Opposer’s First Set of Interrogatories.

REQUEST NO. 3. Documents sufficient to establish the relationship between Applicant and the business “KB Countertops.”

REQUEST NO. 4. All documents concerning Applicant's consideration, selection, conception, creation, and adoption of Applicant's Mark.

REQUEST NO. 5. Documents sufficient to identify each form of the logo, other than the one that was selected to be part of Applicant's Mark, that were taken into consideration during the selection process that ended with the selection of Applicant's Mark.

REQUEST NO. 6. Documents sufficient to show Applicant's first use of Applicant's Mark in commerce anywhere in the United States, including, but not limited to, the time, place, and manner of such use.

REQUEST NO. 7. Documents sufficient to show the current use of Applicant's Mark in commerce by Applicant or a distributor.

REQUEST NO. 8. Documents sufficient to identify all channels of trade through which Applicant advertises, promotes, distributes, sells, offers, or licenses goods or services under or in connection with Applicant's Mark.

REQUEST NO. 9. Documents sufficient to identify the geographic regions in the United States in which Applicant or a distributor has or has caused to be advertised, promoted, distributed, sold, offered, or licensed any goods or services under or in connection with Applicant's Mark.

REQUEST NO. 10. Representative samples of each different way that Applicant or a distributor has used Applicant's Mark since the date of first use.

REQUEST NO. 11. All marketing plans, business plans, expansion plans, market research, studies, and other documents regarding the past, current, or future use of Applicant's Mark.

REQUEST NO. 12. Representative samples of each different type of advertisement and promotional material, including but not limited to print, radio, television, brochures, catalogues, flyers, press releases, web pages, website banners, social media, mobile apps, in-store displays, point-of-sale materials, exterior and interior signage, and trade dress that has displayed Applicant's Mark.

REQUEST NO. 13. All documents concerning Applicant's knowledge of Opposer or Opposer's Marks, including but not limited to documents concerning communications about or with Opposer or about Applicant's awareness of Opposer's use of any of Opposer's Marks.

REQUEST NO. 14. All documents comprising or concerning any trademark searches, trademark clearances, internet searches, and other inquiries conducted by or on behalf of Applicant concerning the availability to use or register Applicant's Mark.

REQUEST NO. 15. All documents comprising or concerning any opinion letter, analysis, or other communication relating to whether Applicant has the freedom, right, or ability to use or register Applicant's Mark as a trademark, service mark, domain name, or other designation of origin.

REQUEST NO. 16. All studies, surveys, investigations, research, analyses, or opinions concerning Applicant's Mark, including but not limited to any such documents comparing Applicant's Mark to any of Opposer's Marks.

REQUEST NO. 17. All documents concerning any instances of actual or possible confusion, mistake, deception, or association of any kind between Opposer or any of Opposer's Marks, on the one hand, and Applicant or Applicant's Mark, on the other hand.

REQUEST NO. 18. All documents comprising or referring to communications relating to requests that Applicant cease use of, or cease efforts to register, Applicant's Mark, and responses thereto.

REQUEST NO. 19. All documents comprising, referring, or relating to communications with anyone regarding Applicant's Mark.

REQUEST NO. 20. All documents comprising, referring, or relating to actual or potential agreements to permit third parties to use Applicant's Mark, including but not limited to communications, license agreements, or drafts thereof.

REQUEST NO. 21. Documents sufficient to show the volume (in dollars and units) of annual sales of all goods or services sold or licensed under or in connection with Applicant's Mark for each of the last five (5) years.

REQUEST NO. 22. Documents sufficient to show, for each of the last five (5) years, all costs and amounts expended by Applicant and its licensees to promote, market, and advertise goods or services sold, offered, distributed, provided, or licensed under or in connection with Applicant's Mark.

Date: July 23, 2024

Respectfully submitted,

LATHROP GPM, LLP

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Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2024, a true and correct copy of the foregoing OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS was served via email upon Applicant's counsel at the following:

Ran He
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12th Floor
Brooklyn, New York 11201
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Email: rhe@thclawyers.ca

/Lee B. Bennin/

Lee B. Bennin

EXHIBIT C

Bennin, Lee B.

From: Bennin, Lee B.
Sent: Thursday, September 12, 2024 8:22 AM
To: Ran He
Cc: Klein, Sheldon H.
Subject: RE: KB Home v OM Imports - Opposer's First Discovery Requests

Mr. He,

By failing to provide responses when they were due three weeks ago, or alternatively requesting additional time to serve the responses, OM Import has waived all of its objections to any interrogatory or document request. We require that OM Import provide complete responses and produce documents by no later close of business on Monday, September 16. If we do not receive the responses and production by then, we will file a motion to compel discovery.

Lee

Lee Bennin

Associate
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Direct: 612.632.3203
Mobile: 920.946.7877
lee.bennin@lathrooggpm.com
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From: Ran He <rhe@thclawyers.ca>
Sent: Tuesday, September 10, 2024 3:26 PM
To: Bennin, Lee B. <lee.bennin@lathrooggpm.com>
Cc: Klein, Sheldon H. <sheldon.klein@lathrooggpm.com>
Subject: RE: KB Home v OM Imports - Opposer's First Discovery Requests

CAUTION: This email Ran He <rhe@thclawyers.ca> originated from outside of the organization. Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe.

I will seek instructions from my client.

Regards,

Ran He, JD, PhD | THC Lawyers

Barristers & Solicitors
Attorneys at law, New York/California

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From: Bennin, Lee B. (LGPM) <lee.bennin@lathropgpm.com>
Sent: Tuesday, September 10, 2024 3:56 PM
To: Ran He <rhe@thclawyers.ca>
Cc: Klein, Sheldon H. (LGPM) <sheldon.klein@lathropgpm.com>
Subject: RE: KB Home v OM Imports - Opposer's First Discovery Requests
Importance: High

Dear Mr. He,

We still have not heard from you regarding OM Imports' failure to provide responses to KB Home's discovery requests. Please provide them as soon as possible.

Thank you.
Lee

Lee Bennin

Associate
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From: Bennin, Lee B. <lee.bennin@lathropgpm.com>
Sent: Friday, August 23, 2024 12:58 PM
To: Ran He <rhe@thclawyers.ca>
Cc: Klein, Sheldon H. <sheldon.klein@lathropgpm.com>
Subject: RE: KB Home v OM Imports - Opposer's First Discovery Requests

Dear Mr. He,

OM Imports' responses to KB Home's discovery requests were due yesterday. Please advise when you will provide them.

Thank you.
Lee

Lee Bennin

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From: Bennin, Lee B. <lee.bennin@lathrogpm.com>
Sent: Tuesday, July 23, 2024 3:16 PM
To: Ran He <rhe@thclawyers.ca>
Cc: Klein, Sheldon H. <sheldon.klein@lathrogpm.com>
Subject: KB Home v OM Imports - Opposer's First Discovery Requests

Dear Mr. He,

Attached, please see opposer KB Home's first interrogatories and first document requests to OM Imports.

Thanks,
Lee



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