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Filing date: **11/05/2009**

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

Proceeding	92047058
Party	Plaintiff Robert P. Hornsby, Jr.
Correspondence Address	Mr. Robert P. Hornsby, Jr. 1038 Waverly Street Philadelphia, PA 19147 UNITED STATES bobhornsby@gmail.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Robert P Hornsby Jr
Filer's e-mail	bobhornsby@gmail.com
Signature	/robert p hornsby jr/
Date	11/05/2009
Attachments	8_Notice_of_Reliance_Admissions.pdf ( 9 pages )(95974 bytes )

Robert P. Hornsby, Jr.  
1038 Waverly Street  
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215-829-1142

Petitioner

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

In the matter of Cancellation No. 92047058: Megan L. Murphy

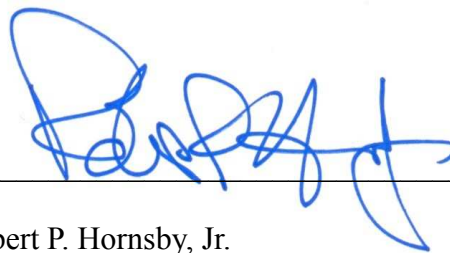
ROBERT P. HORNSBY, JR., )  
 )  
 )  
 Petitioner )  
 )  
 )  
 v. )  
 )  
 )  
 MEGAN L. MURPHY )  
 )  
 Registrant )

CANCELLATION NO. 92047058

**NOTICE OF RELIANCE RE: REGISTRANT'S ADMISSIONS**

Pursuant to 37 C.F.R. §2.122(c) and TMBP 704.10, Petitioner hereby makes of record and notifies Registrant of its reliance on forthcoming Admissions by Registrant in response to Petitioner's Requests for Admission. True and correct photocopies of Petitioner's First Set of Requests for Admissions by Registrant are attached hereto as Exhibit A. Petitioner respectfully requests the Board to take judicial notice thereof.

Dated this 5<sup>th</sup> Day of November, 2009

A handwritten signature in blue ink, appearing to read 'R. P. Hornsby, Jr.', written over a horizontal line.

Robert P. Hornsby, Jr.

1038 Waverly Street

Philadelphia, PA 19147

267-303-0919

[bobhornsby@gmail.com](mailto:bobhornsby@gmail.com)

# EXHIBIT A

Robert P. Hornsby, Jr.  
1038 Waverly Street  
Philadelphia, PA 19147  
[bobhornsby@gmail.com](mailto:bobhornsby@gmail.com)  
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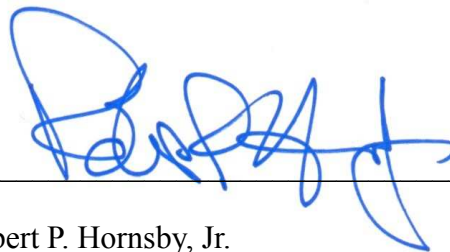
ROBERT P. HORNSBY, JR., )  
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 MEGAN L. MURPHY )  
 )  
 Registrant )

CANCELLATION NO. 92047058

**PETITIONER'S FIRST SET OF REQUESTS FOR ADMISSION**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, Petitioner, hereby requests that Registrant make the following admissions. The requests are to be answered separately, fully, in writing, and under oath and served on Petitioner no later than thirty days after receipt. . Petitioner respectfully requests the Board to take judicial notice thereof.

Dated this 5<sup>th</sup> Day of November, 2009



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Robert P. Hornsby, Jr.

1038 Waverly Street

Philadelphia, PA 19147

267-303-0919

[bobhornsby@gmail.com](mailto:bobhornsby@gmail.com)

## **DEFINITIONS**

The Definitions set forth in Petitioner's First Set of Requests for Production of Documents are incorporated herein by reference and made a part hereof, as if fully stated herein.

## **INSTRUCTIONS**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, the following instructions shall apply:

1. Each matter of which an admission is requested shall be separately set forth.
2. If an objection is made, the reasons therefore shall be stated.
3. If an answer cannot be admitted or denied, Applicant shall detail the reasons why the answering party cannot truthfully admit or deny said request.
4. Each answer shall fairly meet the substance of the requested admission, and when good faith requires that Applicant qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder.
5. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny.
6. These requests shall be deemed to be continuing. Your attention is directed to Rule 26(e)(2) of the Federal Rules of Civil Procedure, which provides as follows:

A party is under a duty seasonably to amend a prior response to an interrogatory, request for production, or request for admission if the party learns that the response is in some material respect incomplete

or incorrect and if the additional corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

### **REQUESTS FOR ADMISSIONS**

1. Admit that Registrant did not register or have control over the Internet domain [www.artocracy.org](http://www.artocracy.org) prior to November 24, 2009 at 15:27:48 UTC.
2. Admit that Registrant knew prior to November 24, 2009 that the Internet domains [www.artocracy.com](http://www.artocracy.com) and [www.artocracy.net](http://www.artocracy.net) were owned by a party other than Registrant.
3. Admit that Registrant attempted, for a period prior to and including November 24, 2009, to purchase the Internet domain [www.artocracy.com](http://www.artocracy.com) from Petitioner.
4. Admit that Registrant, for a period prior to and including November 24, 2009, engaged Mark Hughes for services including negotiating purchase of the Internet domain [www.artocracy.com](http://www.artocracy.com) from Petitioner.
5. Admit that Registrant's response to Request for Production No. 3 in Petitioner's First Set of Requests for Production of Documents contains a true copy of an electronic message from Registrant to Vincent Dean, dated Monday December 13, 2004 09:40:33 -7:00 with subject line "Re: Brand Update".
6. Admit that Registrant's response to Request for Production No. 3 in Petitioner's First Set of Requests for Production of Documents contains a true copy of an electronic message from Registrant to Vincent Dean, dated Monday December 13, 2004 09:40:33 -0700 with subject line "Re: Brand Update", the content of which electronic message is a discussion of alternative designs for the ARTOCRACY mark.
7. Admit that Registrant's response to Request for Production No. 3 in Petitioner's First Set of



Requests for Production of Documents contains a true copy of an electronic message from Registrant to Mark Hughes, dated Monday December 20, 2004 09:43:12 -0700 with subject line "FW: Artocracy is Up", the content of which electronic message is a discussion of the launch of Registrant's Internet website at [www.artocracy.org](http://www.artocracy.org)

8. Admit that Registrant's response to Request for Production No. 3 in Petitioner's First Set of Requests for Production of Documents contains a true copy of an electronic message from Registrant to undisclosed recipients, dated Tuesday December 28, 2004 06:59:07 -0700 with subject line "December Prital Newsletter", the content of which electronic message is an announcement of the launch of Registrant's Internet website at [www.artocracy.org](http://www.artocracy.org)
9. Admit that Registrant's response to Request for Production No. 3 in Petitioner's First Set of Requests for Production of Documents contains a true copy of an electronic message from 'support@nextmill.net' to Registrant, dated Thursday December 2, 2004 15:08:49 -0800 with subject line "Hosting Information for artocracy.org", the content of which electronic message is new account information for the Internet domain [www.artocracy.org](http://www.artocracy.org)
10. Admit that Registrant's response to Request for Production No. 6 in Petitioner's First Set of Requests for Production of Documents contains a true copy of an electronic message from Vincent Dean to Registrant, dated Thursday November 18, 2004 10:41:19 -0800 with subject line "Artocracy Launch", the content of which electronic message includes steps required in order for Registrant to launch a business called "Artocracy" at the Internet domain [www.artocracy.com](http://www.artocracy.com)
11. Admit that Registrant launched a business called "Artocracy" at the Internet domain [www.artocracy.org](http://www.artocracy.org) in January 2005.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of November, 2009, I served the foregoing document, along with any and all exhibits, upon Registrant pursuant to Trademark Rule 2.119(b)(4) by depositing such items into the possession of the United States Postal Service, together with sufficient postage paid, in an envelope to:

J. Michael Keyes  
Attorney for Registrant  
618 W. Riverside Avenue, Suite 300  
Spokane, WA 99203

  
\_\_\_\_\_  
Robert P. Hornsby, Jr.