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

Proceeding no.	91291363
Party	Plaintiff Boy Scouts of America
Correspondence address	GARY A. HECHT FOX ROTHSCHILD LLP 997 LENOX DRIVE LAWRENCEVILLE, NJ 08648-2311 UNITED STATES Primary email: ipdocket@foxrothschild.com Secondary email(s): ghecht@foxrothschild.com, colszyk@foxrothschild.com, dmcgregor@foxrothschild.com 215-299-2416
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Signature	/-d-/
Date	08/13/2025
Attachments	BSA v. Toro International - BSA's Motion to Compel Discovery Response s(175648498.1).pdf(203363 bytes) BSA v. Toro International - Exhibits 1-8 to BSA's Motion to Compel(17 5644955.1).pdf(2733403 bytes)

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

In re Application Serial No. 97825971
for the mark "QUEER SCOUT"

Boy Scouts of America,	:	Opposition No. 91291363
Opposer,	:	
v.	:	
Toro International, LLC	:	
Applicant.	:	

OPPOSER'S MOTION TO COMPEL
APPLICANT'S SUBSTANTIVE RESPONSES TO OPPOSER'S
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

Pursuant to 37 C.F.R. § 2.120(f)(1) and TBMP § 523, Opposer Boy Scouts of America ("Opposer" or "BSA") hereby files this Motion to Compel Applicant's Substantive Responses to Opposer's First Set of Requests for Production of Documents and Things ("Motion").

I. INTRODUCTION

BSA seeks the Board's assistance in addressing Applicant's failure to comply with discovery obligations and what BSA believes is Applicant's counsel's bad faith conduct. As set forth below, Applicant's counsel sought a last-minute extension of time to respond to BSA's outstanding discovery requests advising that Applicant had waited until the last moment before deciding to continue with its defense of this opposition. When BSA did not respond to the extension request (made on a Friday after business hours) quickly enough for Applicant, Applicant served generally deficient interrogatory responses and a General Objection refusing to substantively respond to BSA's First Request for Production of

Documents and Things ("Document Requests") because the Requests allegedly exceed the number permitted under the Federal Rules and applicable Board Rules.

During a meet-and-confer regarding the General Objection, the parties could not agree on the number of document requests included in BSA's Document Requests and, out of the blue, Applicant's counsel argued that the parties' should defer this discovery dispute because Applicant will be imminently filing a motion for summary judgment, despite the fact that several months remain in the discovery period and that Applicant's alleged dispositive motion will rely on documents requested in BSA's Document Requests but that Applicant has refused to produce based on the General Objection.

In short, Applicant and its counsel are attempting to use the discovery rules as a shield against production of relevant, responsive discovery materials while at the same time attempting to use those materials as a sword against BSA via summary judgment. Applicant's conduct is untenable. BSA's Document Requests do not exceed the number of requests permissible under the applicable Rules. Accordingly, BSA seeks an Order (1) overruling Applicant's General Objection, (2) directing Applicant to provide full and complete responses to BSA's Document Requests, without objection, and (3) produce all non-privileged, responsive documents.

II. RELEVANT FACTUAL AND PROCEDURAL BACKGROUND

On May 16, 2025, BSA served Applicant with its (1) First Set of Interrogatories Directed to Applicant ("Interrogatories") and (2) First Set of Requests for Production of Documents and Things Directed to Applicant ("Document Requests"). *See* accompanying Declaration of Attorney Melissa E. Scott ("Scott Decl.") attached as **Exhibit 1**, at ¶ 7. The Document Requests set forth 39 separately enumerated Document Requests. *Id.* at ¶ 8.

On Friday, June 13, 2025, Applicant's counsel sent an after-hours email to BSA's counsel stating, in relevant part:

> My client elected to continue to pursue this case after a substantial portion of the 30-period [sic] for responding to BSA's outstanding discovery requests had elapsed. We are working to prepare responses ahead of the June 15 due date but running short on time given our delayed start. May we have an additional 10 days to respond?

Id. at ¶ 9.

Put plainly, Applicant's counsel acknowledged that (1) Applicant had only recently decided to defend this opposition and (2) he did not believe that Applicant would have sufficient time to prepare its discovery responses. *Id.* at ¶ 10.

Nevertheless, less than 48 hours later, before BSA's counsel could respond to the extension request, Applicant served a General Objection to BSA's Document Requests, refusing to substantively respond to them on the grounds that the 39 enumerated Document Requests allegedly constituted 153 Document Requests—more than twice the number of document requests permitted under the Federal Rules of Civil Procedure and applicable Board Rules. *Id.* at ¶ 11. Attached as Exhibit A to the General Objection, Applicant provided the "preliminary counting methodology" that it claims supports its assertion that BSA's Document Requests exceeded the permissible number of document requests. *Id.* at ¶ 12. Applicant further served only cursory answers to BSA's First Set of Interrogatories that provided little to no substance and frequently stated that Applicant did not know the answers or was still investigating, including in response to a request for identification of Applicant's claimed priority date for Applicant's Mark. *Id.* at ¶ 13.

Considering the counting method Applicant employed for the Document Requests, the less than comprehensive answers Applicant provided to BSA's Interrogatories, and

the last-minute request for an extension of time to respond to the discovery requests, BSA reasonably believed Applicant served the General Objection to avoid providing substantive responses and documents in response to BSA's Document Requests. *Id.* at ¶ 14. Accordingly, on July 11, 2025, BSA's counsel sent Applicant's counsel a deficiency letter identifying the flaws in Applicant's counting methodology, setting forth BSA's own counting methodology (which identified a total of **52 Document Requests** including subparts), and requesting Applicant's counsel's availability for a meet-and-confer to discuss potential resolution of the discovery dispute. *Id.* at ¶ 15.

The parties' counsel held a telephonic meet-and-confer on August 13, 2025. *Id.* at ¶ 16. During the meet-and-confer, counsel could not agree on the number of document requests included in BSA's Document Requests and Applicant's counsel confirmed that Applicant would not withdraw its General Objection. *Id.* at ¶ 17.

Applicant's counsel then blindsided BSA's counsel by arguing, for the first time, that the parties should defer the current discovery dispute because Applicant intends to imminently file a motion for summary judgment, which will suspend any further discovery. *Id.* at ¶ 18. Applicant's counsel specifically advised that Applicant intends to move for summary judgment on BSA's dilution claim because (1) BSA's marks are allegedly not "famous" and (2) Applicant allegedly possesses evidence of "hundreds" of third-party SCOUT marks allegedly in use. *Id.* at ¶ 19.

BSA's counsel advised Applicant's counsel that any dispositive motion would be premature because discovery does not close until November 22, 2025 (24-25 TTABVUE), more than 3 months from now, and Applicant has refused to produce any documents in response to BSA's Document Requests. *Id.* at ¶ 20. Notably, BSA's Document Requests

include, among other things, requests for production of all documents and things that Applicant intends to offer as evidence in this Opposition and that support Applicant's denials of the allegations stated in BSA's Notice of Opposition. The documents Applicant's counsel identified as supporting Applicant's dispositive motion are responsive to these Document Requests but have not been produced because of Applicant's General Objection. *Id.* at ¶ 21.

III. LEGAL ARGUMENT

Pursuant to 37 C.F.R. § 2.120(f), if a party fails to answer a document request or produce or permit the inspection of any document, the party seeking discovery may file a motion to compel disclosure. 37 C.F.R. § 2.120(f)(1); *see also* TBMP § 523.01. Further, the party seeking discovery may also file a motion to compel if it believes the responding party's objections to discovery requests are improper. *See Fidelity Prescriptions, Inc. v. Medicine Chest Discount Ctrs., Inc.*, 191 USPQ 127, 128 (TTAB 1976); *see also Dow Corning Corp. v. Doric Corp.*, 183 USPQ 126, 127 (TTAB 1974) (the Board can rule on objections to a request for production in connection with the filing of a motion to compel).

The General Objection that Applicant served in response to BSA's Document Requests is baseless because the Document Requests, including subparts, number less than the 75 permitted under Federal Rule of Civil Procedure 34 and TBMP § 406.05. As explained below, the counting methodology that Applicant used to support its General Objection to the Document Requests is both unreasonable and fatally flawed.

Rather Applicant clearly served the General Objection as a delay tactic to avoid producing relevant information with the hope of blindsiding BSA with a motion for summary judgment filed **several months before the close of discovery**, and **relying**

on documents that BSA requested but that Applicant has inexplicably refused to produce. Applicant's bad faith conduct should not be countenanced.

BSA's Document Requests number no more than 52 document requests, including subparts. Because the number of Document Requests falls well below the 75-document request limit, the Board should overrule the General Objection and compel Applicant to (1) provide substantive responses, without objection, to BSA's Document Requests and (2) produce all non-privileged, responsive documents.

A. Document Request No. 1

Document Request No. 1 seeks documents sufficient to identify Applicant's business organization, management structure, officers, directors, and partners. *See* Ex. 3, at Req. 1; Ex. 8, *at its* Ex. 2 at RFP 1. Applicant argues that Document Request No. 1 counts as 5 separate document requests. Ex. 6, *at its* Ex. A at RFP 1.

This Document Request covers a single issue—namely, Applicant's organizational structure—and, thus, constitutes a single document request. Indeed, officers, directors, and partners are encompassed within the term "management structure." However, even being generous, Document Request No. 1, at most, counts as 2 document requests: one for organizational structure and one for management structure.

B. Document Request No. 2

Document Request No. 2 seeks all non-privileged documents and things that Applicant relied on, reviewed, discussed, or consulted in preparing its Answers to BSA's Interrogatories. Ex. 3 at Req. 2; Ex. 8, *at its* Ex. 2 at RFP 2. This is a standard discovery request in federal court and in TTAB practice. Nevertheless, incredibly, Applicant claims that Document Request No. 2 counts as **34 separate document requests** because BSA

served 34 enumerated Interrogatories. Ex. 6 , *at its* Ex. A, at RFP 2. Applicant's position is absurd.

TMBP § 405.03(d) makes clear that, if a request concerns a single issue or matter, it will be counted as one discovery request. *See also* TMBP 406.05(d) (providing that documents requests will be counted in the same manner as interrogatories). Here, Document Request No. 2 is directed to a single issue—namely, the documents Applicant relied on to answer BSA's Interrogatories. Thus, Document Request No. 2 counts as a single document request.

C. Document Request No. 7

Document Request No. 7 seeks documents and things related to "evaluations" concerning the selection or commercial use of Applicant's Mark, including, but not limited to, searches, surveys, pre-tests, polls, investigations. Ex. 3, at Req. 7; Ex. 8, *at its* Ex. 2 at RFP 7. Applicant purports to count this enumerated Document Request as 12 separate discovery requests, claiming that searches, surveys, pre-tests, polls, investigations, and "other evaluations" are separate matters. Ex. 6, *at its* Ex. A, at RFP 7.

However, searches, surveys, pre-tests, polls and investigations are all encompassed within the definition of "evaluations"—they are types of "evaluations" specified merely for exemplary purposes. At most, Document Requests No. 7 is comprised of 2 separate discovery requests: (1) "evaluations" relating to the selection of Applicant's Mark; and (2) "evaluations" relating to the commercial use of Applicant's Mark.

D. Document Request No. 14

Document Request No. 14 seeks all agreements executed between Applicant and any person relating to use of Applicant's Mark. Ex. 3 at Req. 14; Ex. 8, *at its* Ex. 2 at RFP

14. Applicant contends that this enumerated Document Request is 3 separate document requests—one for licenses, one for assignments, and one for agreements. Ex. 6, at its Ex. A, at RFP 14.

Licenses and assignments are encompassed within the term "agreements." Accordingly, Document Request No. 14 is a single document request as it covers a single issue.

E. Document Request Nos. 16-19

Document Request Nos. 16-19 seek specific information relating to each good or service offered under Applicant's Mark. Ex. 3 at Req. 16-19; Ex. 8, *at its* Ex. 2 at RFP 16-19. Applicant argues that, because there are 7 different goods and services, each of these enumerated Document Requests constitutes 7 separate document requests. Ex. 6, *at its* Ex. A, at RFP 16-19. The Board has previously considered and rejected this counting methodology.

In *One Jeanswear Group, Inc. v. Yogaglo, Inc.*, 127 USPQ2d 1793 (TTAB Sept. 7, 2018) (precedential), opposer served a general objection to applicant's interrogatories claiming that the number of interrogatories served exceeded the number permitted under the applicable Rules. More specifically, opposer argued that, because Interrogatory Nos. 1-4 sought information about Opposer's products, and there were 29 products at issue, each interrogatory counted as 29 separate interrogatories multiplied by the number of subparts in each enumerated interrogatory. The Board expressly rejected this counting methodology, ruling that each interrogatory counted as a single interrogatory (covering all 29 products) multiplied by the number of subparts in each interrogatory.

Based on this precedential authority, Document Request Nos. 16-19 each count

as a single document request.

F. Document Request No. 22

Document Request No. 22 seeks documents identifying the types of consumers that have purchased or used goods or services offered under Applicant's Mark, including, but not limited to, target demographics. Ex. 3 at Req. 22; Ex. 8, *at its* Ex. 2 at RFP 22. Applicant argues that (1) the types of consumers and (2) target demographics are 2 different issues and, thus, this enumerated Document Request counts as 2 separate document requests. Ex. 6, *at its* Ex. A, at RFP 22.

Again, Applicant is attempting to elevate form over substance. Document Request No. 22 is directed to identifying a specific piece of information—namely, identification of the classes of purchasers of Applicant's goods and services, which necessarily encompasses the concept of "target demographics." Thus, Document Request No. 22 counts as a single document request.

G. Document Request Nos. 23-24

Document Request No. 23 seeks documents sufficient to identify all websites and social media accounts that Applicant owns, operates and/or controls that offer goods or services in connection with Applicant's Mark or that display Applicant's Mark. Ex. 3 at Req. 23; Ex. 8, *at its* Ex. 2 at RFP 23. Applicant argues that this enumerated document request counts as 4 separate document requests—one for websites that offer goods or services under Applicant's Mark, one for social media accounts that offer goods or services under Applicant's Mark, one for websites that display Applicant's Mark, and one for social media accounts that display Applicant's Mark. Ex. 6, *at its* Ex. A, at RFP 23.

Document Request No. 24 similarly seeks documents sufficient to identify all third-party websites that offer goods or services under Applicant's Mark or that display Applicant's Mark. Ex. 3 at Req. 24; Ex. 8, *at its* Ex. 2 at RFP 24. Applicant counts this enumerated Document Request as 2 separate document requests—one for websites that offer goods or services under Applicant's Mark and one for websites that display Applicant's Mark. Ex. 6, *at its* Ex. A, at RFP 24.

Applicant's argument attempts to make a distinction without a difference. If the websites and social media accounts at issue are offering goods or services under Applicant's Mark, they must necessarily be displaying Applicant's Mark. Thus, Document Request Nos. 23-24 concern a single issue—the display of Applicant's Mark. Document Request No. 23, at most, counts as 2 separate requests (one for websites and one for social media accounts) and Document Request No. 24 counts as a single document request.

H. <u>Document Request No. 25</u>

Document Request No. 25 seeks all documents relating to third-party familiarity with or identification of Applicant's Mark. Ex. 3 at Req. 25; Ex. 8, *at its* Ex. 2 at RFP 25. For purposes of clarity, and to avoid any potential ambiguity, the Document Request gives examples of such types of documents, including, without limitation, surveys, tests, or research. *Id.* Applicant cites the examples of documents identified to claim that Document Request No. 25 counts as 6 separate document requests. Ex. 6, *at its* Ex. A, at RFP 25.

Again, Applicant's argument is misplaced. Document Request No. 25 seeks documents related to a single issue—third-party familiarity with or identification of Applicant's Mark. The fact that BSA identified some examples of the specific types of

documents encompassed within that broader category of documents does not give rise to additional document requests. Document Request No. 25 is a single document request.

I. Document Request No. 26

Document Request No. 26 seeks "publications" concerning any good or service offered under Applicant's Mark. Ex. 3 at Req. 26; Ex. 8, *at its* Ex. 2 at RFP 26. For purposes of clarity, and to avoid a potential ambiguity objection, the Document Request identified some examples of the types of "publications" that BSA seeks through this Document Request. *Id.* However, Applicant, again, cites the examples provided as a means of arguing that Document Request No. 26 constitutes 8 separate document requests. Ex. 6, *at its* Ex. A, at RFP 26.

Applicant's position is untenable. Document Request No. 26 seeks one category of documents—"publications" concerning goods and services offered under Applicant's Mark. Applicant cannot rely on BSA's attempt to further define the term "publications" by listing examples of the types of "publications" to argue that Document Request No. 26 constitutes 8 separate Document Requests. If BSA had not clarified what types of documents fall under the term "publications," Applicant no doubt would have objected to Document Request No. 26 as being vague and ambiguous. Applicant cannot have it both ways. Document Request No. 26 is a single document request.

J. Document Request No. 28

Document Request No. 28 seeks strategic planning documents relating to Applicant's Mark and, again, attempts to further define the term "strategic planning documents" by giving examples of those types of documents, namely, marketing plans, media plans, and business plans. Ex. 3 at Req. 28; Ex. 8, *at its* Ex. 2 at RFP 28. Applicant

once again relies on the examples of "strategic planning documents" provided to argue that Document Request No. 28 constitutes 4 separate document requests. Ex. 6, *at its* Ex. A, at RFP 28.

Applicant's argument fails for the same reasons cited above with respect to Documents Request Nos. 7, 14, 25 and 26. *See supra*. Document Request No. 28 counts as a single document request.

K. Document Request No. 31

Document Request No. 31 seeks studies that relate to the use or advise against the use of Applicant's Mark. Ex. 2 at Req. 31; Ex. 8, *at its* Ex. 2 at RFP 31. As with many of the other Document Requests discussed above, this Document Request seeks documents regarding a single issue. To avoid an objection that the Document Request is vague and ambiguous, BSA provided examples of the types of studies it seeks—*e.g.*, market studies, surveys, and focus groups. *Id.* In a similar refrain, Applicant again claims that this Document Request, which seeks information regarding a single category of documents, constitutes 4 separate document requests. Ex. 6, *at its* Ex. A, at RFP 31.

Applicant's argument fails for the same reasons cited above with respect to Document Request Nos. 7, 14, 25, 26, and 28. *See supra*. Document Request No. 31 constitutes a single document request.

L. Document Request No. 32

Finally, Document Request No. 32 seeks documents relating to Applicant's marketing plans and strategies for goods and services offered or intended to be offered in connection with Applicant's Mark. Ex. 2 at Req. 32; Ex. 8, *at its* Ex. 2 at RFP 32. Applicant again attempts to use BSA's attempt to clarify the types of documents that fall

within the terms “marketing plans and strategies” to argue that this Document Request constitutes 9 separate document requests. Ex. 6, *at its* Ex. A, at RFP 32.

At most, Document Request No. 32 constitutes two separate Document Requests: one for marketing plans and strategies regarding goods and services currently offered under Applicant’s Mark and one for marketing plans and strategies regarding goods and services intended to be offered under Applicant’s Mark in the future. Applicant’s counting methodology here fails for the same reasons cited above with respect to at least Document Request Nos. 7, 14, 25, 26, 28, and 31. *See supra*.

IV. CONCLUSION

As set forth above, Opposer’s Document Requests number less than the 75 document requests permitted under Federal Rule of Civil Procedure 34 and Applicant had no grounds upon which to serve a General Objection to the Document Requests. Thus, Opposer requests that the Board enter an Order overruling the General Objection and compelling Applicant to (1) provide full and complete substantive responses, without objection, to the Document Requests and (2) produce all responsive documents in its possession, custody, and control within thirty (30) days of date of the Order.

Dated: August 13, 2025

/Melissa E. Scott/

Gary A. Hecht
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ATTORNEYS FOR OPPOSER

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

In re Application Serial No. 97825971
for the mark "QUEER SCOUT"

Boy Scouts of America,	:	Opposition No. 91291363
Opposer,	:	
v.	:	
Toro International, LLC	:	
Applicant.	:	

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing Motion to Compel Applicant's Substantive Responses to Opposer's First Set of Requests for Production of Documents and Things, accompanying Declaration of Attorney Melissa E. Scott, and all related exhibits on Applicant's counsel of record on the date identified below via email addressed as follows:

jeremy@kwlaw.com
nick@kwlaw.com

Dated: 13 August 2025

/-d-/
Deanna M. McGregor

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

In re Application Serial No. 97825971
for the mark "QUEER SCOUT"

Boy Scouts of America,	:	Opposition No. 91291363
Opposer,	:	
v.	:	
Toro International, LLC	:	
Applicant.	:	

EXHIBIT 1

OPPOSER'S MOTION TO COMPEL
APPLICANT'S SUBSTANTIVE RESPONSES TO OPPOSER'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In re Application Serial No. 97825971
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Boy Scouts of America,	:	Opposition No. 91291363
Opposer,	:	
v.	:	
Toro International, LLC	:	
Applicant.	:	

DECLARATION OF ATTORNEY MELISSA E. SCOTT IN SUPPORT OF OPPOSER'S MOTION TO COMPEL APPLICANT'S SUBSTANTIVE RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

I, Melissa E. Scott, Esquire, hereby declare and state as follows:

1. I am an adult citizen of the United States residing in the Commonwealth of Pennsylvania.

2. I am a Partner with the law firm of Fox Rothschild LLP, having my principal office at 747 Constitution Drive, Suite 100, Exton, Pennsylvania 19341.

3. I am a member in good standing of the Bar of the Supreme Court of the Commonwealth of Pennsylvania, holding license number 93420 therein.

4. I am also a member in good standing of the Bar of the Supreme Court of the State of New Jersey, holding license number 015762004 therein.

5. I, together with my co-counsel, Gary A. Hecht, Esq., represent Opposer Boy Scouts of America ("BSA"), in the above-captioned matter.

6. I hereby submit this Declaration in support of Opposer's Motion to Compel Applicant's Substantive Responses to Opposer's First Set of Requests for Production of

Documents And Things ("Motion").

7. On May 16, 2025, BSA served Opposer's (a) First Set of Interrogatories Directed to Applicant ("Interrogatories") and (2) First Set of Requests for Production of Documents and Things Directed to Applicant ("Document Requests"). A true and correct copy of the May 16, 2025 service email is attached to the Motion as **Exhibit 2**.

8. The Document Requests set forth 39 separately enumerated Document Requests. A true and correct copy of the Document Requests is attached to the Motion as **Exhibit 3**.

9. On Friday, June 13, 2025, Applicant's counsel sent an after-hours email to BSA's counsel stating, in relevant part:

> My client elected to continue to pursue this case after a substantial portion of the 30-period [sic] for responding to BSA's outstanding discovery requests had elapsed. We are working to prepare responses ahead of the June 15 due date but running short on time given our delayed start. May we have an additional 10 days to respond?

A true and correct copy of the June 13th Email is attached to the Motion as **Exhibit 4**.

10. In the email, Applicant's counsel acknowledged that (a) Applicant had only recently decided to defend this opposition and (b) he did not believe that Applicant would have sufficient time to prepare its discovery responses. *See* Ex. 4.

11. Nevertheless, less than 48 hours later, before BSA's counsel could respond to the extension request, Applicant served a General Objection to BSA's Document Requests, refusing to substantively respond on the grounds that the 39 enumerated Document Requests allegedly constituted 153 Document Requests. True and correct copies of the June 15, 2025 transmittal email and the General Objection are attached to the Motion as **Exhibits 5 and 6**, respectively.

12. Attached as Exhibit A to the General Objection, Applicant provided the "preliminary counting methodology" that it claims supports its assertion that BSA's Document Requests exceed the permissible number of document requests. *See* Ex. 6 *at its* Ex. A.

13. Applicant served only cursory answers to BSA's First Set of Interrogatories that provided little to no substance and frequently stated that Applicant did not know the answers or was still investigating, including in response to a request for identification of Applicant's claimed priority date as respecting Applicant's Mark. A true and correct copy of Applicant's Interrogatory Answers is attached to the Motion as **Exhibit 7**. *See, e.g.*, Ex. 7 at Resp. 8 and 9.

14. Considering the counting method Applicant employed for the Document Requests, the less than comprehensive answers it provided to BSA's Interrogatories, and its last-minute request for an extension of time to respond to the discovery requests, BSA reasonably believed that Applicant had served the General Objection to avoid providing substantive responses and documents in response to BSA's Document Requests.

15. On July 11, 2025, I sent a deficiency letter identifying the flaws in Applicant's counting methodology, setting forth BSA's own counting methodology (which identified a total of 52 Document Requests including subparts), and requesting a meet-and-confer to discuss potential resolution of the discovery dispute. A true and correct copy of the July 11th deficiency letter is attached to the Motion as **Exhibit 8**.

16. On August 13, 2025, I held a telephonic meet-and-confer with Applicant's counsel Jeremy Kapteyn, Esq. ("Attorney Kapteyn").

17. During the meet-and-confer call, Attorney Kapteyn and I could not agree on

the number of document requests included in BSA's Document Requests and Attorney Kapteyn confirmed that Applicant would not withdraw its General Objection.

18. Attorney Kapteyn then argued, out of the blue, that the parties should defer the current discovery dispute because Applicant intends to imminently file a motion for summary judgment, which Attorney Kapteyn stated would suspend any further discovery.

19. Attorney Kapteyn specifically advised me that Applicant intends to move for summary judgment on BSA's dilution claim because BSA's marks are (a) allegedly not "famous" and (b) Applicant allegedly possesses evidence of "hundreds" of third-party SCOUT marks currently in use on which Applicant would rely in its forthcoming dispositive motion.

20. I advised Attorney Kapteyn that any dispositive motion would be premature considering that discovery does not close until November 22, 2025 (24-25 TTABVUE), more than 3 months from now, and Applicant has refused to produce any documents in response to BSA's Document Requests.

21. Notably, BSA's Document Requests include, among other things, requests for production of all documents and things that Applicant intends to offer as evidence in this Opposition (*see* Req. 3) and that support Applicant's denials of the allegations stated in BSA's Notice of Opposition (*see* Reqs. 34-39). The documents Attorney Kapteyn identified during the teleconference as supporting Applicant's dispositive motion are responsive to these Document Requests but have not been produced to BSA because of Applicant's General Objection. *See* Ex. 3 at Reqs. 3 and 34-39.

22. I hereby declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, that all statements made herein are true and that all statements made herein on information and belief are believed to be true.

23. I understand that false statements and the like so made herein are punishable by fine, or imprisonment, or both under 18 U.S.C. § 1001, *et seq.*, and further understand that such statements may jeopardize BSA's position in this proceeding.

Dated: August 13, 2025

/Melissa E. Scott/

Melissa E. Scott
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ATTORNEYS FOR OPPOSER

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for the mark "QUEER SCOUT"

Boy Scouts of America,	:	Opposition No. 91291363
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v.	:	
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Applicant.	:	

EXHIBIT 2

OPPOSER'S MOTION TO COMPEL
APPLICANT'S SUBSTANTIVE RESPONSES TO OPPOSER'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

From:	Scott, Melissa E.
To:	jeremy@kwlaw.co; nick@kwlaw.co
Cc:	Hecht, Gary A.; McGregor, Deanna M.
Subject:	Fw: BSA v. Toro International - U.S. Opposition No. 91291363 against U.S. Trademark Application No. 97825971 for QUEER SCOUT; Our File No. 038701.00658
Date:	Friday, May 16, 2025 11:34:33 PM
Attachments:	BSA v. Toro International - 2025-05-16 First Set of Interrogatories Directed to Applicant(172294107.1).pdf BSA v. Toro International - 2025-05-16 First Set of Document Requests Directed to Applicant(172293778.1).pdf

Dear Counsel:

The below email was bounced back to me due to a typographical error in your email addresses.

Attached please find:

1. Opposer's First Set of Interrogatories Directed to Applicant; and

2. Opposer's First Request for Production of Documents and Things Directed to Applicant.

This is your formal service copy.

We'd appreciate you confirming receipt of this email.

Thank you.

Kind regards,

Melissa E. Scott
Partner
Fox Rothschild LLP
747 Constitution Drive, Suite 100
P.O. Box 673
Exton, PA 19341
Tel: (610) 458-1413
mscott@foxrothschild.com

From: Scott, Melissa E. <mscott@foxrothschild.com>
Sent: Friday, May 16, 2025 6:47 PM
To: jeremy@kwlaw.com <jeremy@kwlaw.com>; nick@kwlaw.com <nick@kwlaw.com>
Cc: Hecht, Gary A. <GHecht@foxrothschild.com>; McGregor, Deanna M. <DMcGregor@foxrothschild.com>
Subject: BSA v. Toro International - U.S. Opposition No. 91291363 against U.S. Trademark Application No. 97825971 for QUEER SCOUT; Our File No. 038701.00658

Dear Counsel –

In connection with the above-referenced trademark opposition, attached please find the following:

1. Opposer's First Set of Interrogatories Directed to Applicant; and
2. Opposer's First Request for Production of Documents and Things Directed to Applicant.

This is your formal service copy.

We would appreciate you confirming receipt via return email.

Kind regards,

Melissa E Scott
Partner
747 Constitution Drive
Suite 100
Exton, PA 19341
(610) 458-1413
(215) 206-4882
(610) 458-7337
mscott@foxrothschild.com

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

In re Application Serial No. 97825971
for the mark "QUEER SCOUT"

Boy Scouts of America,	:	Opposition No. 91291363
Opposer,	:	
v.	:	
Toro International, LLC	:	
Applicant.	:	

EXHIBIT 3

OPPOSER'S MOTION TO COMPEL
APPLICANT'S SUBSTANTIVE RESPONSES TO OPPOSER'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

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

In re Application Serial No. 97825971
for the mark "QUEER SCOUT"

Boy Scouts of America,	:	Opposition No. 91291363
Opposer,	:	
v.	:	
Toro International, LLC	:	
Applicant.	:	

FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS DIRECTED TO APPLICANT

Pursuant to Federal Rules of Civil Procedure 26 and 34, and Rule 2.120 of the Trademark Rules of Practice, Opposer Boy Scouts of America ("BSA" or "Opposer"), by and through its undersigned counsel, hereby serves this First Set of Requests for Production of Documents and Things ("Requests") upon Applicant Toro International, LLC ("Applicant"). Opposer requests that Applicant produce the documents and things described below for inspection and copying, together with a written response to the below Requests, at the offices of Fox Rothschild LLP, 2001 Market Street, 17th Floor, Philadelphia, PA 19103. Applicant shall make the production and provide a written response on or before thirty (30) days from the date of service of these Requests.

Unless otherwise specified, the following Definitions and Instructions shall apply to all Opposer's present and future written discovery requests.

DEFINITIONS

Opposer incorporates herein by reference the Definitions set forth in its First Set of Interrogatories Directed to Applicant served contemporaneously with these Requests.

INSTRUCTIONS

1. Applicant must respond to each Request in writing.

2. Whenever a Request is framed in the conjunctive, it also shall be taken in the disjunctive, and vice versa. Whenever a Request is framed in the singular, it also shall be taken in the plural, and vice versa. The use of the masculine shall be considered also to include within its meaning the feminine and neuter, and vice versa. Applicant shall consider the use of any tense of any verb to include within its meaning all other tenses of the verb so used. Applicant shall interpret each such instance to require the most inclusive production of documents.

3. Applicant must answer each Request. If unable to answer any Request in full, answer to the fullest extent possible and state specifically the reasons for Applicant's inability to answer fully. Whenever these Requests contain separately numbered or lettered subparagraphs, Applicant should furnish a response to each subparagraph. Applicant should leave no answer blank. If the answer to a Request or subparagraph of a Request is "none" or "unknown," Applicant must make such statement in writing in the answer. If the question is inapplicable, Applicant must write "N/A" in the answer.

4. In answering each Request, Applicant shall furnish all responsive documents (including, without limitation, electronically stored information) available to Applicant. These documents shall include documents in Applicant's own personal possession, as well as documents within the possession of any attorney, officer,

employee, agent, representative, investigator, or expert who has acted on Applicant's behalf.

5. All documents (including, without limitation, electronically stored information) produced in connection with the answers to these Requests shall be segregated and identified by the paragraphs to which they are primarily responsive. Where required by a particular paragraph of these Requests, Applicant shall further segregate and identify the documents produced as indicated in said paragraph. For any documents that are stored or maintained in files in the normal course of business, Applicant shall produce such documents in such files, or in such a manner as to preserve and identify the file from which Applicant took such documents. Applicant shall produce documents that are stored electronically on disk or CD/DVD, and Applicant shall provide Opposer's counsel shall with access to the computer or other electronic storage facility wherein the documents are stored.

6. Applicant shall produce all documents (including, without limitation, electronically stored information) in response to these Requests *in toto*, notwithstanding the fact that portions thereof may contain information not requested, shall include interim or draft, as well as final, editions of a document, and shall include all editions or copies of a document that are not identical to (whether due to handwritten notations, or revisions, or otherwise) the original or other produced copy of the document. If a document responsive to these Requests is no longer in your possession, custody, or control, state what disposition has been made of the document.

7. If Applicant, or any officer, employee, attorney, investigator, expert, agent, or other representative of Applicant, does not have any documents responsive to a

particular Request, please so state in the response to that Request. If Applicant, or any officer, employee, attorney, investigator, expert, agent, or other representative of Applicant, is aware of a responsive document but cannot produce it, please specify the reason for the inability to produce the document requested. If the reason is that the document is not in Applicant's possession, custody, or control, describe in detail the efforts Applicant made to locate the document and identify who has possession, custody, or control of the document, as well as the location of the document. Without limitation of the terms "control" or "custody" as used in the preceding sentence, a document is deemed to be in Applicant's custody or control if Applicant has the legal right to obtain the document sought, or a copy thereof, from another person or public or private entity having actual possession thereof. If a document is no longer in Applicant's custody or control, for each such document, set forth:

a. a brief statement of the general nature of the contents;

b. the identity of the person(s) who prepared the document;

c. the place where the document was prepared;

d. the date of preparation;

e. if the document was directed to another person, the identity of the addressee;

f. the identity of the person(s) presently in possession of the original and/or copies; and

g. the title of the document.

8. For each document or thing that Applicant seeks to withhold under a claim of privilege, Applicant shall produce a privilege log providing the following information as to each document and thing:

a. The place, date (or approximate date), and manner of recording or otherwise preparing the document;

b. The name and title of the sender of the document;

c. The name and title of the recipient of the document;

d. A summary of the contents of the document;

e. The identity of each person or persons (other than stenographic or clerical assistants) participating in the preparation of the document;

f. The identity of each person or persons to whom the contents of the document heretofore have been communicated by copy, exhibition, sketch, reading or substantial summarization, the date(s) of said communication, and the employer and title of said person or persons at the time of said communication; and

g. A statement of the basis on which you claim privilege.

9. If Applicant refuses to answer a Request because the Request is unreasonably burdensome, identify the number and nature of the documents Applicant needs to search, the location of the documents, and the number of person-hours and costs required to conduct the search.

10. If Applicant objects to any portion or aspect of the Requests, produce all documents responsive to the remainder of the Requests.

11. All Requests contained herein are continuing in nature pursuant to Federal Rule of Civil Procedure 26(e) and require that Applicant promptly supply supplementary responses when Applicant comes into the possession, custody, or control of, or subsequently discovers, documents responsive to these Requests but not previously supplied. Applicant shall make such supplemental production as soon as reasonably possible after Applicant obtains or discovers the documents. Applicant shall specify in Applicant's supplemental responses, the date such additional documents came into Applicant's possession or were discovered, and the identity of the individuals who furnished such additional documents to the person or persons making production.

12. Opposer hereby reserves the right to serve further Requests and to pursue any other available discovery.

REQUESTS

1. Documents and Things sufficient to show Applicant's business organization, management structure, officers, directors, and partners.

Answer:

2. All non-privileged Documents and Things that Applicant relied on, reviewed, discussed, or consulted in preparing each of Applicant's Answers to Opposers' First Set of Interrogatories.

Answer:

3. All Documents and Things that Applicant intends to offer as evidence in this Opposition.

Answer:

4. All Documents and Things relating to or evidencing Communications between Applicant and any third Person regarding the subject matter of this Opposition.

Answer:

5. All Documents and Things relating to the selection, development, and availability for use of Applicant's Mark.

Answer:

6. All trademark searches conducted before filing, or during the prosecution of, the Subject Application for Applicant's Mark, and all opinions based on such searches.

Answer:

7. All Documents and Things relating to any searches, surveys, pre-tests, polls, investigations, or other evaluations relating to the selection or commercial use of Applicant's Mark.

Answer:

8. All Documents and Things relating to any application to register Applicant's Mark with any governmental entity other than the U.S. Patent and Trademark Office.

Answer:

9. Documents, Communications, and Things that evidence or refer to Applicant's plans to use Applicant's Mark and the goods or services that Applicant intended to offer in connection with Applicant's Mark before filing the Subject Application.

Answer:

10. Documents, Communications, and Things that evidence, relate, or refer to any products or services that were developed or in development that Applicant offered or intended to offer in connection with Applicant's Mark before filing the Subject Application.

Answer:

11. Documents, Communications, and Things that evidence, relate, or refer to any promotion or marketing of or any plans to promote or market Applicant's goods or services in connection with Applicant's Mark before filing the Subject Application.

Answer:

12. All non-privileged Documents and Things memorializing, evidencing or relating to the date(s) on which Applicant first made use of Applicant's Mark.

Answer:

13. All non-privileged Documents and Things memorializing, evidencing or relating to the date(s) on which Applicant first made use of Applicant's Mark in interstate commerce.

Answer:

14. All licenses, assignments, and agreements entered into between Applicant and any Person relating to use of Applicant's Mark.

Answer:

15. Representative specimens of all past, present, and future advertisements and promotional materials bearing or displaying Applicant's Mark.

Answer:

16. Representative specimens of all past, present, and future uses of Applicant's Mark in connection with each of Applicant's Services.

Answer:

17. Documents and Things sufficient to identify each good and service currently offered in connection with Applicant's Mark.

Answer:

18. Representative samples of, and/or Documents describing, each good and service that Applicant has offered or intends to offer in connection with Applicant's Mark.

Answer:

19. Documents sufficient to identify the characteristics and potential applications of each good and service Applicant has offered or intends to offer in connection with Applicant's Mark.

Answer:

20. Documents and Things sufficient to identify the channels of trade in or through which goods and services have been offered or in which Applicant intends to offer goods and services in connection with Applicant's Mark.

Answer:

21. Documents and Things sufficient to identify the geographic areas where goods and services have been offered or where Applicant intends to offer goods and services in connection with Applicant's Mark.

Answer:

22. Documents and Things sufficient to identify the types of consumers who have purchased or used or are intended to purchase or use goods and services offered in connection with Applicant's Mark, or who have joined or will join any programs operated in connection with Applicant's Mark, including, but not limited to, target demographics.

Answer:

23. Documents and Things sufficient to identify all websites and social media accounts that Applicant owns, operates, and/or controls that offer goods and/or services in connection with Applicant's Mark, or that display Applicant's Mark.

Answer:

24. Documents and Things sufficient to identify all third-party websites that offer goods and/or services in connection with Applicant's Mark, or that display Applicant's Mark.

Answer:

25. All Documents relating to any third-party familiarity with, or identification of, Applicant's Mark, including, without limitation, surveys, tests or research regarding Applicant's Mark, or customer identification of Applicant's Mark.

Answer:

26. All Documents and Things relating to or evidencing news reports or articles, press releases, television broadcasts, videos, blogs, websites or other publications concerning any good or service offered in connection with Applicant's Mark, or concerning any use of Applicant's Mark.

Answer:

27. All Documents and Things relating to or setting forth Applicant's intentions regarding future use of Applicant's Mark on goods, or in connection with services, or as collective marks, other than as set forth in the Subject Application.

Answer:

28. All marketing plans, media plans, business plans, or other strategic planning documents relating in any way to Applicant's Mark or to any goods or services offered or intended to be offered in connection with Applicant's Mark.

Answer:

29. Documents and Things sufficient to identify all organizations promoting or marketing goods and/or services in connection with Applicant's Mark.

Answer:

30. All Documents and Things memorializing, or relating in any way to, any confusion, deception or mistake of any person with respect to the source of any goods or services offered in connection with Applicant's Mark.

Answer:

31. All Documents and Things relating to any market studies, surveys, focus groups, or other studies that relate to the use of or advise against the use of goods and/or services offered in connection with Applicant's Mark.

Answer:

32. All Documents and Things relating to Applicant's past, present, or future marketing plans or strategies for goods and/or services offered or intended to be offered in connection with Applicant's Mark, including, but not limited to, target markets, channels of trade, and demographic studies.

Answer:

33. All non-privileged Documents relating to or referencing Opposer.

Answer:

34. All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 21 of the Notice of Opposition.

Answer:

35. All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 23 of the Notice of Opposition.

Answer:

36. All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 24 of the Notice of Opposition.

Answer:

37. All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 26 of the Notice of Opposition.

Answer:

38. All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 27 of the Notice of Opposition.

Answer:

39. All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 29 of the Notice of Opposition.

Answer:

Dated: May 16, 2025

/Melissa E. Scott/

Gary A. Hecht
Melissa E. Scott
Fox Rothschild LLP
212 Carnegie Center
Suite 400
Princeton, NJ 08540
Phone: (215) 299-2416
Email: ipdocket@foxrothschild.com
ghecht@foxrothschild.com
mscott@foxrothschild.com
dmcgregor@foxrothschild.com
ATTORNEYS FOR OPPOSER

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

In re Application Serial No. 97825971
for the mark "QUEER SCOUT"

Boy Scouts of America,	:	Opposition No. 91291363
Opposer,	:	
v.	:	
Toro International, LLC	:	
Applicant.	:	

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing First Set of Requests for Production of Documents and Things Directed to Applicant on Applicant's counsel of record on the date identified below via email addressed as follows:

jeremy@kwlaw.com
nick@kwlaw.com

Dated: May 16, 2025

/Melissa E. Scott/
Melissa E. Scott

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Opposer,	:	
v.	:	
Toro International, LLC	:	
Applicant.	:	

EXHIBIT 4

OPPOSER'S MOTION TO COMPEL
APPLICANT'S SUBSTANTIVE RESPONSES TO OPPOSER'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

From:	Jeremy Kapteyn
To:	Hecht, Gary A.; Scott, Melissa E.
Cc:	McGregor, Deanna M.; Nick Kirby
Subject:	[EXT] RE: BSA v. Toro International - U.S. Opposition No. 91291363 against U.S. Trademark Application No. 97825971 for QUEER SCOUT; Our File No. 038701.00658
Date:	Friday, June 13, 2025 5:09:38 PM
Importance:	High

Hi Gary and Melissa,

My client elected to continue to pursue this case after a substantial portion of the 30-period for responding to BSA's outstanding discovery requests had elapsed. We are working to prepare responses ahead of the June 15 due date but running short on time given our delayed start.

May we have an additional 10 days to respond?

Regards,

Jeremy

Jeremy Kapteyn, PhD
602.609.7366 (Direct)
520.977.3241 (Mobile)
jeremy@kwlaw.co

From: Jeremy Kapteyn
Sent: Monday, May 19, 2025 1:49 PM
To: 'Scott, Melissa E.' <mscott@foxrothschild.com>
Cc: Hecht, Gary A. <GHecht@foxrothschild.com>; McGregor, Deanna M. <DMcGregor@foxrothschild.com>; Nick Kirby <nick@kwlaw.co>
Subject: RE: BSA v. Toro International - U.S. Opposition No. 91291363 against U.S. Trademark Application No. 97825971 for QUEER SCOUT; Our File No. 038701.00658

Melissa,

I confirm receipt.

Thanks,

Jeremy

Jeremy Kapteyn, PhD
602.609.7366 (Direct)
520.977.3241 (Mobile)
jeremy@kwlaw.co

From: Scott, Melissa E. <mscott@foxrothschild.com>
Sent: Friday, May 16, 2025 8:34 PM
To: Jeremy Kapteyn <jeremy@kwlaw.co>; Nick Kirby <nick@kwlaw.co>
Cc: Hecht, Gary A. <GHecht@foxrothschild.com>; McGregor, Deanna M. <DMcGregor@foxrothschild.com>
Subject: Fw: BSA v. Toro International - U.S. Opposition No. 91291363 against U.S. Trademark Application No. 97825971 for QUEER SCOUT; Our File No. 038701.00658

Dear Counsel:

The below email was bounced back to me due to a typographical error in your email addresses.

Attached please find:

1. Opposer's First Set of Interrogatories Directed to Applicant; and
2.
3. Opposer's First Request for Production of Documents and Things Directed to Applicant.

This is your formal service copy.

We'd appreciate you confirming receipt of this email.

Thank you.

Kind regards,

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Partner
Fox Rothschild LLP
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mscott@foxrothschild.com

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Cc: Hecht, Gary A. <GHecht@foxrothschild.com>; McGregor, Deanna M. <DMcGregor@foxrothschild.com>
Subject: BSA v. Toro International - U.S. Opposition No. 91291363 against U.S. Trademark Application No. 97825971 for QUEER SCOUT; Our File No. 038701.00658

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

In re Application Serial No. 97825971
for the mark "QUEER SCOUT"

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Opposer,	:	
v.	:	
Toro International, LLC	:	
Applicant.	:	

EXHIBIT 5

OPPOSER'S MOTION TO COMPEL
APPLICANT'S SUBSTANTIVE RESPONSES TO OPPOSER'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

From:	Jeremy Kapteyn
To:	Scott, Melissa E.; Hecht, Gary A.; IPDocket; Olszyk, Christopher D.
Cc:	McGregor, Deanna M.; Nick Kirby
Subject:	[EXT] RE: BSA v. Toro International - U.S. Opposition No. 91291363 against U.S. Trademark Application No. 97825971 for QUEER SCOUT; Our File No. 038701.00658
Date:	Sunday, June 15, 2025 6:53:16 PM
Attachments:	Toro International - General Objection to First Set of Requests for Production.pdf Toro International - Responses to First Set of Interrogaties Directed to Applicant - signed.pdf

All,

Please find attached Applicant's responses to Opposer's discovery requests.

Regards,

Jeremy

_____

Jeremy Kapteyn, PhD
602.609.7366 (Direct)
520.977.3241 (Mobile)
jeremy@kwlaw.co

From: Scott, Melissa E. <mscott@foxrothschild.com>
Sent: Friday, May 16, 2025 8:34 PM
To: Jeremy Kapteyn <jeremy@kwlaw.co>; Nick Kirby <nick@kwlaw.co>
Cc: Hecht, Gary A. <GHecht@foxrothschild.com>; McGregor, Deanna M. <DMcGregor@foxrothschild.com>
Subject: Fw: BSA v. Toro International - U.S. Opposition No. 91291363 against U.S. Trademark Application No. 97825971 for QUEER SCOUT; Our File No. 038701.00658

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Thank you.

Kind regards,

Melissa E. Scott
Partner
Fox Rothschild LLP
747 Constitution Drive, Suite 100
P.O. Box 673
Exton, PA 19341
Tel: (610) 458-1413
mscott@foxrothschild.com

From: Scott, Melissa E. <mscott@foxrothschild.com>
Sent: Friday, May 16, 2025 6:47 PM
To: jeremy@kwlaw.com <jeremy@kwlaw.com>; nick@kwlaw.com <nick@kwlaw.com>
Cc: Hecht, Gary A. <GHecht@foxrothschild.com>; McGregor, Deanna M. <DMcGregor@foxrothschild.com>
Subject: BSA v. Toro International - U.S. Opposition No. 91291363 against U.S. Trademark Application No. 97825971 for QUEER SCOUT; Our File No. 038701.00658

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2. Opposer's First Request for Production of Documents and Things Directed to Applicant.

This is your formal service copy.

We would appreciate you confirming receipt via return email.

Kind regards,

Melissa E Scott
Partner
747 Constitution Drive

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(215) 206-4882
(610) 458-7337
mscott@foxrothschild.com

Learn about our new brand.

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

In re Application Serial No. 97825971
for the mark "QUEER SCOUT"

Boy Scouts of America,	:	Opposition No. 91291363
Opposer,	:	
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Toro International, LLC	:	
Applicant.	:	

EXHIBIT 6

OPPOSER'S MOTION TO COMPEL
APPLICANT'S SUBSTANTIVE RESPONSES TO OPPOSER'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

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

In the Matter of Application Serial No.: 97/825,971 For the mark: QUEER SCOUT Published: January 9, 2024	Opposition No. 91291363
Boy Scouts of America, Opposer, v. Toro International, LLC, Applicant.	

APPLICANT'S GENERAL OBJECTION TO OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS DIRECTED TO APPLICANT

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 406 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), Applicant Toro International, LLC ("Applicant"), by and through its undersigned counsel, provides its general objection to Opposer Boy Scouts of America's ("Opposer") First Set of Requests for Production of Documents and Things Directed to Applicant (the "Requests").

GENERAL OBJECTION

In accordance with TBMP § 406.05(e) and 37 C.F.R. § 2.120(e), Applicant declines to respond to Opposer's Requests. Opposer has served a total number of requests that surpass the maximum of seventy-five as specified in TBMP § 406.05(a) and 37 C.F.R. § 2.120(e). While

Opposer has served a total of thirty-nine (39) enumerated requests, the Board's assessment is not constrained by the numbering system used by the requesting party, as per TBMP §§ 406.05(d) and 405.03(d). Each individual question and its subparts are considered distinct requests when tallying the total, which should not exceed seventy-five.

By Applicant's preliminary count, Opposer's Requests include at least 153 requests. Applicant's preliminary counting methodology is attached as Exhibit A. This count relies on Opposer's enumerated interrogatories (34) as a factor in the present request tally, and does not correct for Opposer's compound interrogatories, which Applicant noted with objections in Applicant's response to Opposer's interrogatories. Applicant reserves the right to further review and revise its counting methodology and request count, based at least on taking into account Opposer's compound interrogatories, as applicable, along with other relevant factors following Opposer's reformulation of its requests or other efforts by the parties to resolve any disagreement regarding counting methodology.

SIGNATURE PAGE FOLLOWS

Dated this 15th of June, 2025

By:
/jkapteyn/

Jeremy Kapteyn
KW Law, LLP
7250 N 16th Street, STE 102
Phoenix, AZ 85020
Tel: 602.609.7366
Email: jeremy@kwlaw.co
Attorneys for Applicant
Toro International, LLC

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2025, I caused a true and correct copy of APPLICANT'S GENERAL OBJECTION TO OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS DIRECTED TO APPLICANT to be served by email upon Opposer:

Gary Hecht; ipdocket@foxrothschild.com, ghecht@foxrothschild.com, colszyk@foxrothschild.com, dmcgregor@foxrothschild.com

/jkapteyn/

Jeremy Kapteyn

EXHIBIT A

RFP No.	Description	Counting Methodology	Count
1	Documents and Things sufficient to show Applicant's business organization, management structure, officers, directors, and partners.	business organization, management structure, officers, directors, partners	5
2	All non-privileged Documents and Things that Applicant relied on, reviewed, discussed, or consulted in preparing each of Applicant's Answers to Opposers' First Set of Interrogatories.	each of Applicant's Answers to Opposers' First Set of Interrogatories (34 enumerated*)	34
3	All Documents and Things that Applicant intends to offer as evidence in this Opposition.		1
4	All Documents and Things relating to or evidencing Communications between Applicant and any third Person regarding the subject matter of this Opposition.		1
5	All Documents and Things relating to the selection, development, and availability for use of Applicant's Mark.	selection, development, availability for use	3
6	All trademark searches conducted before filing, or during the prosecution of, the Subject Application for Applicant's Mark, and all opinions based on such searches.	trademark searches, opinions	2
7	All Documents and Things relating to any searches, surveys, pre-tests, polls, investigations, or other evaluations relating to the selection or commercial use of Applicant's Mark.	searches, surveys, pre-tests, polls, investigations, other evaluations (6) relating to selection, relating to commercial use (2)	12
8	All Documents and Things relating to any application to register Applicant's Mark with any governmental entity other than the U.S. Patent and Trademark Office.		1
9	Documents, Communications, and Things that evidence or refer to Applicant's plans to use Applicant's Mark and the goods or services that Applicant intended to offer in connection with Applicant's Mark before filing the Subject Application.	plans to use Applicant's Mark, goods or services that Applicant intended to offer in connection with Applicant's Mark	2
10	Documents, Communications, and Things that evidence, relate, or refer to any products or services that were developed or in		1

	development that Applicant offered or intended to offer in connection with Applicant's Mark before filing the Subject Application.		
11	Documents, Communications, and Things that evidence, relate, or refer to any promotion or marketing of or any plans to promote or market Applicant's goods or services in connection with Applicant's Mark before filing the Subject Application.	promotion or marketing; plans to promote or market	2
12	All non-privileged Documents and Things memorializing, evidencing or relating to the date(s) on which Applicant first made use of Applicant's Mark.		1
13	All non-privileged Documents and Things memorializing, evidencing or relating to the date(s) on which Applicant first made use of Applicant's Mark in interstate commerce.		1
14	All licenses, assignments, and agreements entered into between Applicant and any Person relating to use of Applicant's Mark.	licenses, assignments, agreements	3
15	Representative specimens of all past, present, and future advertisements and promotional materials bearing or displaying Applicant's Mark.	past, present, and future advertisements and promotional materials	3
16	Representative specimens of all past, present, and future uses of Applicant's Mark in connection with each of Applicant's Services.	past, present, and future uses of Applicant's Mark (3)** in connection with each of Applicant's Services (7)	7
17	Documents and Things sufficient to identify each good and service currently offered in connection with Applicant's Mark.	each good and service (7)	7
18	Representative samples of, and/or Documents describing, each good and service that Applicant has offered or intends to offer in connection with Applicant's Mark.	each good and service Applicant has offered (7)	7

19	Documents sufficient to identify the characteristics and potential applications of each good and service Applicant has offered or intends to offer in connection with Applicant's Mark.	characteristics of, potential applications of (2)** each good and service Applicant has offered (7)	7
20	Documents and Things sufficient to identify the channels of trade in or through which goods and services have been offered or in which Applicant intends to offer goods and services in connection with Applicant's Mark.	have been offered, intends to offer	2
21	Documents and Things sufficient to identify the geographic areas where goods and services have been offered or where Applicant intends to offer goods and services in connection with Applicant's Mark.	have been offered, intends to offer	2
22	Documents and Things sufficient to identify the types of consumers who have purchased or used or are intended to purchase or use goods and services offered in connection with Applicant's Mark, or who have joined or will join any programs operated in connection with Applicant's Mark, including, but not limited to, target demographics.	types of consumers, target demographics	2
23	Documents and Things sufficient to identify all websites and social media accounts that Applicant owns, operates, and/or controls that offer goods and/or services in connection with Applicant's Mark, or that display Applicant's Mark.	websites, social media accounts (2) offer, display (2)	4
24	Documents and Things sufficient to identify all third-party websites that offer goods and/or services in connection with Applicant's Mark, or that display Applicant's Mark.	offer, display	2
25	All Documents relating to any third-party familiarity with, or identification of, Applicant's Mark, including, without limitation, surveys, tests or research regarding Applicant's Mark, or customer identification of Applicant's Mark.	surveys, tests, research; (3) Applicant's Mark, customer identification of Applicant's Mark (2)	6

26	All Documents and Things relating to or evidencing news reports or articles, press releases, television broadcasts, videos, blogs, websites or other publications concerning any good or service offered in connection with Applicant's Mark, or concerning any use of Applicant's Mark.	news reports, articles, press releases, television broadcasts, videos, blogs, websites, other publications	8
27	All Documents and Things relating to or setting forth Applicant's intentions regarding future use of Applicant's Mark on goods, or in connection with services, or as collective marks, other than as set forth in the Subject Application.		1
28	All marketing plans, media plans, business plans, or other strategic planning documents relating in any way to Applicant's Mark or to any goods or services offered or intended to be offered in connection with Applicant's Mark.	marketing plans, media plans, business plans, other strategic planning documents	4
29	Documents and Things sufficient to identify all organizations promoting or marketing goods and/or services in connection with Applicant's Mark.		1
30	All Documents and Things memorializing, or relating in any way to, any confusion, deception or mistake of any person with respect to the source of any goods or services offered in connection with Applicant's Mark.		1
31	All Documents and Things relating to any market studies, surveys, focus groups, or other studies that relate to the use of or advise against the use of goods and/or services offered in connection with Applicant's Mark.	market studies, surveys, focus groups, other studies	4
32	All Documents and Things relating to Applicant's past, present, or future marketing plans or strategies for goods and/or services offered or intended to be offered in connection with Applicant's Mark, including, but not limited to, target markets, channels of trade, and demographic studies.	past, present, or future marketing plans or strategies; (3) target markets, channels of trade, demographic studies (3)	9
33	All non-privileged Documents relating to or referencing Opposer.		1

34	All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 21 of the Notice of Opposition.		1
35	All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 23 of the Notice of Opposition.		1
36	All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 24 of the Notice of Opposition.		1
37	All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 26 of the Notice of Opposition.		1
38	All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 27 of the Notice of Opposition.		1
39	All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 29 of the Notice of Opposition.		1
		TOTAL:	**153**

*Applicant notes that Opposer's interrogatories included compound interrogatories, which Applicant did not consider for purposes of the request tally here.

**Excluded request count factor for purposes of present tally.

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

In re Application Serial No. 97825971
for the mark “QUEER SCOUT”

Boy Scouts of America,	:	Opposition No. 91291363
Opposer,	:	
v.	:	
Toro International, LLC	:	
Applicant.	:	

EXHIBIT 7

OPPOSER’S MOTION TO COMPEL
APPLICANT’S SUBSTANTIVE RESPONSES TO OPPOSER’S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

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

In the Matter of Application Serial No.: 97/825,971 For the mark: QUEER SCOUT Published: January 9, 2024	Opposition No. 91291363
Boy Scouts of America, Opposer, v. Toro International, LLC, Applicant.	

APPLICANT'S OBJECTIONS AND ANSWERS TO OPPOSER'S FIRST SET OF INTERROGATORIES DIRECTED TO APPLICANT (Nos. 1-34)

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant Toro International, LLC ("Applicant"), by and through its undersigned counsel, responds to Opposer's First Set of Interrogatories (the "Interrogatories") as follows:

GENERAL OBJECTIONS

Applicant makes the following general objections and responses ("General Objections") to the definitions, instructions, and requests in the Interrogatories. These General Objections are hereby incorporated into each specific response. The assertion of the same, similar, or additional objections or partial responses to individual requests does not waive any of these General Objections.

1. Applicant objects to the instructions and definitions to the extent that they exceed the obligations imposed by the applicable rules of civil procedure.

2. Applicant objects to the Interrogatories to the extent they seek disclosure of matters protected from discovery by the attorney-client privilege and the work product doctrine.

3. Applicant objects to Applicant's definitions of "Applicant," "you," and "your" on the ground that they result in requests for information that are not in the possession, custody, or control of Applicant. Applicant will not search for or provide documents that are not within its possession, custody, or control.

4. Applicant objects to the scope of the Interrogatories on the grounds that they are overbroad and seek irrelevant information because they are unlimited geographically. Unless otherwise indicated, Applicant will provide responses relating only to matters occurring in the United States.

5. These responses are based on information available as of the date hereof and known to Applicant. Further discovery, independent investigation, or other analysis may lead to the discovery of additional responsive documents, which may lead to additions or changes to the responses set forth herein. These responses are given without prejudice to Applicant's right to amend, modify, or supplement these responses after discovery is completed and to disclose and rely on subsequently discovered documents.

6. Applicant reserves all objections regarding the relevance, materiality, and admissibility of all information provided in response to the Interrogatories.

OBJECTIONS AND ANSWERS TO INTERROGATORIES

Subject to and without waiving its General Objections, which are incorporated by reference into each of the following Answers, Applicant objects and responds as set forth below. Applicant designates the below Answers as confidential pursuant to the TTAB's Standard Protective Order.

INTERROGATORIES

1. Identify each officer, member, owner, manager, and supervisor of Applicant.

Answer: Samuel Thomas Holdren is the sole owner and member of Applicant.

2. Identify all business entities that are, or have been, affiliated with Applicant, including, but not limited to, all parents and subsidiaries, and explain how each business is related to Applicant.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. Applicant objects to this Interrogatory as overbroad and unduly burdensome because it seeks information that is not relevant to any party's claims or defenses, nor proportional to the needs of the Opposition. Subject to and without waiving these objections, Applicant states that it does not have any subsidiary or parent entities, and that Q Tours LLC is a separate company providing operations in connection with Applicant's Mark.

3. Identify every designation Applicant has used or is using that includes the letter string "scout."

Answer: Applicant objects to this Interrogatory as vague as the meaning of the term "designation" is unclear. Subject to and without waiving its objections, Applicant states that Applicant's sole trademark letter string designation that includes the letter string "scout" is the letter string "queer scout".

4. Describe the general nature of Applicant's business for which Applicant uses or intends to use Applicant's Mark, including a detailed description of Applicant's Services.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. Subject to without waiving its objections, Applicant's business organizes and sells customized gay travel packages for international travelers visiting Colombia. Applicant intends to use Applicant's Mark in connection with social and nightlife experiences marketed toward LGBTQ+ tourists visiting Colombia.

5. Identify all Persons involved in the selection of Applicant's Mark.

Answer: Applicant's Mark was originally selected and used by a Colombian company, Bogotours SAS. Bogotours SAS ceased use of the mark. Applicant then adopted the mark as Applicant's Mark. Applicant was not involved in and has no knowledge of the Bogotours SAS trademark selection process.

6. Describe the meaning of Applicant's SCOUT Mark, explaining in detail how Applicant came to select Applicant's Mark for use in connection with Applicant's Services.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. Subject to without waiving its objections, see response to Interrogatory No. 5. Applicant selected a previously existing mark, previously used by a Colombian third-party entity, Bogotours SAS, for similar services as those offered by Applicant, as Applicant's Mark.

7. Identify all searches made by You or on Your behalf regarding the availability for use of Applicant's Mark prior to filing the Subject Application, and all opinions based on such searches.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. Subject to without waiving these objections, a search was conducted by JPG Legal.

8. For Applicant's Mark, state the earliest priority date upon which Applicant will rely in this Opposition.

Answer: Applicant is investigating the earliest date on which it may rely and will supplement its responses to these Interrogatories when such date has been determined.

9. Identify all evidence upon which Applicant may rely to substantiate the claimed priority dates identified in response to Interrogatory No. 8.

Answer: See answer to Interrogatory No. 8.

10. Identify all variations of Applicant's Mark that Applicant, or Persons affiliated with Applicant, have used or intend to use.

Answer: Applicant's Mark is QUEER SCOUT. Applicant does not intend to use any variations of the literary element of Applicant's Mark.

11. Identify each Person who has, or who may claim, any interest or right, including as an owner, co-owner, licensee, or sublicensee, in Applicant's Mark, and state the nature and extent of each Person's interest in Applicant's Mark.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. Applicant objects to this Interrogatory as overbroad and unduly burdensome because it seeks information that is not relevant to any party's claims or defenses, nor proportional to the needs of the Opposition. Subject to and without waiving these objections, Applicant is the owner of Applicant's Mark, and Q Tours LLC uses Applicant's Mark pursuant to a trademark license.

12. Identify the Person(s) most knowledgeable about Applicant's commercial use and/or anticipated commercial use of Applicant's Mark.

Answer: Samuel Thomas Holdren

13. Identify with specificity all goods and services Applicant has offered or intends to offer in connection with Applicant's Mark or any variation thereof.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. Subject to without waiving its objections, Applicant offers only services in connection with Applicant's Mark. Details of services Applicant currently offers in connection with Applicant's Mark are available at Applicant's website: https://www.thequeerscout.com/experiences.

14. For each good and service identified in response to Interrogatory No. 13, state the projected date of first use of Applicant's Mark or the date on which Applicant first

used Applicant's Mark, if applicable.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. Applicant is investigating the dates on which Applicant first used Applicant's Mark in connection with the services identified in the response to Interrogatory 13 and will supplement its responses to these Interrogatories when such date has been determined.

15. For each good and service identified in response to Interrogatory No. 13, state the projected date of first use of Applicant's Mark in interstate commerce or the date on which Applicant first used Applicant's Mark in interstate commerce, if applicable.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. See response to Interrogatory 14. Applicant will supplement its responses to these Interrogatories when the date of first use of Applicant's Mark in interstate commerce in connection with the services identified in the response to Interrogatory 13 has been determined.

16. For each good and service identified in response to Interrogatory No. 13, identify all geographic areas and channels of trade in and through which Applicant has offered or intends to offer the good or service in connection with Applicant's Mark.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. Subject to without waiving its objections, Applicant offers its services to its target consumers globally via its website, social media channels, and email communications. Applicant may in the future offer its services through travel agents and agencies.

17. For each good and service identified in response to Interrogatory No. 13, identify all customers by class (including, without limitation, retailers, wholesalers, children, teenagers, Boy Scouts, young men and women, adults, and the general public) to whom Applicant has or plans to offer the good or service in connection with Applicant's Mark.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. Applicant's target customers are adult LGBTQ+

travelers and vacationers.

18. Identify the person(s) most knowledgeable about the nature of the goods and services Applicant has offered or intends to offer in connection with Applicant's Mark.

Answer: Samuel Thomas Holdren

19. Identify all agreements of any kind between Applicant and any other Person relating or referring to Applicant's Mark.

Answer: Applicant objects to this Interrogatory as overly broad and unduly burdensome because it seeks information that is not relevant to any party's claims or defenses. Subject to and without waiving these objections, Applicant states that that Applicant's Mark is in use by Q Tours LLC, a separate company owned by Mr. Holdren, pursuant to a trademark license.

20. Identify all Persons with whom Applicant has discussed an assignment or license of, or authorization to use, Applicant's Mark.

ANSWER: Applicant objects to this Interrogatory as overly broad and unduly burdensome because it seeks information that is not relevant to any party's claims or defenses. Subject to and without waiving these objections, Applicant states that that Applicant has discussed such matters with Applicant's undersigned counsel, JPG Legal, and Langon Law Group LLC.

21. Identify in detail every means by or through which Applicant has promoted or intends to promote goods or services in connection with Applicant's Mark, or any variation thereof, including, but not limited to, sales calls, websites, social media accounts, magazines, other print media, broadcast media, tradeshows, association meetings, and industry conferences.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. Applicant objects to this Interrogatory as overly broad and unduly burdensome because it seeks information that is not

relevant to any party's claims or defenses. Subject to and without waiving these objections, Applicant offers and promotes its services using the means identified in the answer to Interrogatory 22, in addition to third party travel websites, sales calls, attending travel industry events.

22. Identify all domain names, social media accounts, email addresses, and brick-and-mortar stores through which You or any Person acting on Your behalf have or intend to offer, promote, or market any goods or services in connection with Applicant's Mark.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. Applicant objects to this Interrogatory as overly broad and unduly burdensome because it seeks information that is not relevant to any party's claims or defenses. Subject to and without waiving these objections, Applicant uses the following in connection with Applicant's Mark:

- Email: info@thequeerscout.com; colombiadirector@thequeerscout.com
- Domain name: www.thequeerscout.com
- Instagram: https://www.instagram.com/queerscoutofficial
- Facebook: https://www.facebook.com/QueerScout/
- LinkTree: https://linktr.ee/queerscout

23. Describe in detail any instances of actual confusion, of which Applicant is aware, between Applicant's Mark and Opposer's Marks.

Answer: Applicant is unaware of any such instances.

24. State when and how Applicant first became aware of Opposer, including, without limitation, the facts and circumstances surrounding how Applicant first became aware of Opposer.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. Subject to without waiving its objections, Applicant is generally aware of Opposer, but is unable to recall the facts and circumstances surrounding how Applicant first became aware of Opposer.

25. Identify with specificity all inquiries Applicant has received regarding whether Applicant's Services are associated with, sponsored by, or in any manner connected to Opposer, including, without limitation, the identity of the Person who made the inquiry, when the Person made the inquiry, and the precise nature of the inquiry.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. Subject to without waiving its objections, Applicant has received no such inquiries.

26. State with specificity all facts supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 21 of the Notice of Opposition.

Answer: Applicant objects to this Interrogatory as premature, overly broad, and unduly burdensome in that it calls for identification of "all facts" supporting Applicant's denial set forth in Applicant's Answer to the allegation in Paragraph 21 of the Notice of Opposition. Subject to and without waiving these objections, Applicant states as a representative fact that the services for which Applicant seeks to register Applicant's Mak are not similar or related to "Indicating membership in a scouting organization for boys" or "association services, namely, promoting the interests of the members of a youth development and service organization" as effectively alleged in Paragraph 21 of the Notice of Opposition. Applicant will supplement this answer with additional facts supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 21 of the Notice of Opposition as discovery progresses.

27. State with specificity all facts supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 23 of the Notice of Opposition.

Answer: Applicant objects to this Interrogatory as premature, overly broad, and unduly burdensome in that it calls for identification of "all facts" supporting Applicant's denial set forth in Applicant's Answer to the allegation in Paragraph 23 of the Notice of Opposition. Subject to and without waiving these objections, Applicant states as a representative fact that it is not aware of any consumers that have been confused, mistaken, or deceived as alleged in Paragraph 23 of the Notice of Opposition. Applicant will supplement this answer with additional facts supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 23 of the Notice of Opposition as discovery progresses.

28. State with specificity all facts supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 24 of the Notice of Opposition.

Answer: Applicant objects to this Interrogatory as premature, overly broad, and unduly burdensome in that it calls for identification of "all facts" supporting Applicant's denial set forth in Applicant's Answer to the allegation in Paragraph 24 of the Notice of Opposition. Subject to and without waiving these objections, Applicant states as a representative fact that it is not aware of any consumers that have believed that the services for which Applicant seeks to register Applicant's Mark, when used with or in connection with Applicant's services, emanate from, are endorsed by, or are in some way associated with Opposer as alleged in Paragraph 24 of the Notice of Opposition. Applicant will supplement this answer with additional facts supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 24 of the Notice of Opposition as discovery progresses.

29. State with specificity all facts supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 26 of the Notice of Opposition.

Answer: Applicant objects to this Interrogatory as premature, overly broad, and unduly burdensome in that it calls for identification of "all facts" supporting Applicant's denial set forth in Applicant's Answer to the allegation in Paragraph 26 of the Notice of Opposition. Subject to and without waiving these objections, Applicant states as a representative fact that Applicant's Mark is distinctive from Opposer's SCOUT NAMES AND IDENTITIES based inclusion of the term "queer" in Applicant's Mark. Applicant will supplement this answer with additional facts supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 26 of the Notice of Opposition as discovery progresses.

30. State with specificity all facts supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 27 of the Notice of Opposition.

Answer: Applicant objects to this Interrogatory as premature, overly broad, and unduly burdensome in that it calls for identification of "all facts" supporting Applicant's denial set forth in Applicant's Answer to the allegation in Paragraph 27 of the Notice of Opposition. Subject to and without waiving these objections, Applicant states as a representative fact that it is not aware of any consumers that have viewed Applicant's Mark, when used with or in connection with Applicant's services, as pointing uniquely and unmistakeably to Opposer as alleged in Paragraph 27 of the Notice of Opposition. Applicant

will supplement this answer with additional facts supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 27 of the Notice of Opposition as discovery progresses.

31. State with specificity all facts supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 29 of the Notice of Opposition.

Answer: Applicant objects to this Interrogatory as premature, overly broad, and unduly burdensome in that it calls for identification of "all facts" supporting Applicant's denial set forth in Applicant's Answer to the allegation in Paragraph 29 of the Notice of Opposition. Subject to and without waiving these objections, Applicant states as a representative fact that it is not aware of any consumers that have made the alleged connection with Opposer alleged in Paragraph 29 of the Notice of Opposition. Applicant will supplement this answer with additional facts supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 29 of the Notice of Opposition as discovery progresses.

32. Identify all Persons Applicant intends to call as witnesses (fact or expert) in support of its case in this Opposition, including, without limitation, the subject matter about which Applicant expects each witness to testify.

Answer: Applicant objects to this Interrogatory as compound and comprising at least two interrogatories. Applicant objects that this Interrogatory is premature with respect to expert witnesses and "all" fact witnesses. Applicant will comply with its disclosure obligations, and discovery supplementation obligations, as set by the Board. Subject to without waiving these objections, Applicant states that Samuel Thomas Holdren will serve as a fact witness.

33. Identify all evidence upon which Applicant intends to rely in connection with this Opposition.

Answer: Applicant objects that this Interrogatory is premature, overly broad, and unduly burdensome in that it calls for identification of "all evidence" upon which Applicant intends to rely. The parties have just begun discovery. Applicant will comply with its disclosure obligations, and discovery supplementation obligations, as set by the Board.

34. Identify each Person who participated in the preparation of

Applicant's Answers to these Interrogatories.

Answer: Samuel Thomas Holdren and Applicant's undersigned counsel.

SIGNATURE PAGE FOLLOWS

Dated this 15th of June, 2025

By:

/jkapteyn/

Jeremy Kapteyn
KW Law, LLP
7250 N 16th Street, STE 102
Phoenix, AZ 85020
Tel: 602.609.7366
Email: jeremy@kwlaw.co
Attorneys for Applicant
Toro International, LLC

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2025, I caused a true and correct copy of APPLICANT'S OBJECTIONS AND ANSWERS TO OPPOSER'S FIRST SET OF INTERROGATORIES DIRECTED TO APPLICANT to be served by email upon Opposer:

Gary Hecht; ipdocket@foxrothschild.com, ghecht@foxrothschild.com, colszyk@foxrothschild.com, dmcgregor@foxrothschild.com

/jkapteyn/

Jeremy Kapteyn

VERIFICATION

I, Samuel Thomas Holdren, state under oath and subject to the penalties of perjury, that I am the Managing Member of Toro International, LLC, the Applicant herein; that I have read the above and foregoing APPLICANT'S OBJECTIONS AND ANSWERS TO OPPOSER'S FIRST SET OF INTERROGATORIES DIRECTED TO APPLICANT, know the contents thereof, and verify the same.

/s/ _____

Samuel Thomas Holdren

Toro International - Responses to First Set of Interrogat(106854.3)

Final Audit Report 2025-06-15

Created:	2025-06-15
By:	Jeremy Kapteyn (jeremy@kwlaw.co)
Status:	Signed
Transaction ID:	CBJCHBCAABAAn55w2rCyW141GCRYclOwrLd_VYCbOlJ2

"Toro International - Responses to First Set of Interrogat(106854.3)" History

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

In re Application Serial No. 97825971
for the mark “QUEER SCOUT”

Boy Scouts of America,	:	Opposition No. 91291363
Opposer,	:	
v.	:	
Toro International, LLC	:	
Applicant.	:	

EXHIBIT 8

OPPOSER’S MOTION TO COMPEL
APPLICANT’S SUBSTANTIVE RESPONSES TO OPPOSER’S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

Fox Rothschild

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610.458.7500 610.458.7337

MELISSA E. SCOTT
Direct No: 610.458.1413
Email: mscott@foxrothschild.com

July 11, 2025

Via Email [jeremy@kwlaw.co and nick@kwlaw.co]

Jeremy Kapteyn, Esq.
KW Law, LLP
6122 N. 7th Street, Suite D
Phoenix, AZ 85014

Re: ***Boy Scouts of America v. Toro International, LLC***
U.S. Trademark Opposition Proceeding No. 91291363
Our File No. 038701.00658

Dear Mr. Kapteyn:

I write in response to the General Objection that you served on behalf of your client Toro International, LLC ("Applicant") in response to Opposer Boy Scouts of America's ("BSA") First Set of Requests for Production of Documents and Things ("Document Requests").

On Friday, June 13, 2025, you sent an after-hours email to BSA's counsel stating:

> My client elected to continue to pursue this case after a substantial portion of the 30-period [sic] for responding to BSA's outstanding discovery requests had elapsed. We are working to prepare responses ahead of the June 15 due date but running short on time given our delayed start. May we have an additional 10 days to respond?

See 6/13/2025 Email attached as **Exhibit 1**.

In your email, you acknowledged that (1) Applicant had only recently decided to defend this opposition and (2) you did not believe that Applicant would have sufficient time to prepare its discovery responses. Nevertheless, less than 48 hours later, before BSA's counsel could respond to your extension request, you served a General Objection to BSA's Document Requests, refusing

to substantively respond because the 39 enumerated Document Requests allegedly constituted 153 Document Requests—more than twice the number of Document Requests permitted under the Federal Rules of Civil Procedure and applicable Board Rules. Further, you also served only cursory answers to BSA's First Set of Interrogatories ("Interrogatories") that provided little to no substance and frequently stated that Applicant did not know the answers or was still investigating.

Considering your last-minute request for an extension of time to respond to the discovery requests, and the slip shod nature of Applicant's answers to BSA's Interrogatories, BSA can only assume that Applicant served the General Objection to avoid providing substantive responses and producing documents in response to BSA's Document Requests. Indeed, the counting method that Applicant used to arrive at the claimed 153 Document Requests flies in the face of Federal and Board Rules relating to the counting of discovery requests.

This letter constitutes BSA's good faith effort to attempt to resolve this discovery dispute before filing a motion to compel Applicant's substantive responses to the Document Requests.

I. FLAWS IN APPLICANT'S COUNTING METHODOLOGY

The counting methodology that Applicant used to support its General Objection to BSA's Document Requests is fatally flawed. As explained below, and as shown on the enclosed chart attached as **Exhibit 2**, BSA's Document Requests number no more than 52 Document Requests, including subparts. Because the number of Document Requests falls well below the 75 Document Request limit, Applicant must provide substantive responses to them.

A. Document Request No. 1

Document Request No. 1 seeks documents sufficient to identify Applicant's business organization, management structure, officers, directors, and partners. Applicant argues that this Document Request counts as 5 separate Document Requests.

BSA submits that this Document Request truly covers a single issue—namely, Applicant's organizational structure—and, thus, constitutes a single Document Request. Indeed, officers, directors, and partners are encompassed within the term "management structure." However, even being generous, Document Request No. 1, at most, counts as 2 Document Requests: one for organizational structure and one for management structure.

B. Document Request No. 2

Document Request No. 2 seeks all non-privileged documents and things that Applicant relied on, reviewed, discussed, or consulted in preparing its Answers to BSA's Interrogatories. Applicant asserts that this Document Request counts as 34 separate Document Requests because BSA served 34 enumerated Interrogatories. Applicant's position is absurd.

TMBP § 405.03(d) makes clear that, if a request concerns a single issue or matter, it will be counted as one discovery request. *See also* TMBP 406.05(d) (providing that documents requests will be counted in the same manner as interrogatories). Here, Document Request No. 2 is directed to a single issue—namely, the support for Applicant's answers to BSA's Interrogatories. Thus, Document Request No. 1 counts as a single Document Request. This is a standard discovery request in federal court and in TTAB practice. In more than 20 years of legal practice, I have never seen a party assert the argument that Applicant asserts with respect to Document Request No. 2.

C. Document Request No. 7

Document Request No. 7 seeks documents and things related to "evaluations" concerning the selection or commercial use of Applicant's Mark, including, but not limited to, searches, surveys, pre-tests, polls, investigations. Applicant purports to count this enumerated Document Request as 12 separate requests, claiming that searches, surveys, pre-tests, polls, investigations, and "other evaluations" are separate matters.

However, searches, surveys, pre-tests, polls and investigations are all encompassed within the definition of "evaluations"—they are types of "evaluations" specified merely for exemplary purposes. At most, Document Requests No. 7 is comprised of 2 separate discovery requests: (1) "evaluations" relating to the selection of Applicant's Mark; and (2) "evaluations" relating to the commercial use of Applicant's Mark.

D. Document Request No. 14

Document Request No. 14 seeks all agreements executed between Applicant any person relating to use of Applicant's Mark. Applicant contends that this enumerated Document Request is 3 separate Document Requests—one for licenses, one for assignments, and one for agreements.

Licenses and assignments are encompassed within the term "agreements." Accordingly, Document Request No. 14 is a single Document Request as it covers a single issue.

E. Document Request Nos. 16-19

Document Request Nos. 16-19 seek specific information relating to each good or service offered under Applicant's Mark. Applicant argues that, because there are 7 different goods and services, each of these enumerated Document Requests constitutes 7 separate Document Requests. The Board has previously considered and rejected this counting methodology.

In *One Jeanswear Group, Inc. v. Yogaglo, Inc.*, 127 USPQ2d 1793 (TTAB Sept. 7, 2018) (precedential), opposer served a general objection to applicant's interrogatories claiming that the number of interrogatories served exceeded the number permitted under the applicable Rules. More specifically, opposer argued that, because Interrogatory Nos. 1-4 sought information about Opposer's products, and there were 29 products at issue, each interrogatory counted as 29 separate interrogatories multiplied by the number of subparts in each enumerated interrogatory. The Board expressly rejected this counting methodology, ruling that each interrogatory counted as a single interrogatory (covering all 29 products) multiplied by the number of subparts in each interrogatory.

Based on this precedential authority, Document Request Nos. 16-19 each count as a single Document Request.

F. Document Request No. 22

Document Request No. 22 seeks documents identifying the types of consumers that have purchased or used goods or services offered under Applicant's Mark, including, but not limited to, target demographics. Applicant argues that (1) the types of consumers and (2) target demographics are 2 different issues and, thus, this enumerated Document Request counts as 2 separate Document Requests.

Again, Applicant is attempting to elevate form over substance. Document Request No. 22 is directed to identifying a specific piece of information—namely, identification of the classes of purchasers of Applicant's goods and services, which necessarily encompasses the concept of "target demographics." Thus, Document Request No. 22 counts as a single Document Request.

G. Document Request No. 23-24

Document Request No. 23 seeks documents sufficient to identify all websites and social media accounts that Applicant owns, operates and/or controls that offer goods or services in connection with Applicant's Mark or that display Applicant's Mark. Applicant argues that this enumerated Document Request counts as 4 separate Document Requests—one for websites that

offer goods or services under Applicant's Mark, one for social media accounts that offer goods or services under Applicant's Mark, one for websites that display Applicant's Mark, and one for social media accounts that display Applicant's Mark.

Document Request No. 24 similarly seeks documents sufficient to identify all third-party websites that offer goods or services under Applicant's Mark or that display Applicant's Mark. Applicant counts this enumerated Document Request as 2 separate Document Requests—one for websites that offer goods or services under Applicant's Mark and one for websites that display Applicant's Mark.

Applicant's argument attempts to make a distinction without a difference. If the websites and social media accounts at issue are offering goods or services under Applicant's Mark, they must necessarily be displaying Applicant's Mark. Thus, Document Request Nos. 23-24 concern a single issue—the display of Applicant's Mark. Document Request No. 23, at most, counts as 2 separate requests (one for websites and one for social media accounts) and Document Request No. 24 counts as a single Document Request.

H. Document Request No. 25

Document Request No. 25 seeks all documents relating to third-party familiarity with or identification of Applicant's Mark. For purposes of clarity, and to avoid any potential ambiguity, the Document Request gives examples of such types of documents, including, without limitation, surveys, tests, or research. Applicant cites the examples of documents identified to claim that Document Request No. 25 counts as 6 separate Document Requests.

Again, Applicant's argument is misplaced. Document Request No. 25 seeks documents related to a single issue—third-party familiarity with or identification of Applicant's Mark. The fact that BSA identified some examples of the types of documents encompassed within that category of documents does not give rise to additional Document Requests. Document Request No. 25 is a single Document Request.

I. Document Request No. 26

Document Request No. 26 seeks "publications" concerning any good or service offered under Applicant's Mark. For purposes of clarity, and to avoid a potential ambiguity objection, the Document Request identified some examples of the types of "publications" that BSA seeks through this Document Request. However, Applicant, again, cites the examples provided as a means of arguing that Document Request No. 26 constitutes 8 separate Document Requests.

Applicant's position is untenable. Document Request No. 26 seeks one category of documents—"publications" concerning goods and services offered under Applicant's Mark. Applicant cannot rely on BSA's attempt to further define the term "publications" by listing examples of the types of "publications" to argue that Document Request No. 26 constitutes 8 separate Document Requests. If BSA had not clarified what types of documents fall under the term "publications," Applicant no doubt would have objected to Document Request No. 26 as being vague and ambiguous. Applicant cannot have it both ways. Document Request No. 26 is a single Document Request.

J. Document Request No. 28

Document Request No. 28 seeks strategic planning documents relating to Applicant's Mark and, again, attempts to further define the term "strategic planning documents" by giving examples of those types of documents, namely, marketing plans, media plans, and business plans. Applicant once again relies on the examples of "strategic planning documents" provided to argue that Document Request No. 28 constitutes 4 separate Document Requests.

Applicant's argument fails for the same reasons cited above with respect to Documents Request Nos. 7, 14, 25 and 26. Document Request No. 28 counts as a single Document Request.

K. Document Request No. 31

Document Request No. 31 seeks studies that relate to the use or advise against the use of Applicant's Mark. As with many of the other Document Requests discussed above, this Document Request seeks documents regarding a single issue. To avoid an objection that the Document Request is vague and ambiguous, BSA provided examples of the types of studies it seeks—*e.g.*, market studies, surveys, and focus groups. In a similar refrain, Applicant again claims that this Document Request, which seeks information regarding a single category of documents, constitutes 4 separate Document Requests.

Applicant's argument fails for the same reasons cited above with respect to Document Request Nos. 7, 14, 25, 26, and 28.

L. Document Request No. 32

Finally, Document Request No. 32 seeks documents relating to Applicant's marketing plans and strategies for goods and services offered or intended to be offered in connection with Applicant's Mark. Applicant again attempts to use BSA's attempt to clarify the types of documents

that fall within the terms "marketing plans and strategies" to argue that this Document Request constitutes 9 separate document requests.

At most, Document Request No. 32 constitutes two separate Document Requests: one for marketing plans and strategies regarding goods and services currently offered under Applicant's Mark and one for marketing plans and strategies regarding goods and services intended to be offered under Applicant's Mark in the future. Applicant's counting methodology here fails for the same reasons cited above with respect to at least Document Request Nos. 7, 14, 25, 26, 28, and 31.

II. CONCLUSION

For the reasons set forth above, and as evidenced by the enclosed chart, BSA's outstanding Document Requests number no more than 52. Accordingly, the Document Requests fall well within the 75-Document Request limit provided for in the Board Rules and Applicant is obligated to provide substantive responses to them.

To resolve this dispute, BSA will give Applicant until **Friday, July 25, 2025**, to provide substantive responses to the Document Requests and produce responsive documents. If Applicant does not provide its substantive responses and documents by close of business on July 25th, BSA will file the necessary motion to compel the responses and production.

In view of the discovery time being wasted because of this discovery dispute, BSA expects that Applicant will consent to an appropriate extension of the discovery period to account for the time wasted.

If you would like to schedule a time to meet-and-confer on this issue, please let me know.

Very truly yours,

Melissa E. Scott

cc: Gary A. Hecht, Esq. (via email)

EXHIBIT 1

Scott, Melissa E.

From: Jeremy Kapteyn <jeremy@kwlaw.co>
Sent: Friday, June 13, 2025 5:09 PM
To: Hecht, Gary A.; Scott, Melissa E.
Cc: McGregor, Deanna M.; Nick Kirby
Subject: [EXT] RE: BSA v. Toro International - U.S. Opposition No. 91291363 against U.S. Trademark Application No. 97825971 for QUEER SCOUT; Our File No. 038701.00658

Importance: High

Hi Gary and Melissa,

My client elected to continue to pursue this case after a substantial portion of the 30-period for responding to BSA's outstanding discovery requests had elapsed. We are working to prepare responses ahead of the June 15 due date but running short on time given our delayed start.

May we have an additional 10 days to respond?

Regards,

Jeremy

Jeremy Kapteyn, PhD
602.609.7366 (Direct)
520.977.3241 (Mobile)
jeremy@kwlaw.co

From: Jeremy Kapteyn
Sent: Monday, May 19, 2025 1:49 PM
To: 'Scott, Melissa E.' <mscott@foxrothschild.com>
Cc: Hecht, Gary A. <GHecht@foxrothschild.com>; McGregor, Deanna M. <DMcGregor@foxrothschild.com>; Nick Kirby <nick@kwlaw.co>
Subject: RE: BSA v. Toro International - U.S. Opposition No. 91291363 against U.S. Trademark Application No. 97825971 for QUEER SCOUT; Our File No. 038701.00658

Melissa,

I confirm receipt.

Thanks,

Jeremy

Jeremy Kapteyn, PhD
602.609.7366 (Direct)
520.977.3241 (Mobile)
jeremy@kwlaw.co

From: Scott, Melissa E. <mscott@foxrothschild.com>
Sent: Friday, May 16, 2025 8:34 PM
To: Jeremy Kapteyn <jeremy@kwlaw.co>; Nick Kirby <nick@kwlaw.co>
Cc: Hecht, Gary A. <GHecht@foxrothschild.com>; McGregor, Deanna M. <DMcGregor@foxrothschild.com>
Subject: Fw: BSA v. Toro International - U.S. Opposition No. 91291363 against U.S. Trademark Application No. 97825971 for QUEER SCOUT; Our File No. 038701.00658

Dear Counsel:

The below email was bounced back to me due to a typographical error in your email addresses.

Attached please find:

1. Opposer's First Set of Interrogatories Directed to Applicant; and
2.
3. Opposer's First Request for Production of Documents and Things Directed to Applicant.

This is your formal service copy.

We'd appreciate you confirming receipt of this email.

Thank you.

Kind regards,

Melissa E. Scott
Partner
Fox Rothschild LLP
747 Constitution Drive, Suite 100
P.O. Box 673
Exton, PA 19341
Tel: (610) 458-1413
mscott@foxrothschild.com

From: Scott, Melissa E. <mscott@foxrothschild.com>
Sent: Friday, May 16, 2025 6:47 PM
To: jeremy@kwlaw.com <jeremy@kwlaw.com>; nick@kwlaw.com <nick@kwlaw.com>
Cc: Hecht, Gary A. <GHecht@foxrothschild.com>; McGregor, Deanna M. <DMcGregor@foxrothschild.com>
Subject: BSA v. Toro International - U.S. Opposition No. 91291363 against U.S. Trademark Application No. 97825971 for QUEER SCOUT; Our File No. 038701.00658

Dear Counsel –

In connection with the above-referenced trademark opposition, attached please find the following:

1. Opposer's First Set of Interrogatories Directed to Applicant; and

2. Opposer's First Request for Production of Documents and Things Directed to Applicant.

This is your formal service copy.

We would appreciate you confirming receipt via return email.

Kind regards,

Melissa E Scott
Partner
747 Constitution Drive
Suite 100
Exton, PA 19341
(610) 458-1413
(215) 206-4882
(610) 458-7337
mscott@foxrothschild.com

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EXHIBIT 2

OPPOSER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

RFP No.	Description	Applicant's Count	Opposer's Count
1	Documents and Things sufficient to show Applicant's business organization, management structure, officers, directors, and partners.	5	2
2	All non-privileged Documents and Things that Applicant relied on, reviewed, discussed, or consulted in preparing each of Applicant's Answers to Opposers' First Set of Interrogatories.	34	1
3	All Documents and Things that Applicant intends to offer as evidence in this Opposition.	1	1
4	All Documents and Things relating to or evidencing Communications between Applicant and any third Person regarding the subject matter of this Opposition.	1	1
5	All Documents and Things relating to the selection, development, and availability for use of Applicant's Mark.	3	3
6	All trademark searches conducted before filing, or during the prosecution of, the Subject Application for Applicant's Mark, and all opinions based on such searches.	2	2
7	All Documents and Things relating to any searches, surveys, pre- tests, polls, investigations, or other evaluations relating to the selection or commercial use of Applicant's Mark.	12	2
8	All Documents and Things relating to any application to register Applicant's Mark with any governmental entity other than the U.S. Patent and Trademark Office.	1	1
9	Documents, Communications, and Things that evidence or refer to Applicant's plans to use Applicant's Mark and the goods or services that Applicant intended to offer in connection with Applicant's Mark before filing the Subject Application.	2	2

10	Documents, Communications, and Things that evidence, relate, or refer to any products or services that were developed or in development that Applicant offered or intended to offer in connection with Applicant's Mark before filing the Subject Application.	1	1
11	Documents, Communications, and Things that evidence, relate, or refer to any promotion or marketing of or any plans to promote or market Applicant's goods or services in connection with Applicant's Mark before filing the Subject Application.	2	2
12	All non-privileged Documents and Things memorializing, evidencing or relating to the date(s) on which Applicant first made use of Applicant's Mark.	1	1
13	All non-privileged Documents and Things memorializing, evidencing or relating to the date(s) on which Applicant first made use of Applicant's Mark in interstate commerce.	1	1
14	All licenses, assignments, and agreements entered into between Applicant and any Person relating to use of Applicant's Mark	3	1
15	Representative specimens of all past, present, and future advertisements and promotional materials bearing or displaying Applicant's Mark.	3	3
16	Representative specimens of all past, present, and future uses of Applicant's Mark in connection with each of Applicant's Services.	7	1
17	Documents and Things sufficient to identify each good and service currently offered in connection with Applicant's Mark.	7	1
18	Representative samples of, and/or Documents describing, each good and service that Applicant has offered or intends to offer in connection with Applicant's Mark.	7	1
19	Documents sufficient to identify the characteristics and potential applications of each good and service Applicant has offered or intends to offer in connection with Applicant's Mark.	7	1

20	Documents and Things sufficient to identify the channels of trade in or through which goods and services have been offered or in which Applicant intends to offer goods and services in connection with Applicant's Mark.	2	2
21	Documents and Things sufficient to identify the geographic areas where goods and services have been offered or where Applicant intends to offer goods and services in connection with Applicant's Mark.	2	2
22	Documents and Things sufficient to identify the types of consumers who have purchased or used or are intended to purchase or use goods and services offered in connection with Applicant's Mark, or who have joined or will join any programs operated in connection with Applicant's Mark, including, but not limited to, target demographics.	2	1
23	Documents and Things sufficient to identify all websites and social media accounts that Applicant owns, operates, and/or controls that offer goods and/or services in connection with Applicant's Mark, or that display Applicant's Mark.	4	2
24	Documents and Things sufficient to identify all third-party websites that offer goods and/or services in connection with Applicant's Mark, or that display Applicant's Mark.	2	1
25	All Documents relating to any third-party familiarity with, or identification of, Applicant's Mark, including, without limitation, surveys, tests or research regarding Applicant's Mark, or customer identification of Applicant's Mark.	6	1
26	All Documents and Things relating to or evidencing news reports or articles, press releases, television broadcasts, videos, blogs, websites or other publications concerning any good or service offered in connection with Applicant's Mark, or concerning any use of Applicant's Mark.	8	1
27	All Documents and Things relating to or setting forth Applicant's intentions regarding future use of Applicant's Mark on goods, or in connection with services, or as collective marks, other than as set forth in the Subject Application.	1	1

28	All marketing plans, media plans, business plans, or other strategic planning documents relating in any way to Applicant's Mark or to any goods or services offered or intended to be offered in connection with Applicant's Mark.	4	1
29	Documents and Things sufficient to identify all organizations promoting or marketing goods and/or services in connection with Applicant's Mark.	1	1
30	All Documents and Things memorializing, or relating in any way to, any confusion, deception or mistake of any person with respect to the source of any goods or services offered in connection with Applicant's Mark.	1	1
31	All Documents and Things relating to any market studies, surveys, focus groups, or other studies that relate to the use of or advise against the use of goods and/or services offered in connection with Applicant's Mark.	4	1
32	All Documents and Things relating to Applicant's past, present, or future marketing plans or strategies for goods and/or services offered or intended to be offered in connection with Applicant's Mark, including, but not limited to, target markets, channels of trade, and demographic studies.	9	2
33	All non-privileged Documents relating to or referencing Opposer.	1	1
34	All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 21 of the Notice of Opposition.	1	1
35	All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 23 of the Notice of Opposition.	1	1
36	All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 24 of the Notice of Opposition.	1	1
37	All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 26 of the Notice of Opposition.	1	1

38	All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 27 of the Notice of Opposition.	1	1
39	All non-privileged Documents and Things supporting the denial set forth in Applicant's Answer to the allegation of Paragraph 29 of the Notice of Opposition.	1	1
	TOTAL COUNT:	153	52