

ESTTA Tracking number: **ESTTA278238**

Filing date: **04/15/2009**

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

Proceeding	92049674
Party	Plaintiff Blain Supply, Inc.
Correspondence Address	Nancy B. Johnson Brennan, Steil & Basting, S.C. One E. Milwaukee, P.O. Box 1148 Janesville, WI 53547-1148 UNITED STATES njohnson@brennansteil.com
Submission	Motion to Compel Discovery
Filer's Name	Nancy B. Johnson
Filer's e-mail	njohnson@brennansteil.com
Signature	/nancy b johnson/
Date	04/15/2009
Attachments	Motion to Compel (00295499).PDF ( 4 pages )(101131 bytes ) Affidavit re Motion to Compel (00295501).PDF ( 24 pages )(741569 bytes )

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

Blain Supply, Inc.,	}	
	}	
Petitioner	}	
	}	Cancellation No. 92049674
vs.	}	
	}	Registration No. 1825256
Home Court International 2002, Ltd.	}	Mark: ROCK RIVER
	}	Date registered: March 8, 1994
Respondent.	}	

**PETITIONER'S MOTION TO COMPEL RESPONDENT TO MAKE ITS INITIAL  
DISCLOSURES AND TO GIVE RESPONSES TO INTERROGATORIES AND  
REQUESTS TO PRODUCE DOCUMENTS**

TO: Home Court International 2002, Ltd.  
c/o Attorney Paula J. Krasny  
Baker & McKenzie, LLP  
One Prudential Plaza, Suite 3500  
Chicago, IL 60601

Petitioner, Blain Supply, Inc., moves the Trademark Trial and Appeals Board ("Board") pursuant to TBMP §523, 37 C.F.R. §2.120(e)(1) and Fed.R.Civ.Pro. Rule 37(a)(3) for an Order compelling Home Court International 2002, Ltd. ("Respondent") to produce its Initial Disclosures and to respond to Petitioner's first Set of Interrogatories and Requests to Produce Documents.

The grounds for this motion, as further set forth in the accompanying affidavit, are that Respondent has failed to produce its Initial Disclosures within 30 days of the opening of the discovery period as required by 37 C.F.R. § 2.120(a)(2), i.e. by November 26, 2008. Further, Respondent failed to respond to any of Petitioner's First Set of Interrogatives and Requests to Produce Documents within thirty days of being served said discovery, i.e. by December 31, 2008. Copies of Petitioner's discovery requests are attached to the Affidavit of Nancy Johnson in support of this motion.

37 C.R.F. §2.120(a)(3) requires that parties to a proceeding with the Board file their initial disclosures prior to seeking discovery. The Board's scheduling order in this proceeding required that Initial Disclosures be served by no later than November 26, 2008. To date Respondent has failed to serve any initial disclosures.

Pursuant to TBMP §§403.03, 405.04(a) and 406.04(a), a person must serve responses to Interrogatories and Request to Produce within 30 days from the date of service of such discovery requests, or within 35 days when service is by First Class Mail. Respondent was served by mail with Interrogatories, Requests to Produce Documents and Requests to Admit on December 1, 2008. Respondent only filed Objections and Responses to Petitioner's Requests for Admissions. To date, Respondent has failed to serve responses to the Petitioner's Interrogatories and Requests to Produce.

Petitioner has made a good faith effort through correspondence with Respondent's attorney to elicit Respondent's Initial Disclosures and responses to the Interrogatories and Requests to Produce Documents.

This motion has been filed in a timely manner as it was filed after the discovery period started as required by Board's scheduling order and prior to the commencement of the first testimony period as required by TMBP §523.03.

Accordingly, Petitioner requests an Order as follows:

- A. Compelling Respondent to serve its Initial Disclosures;
- B. Compelling Respondent to serve responses to Petitioner's First Set of Interrogatories and Requests to Produce Documents; and
- C. Suspending this proceeding, including the trial schedule, and to reset all deadlines after this motion is completely resolved.

Dated this 15<sup>th</sup> day of April, 2009.

BRENNAN, STEIL & BASTING, S.C.

By: /s/ Nancy B. Johnson  
Nancy B. Johnson [1022985]  
George K. Steil, Jr. [1015839]  
Attorneys for Petitioner  
Blain Supply, Inc.

MAILING ADDRESS:  
One East Milwaukee Street  
P.O. Box 1148  
Janesville, WI 53547-1148  
Tel: (608) 756-4141  
Fax: (608) 756-9000  
00283012.DOC

CERTIFICATE OF FILING AND SERVICE

I hereby certify that a copy of the foregoing Motion to Compel Respondent to Make its Initial Disclosures and to Give Responses to Interrogatories and Requests to Produce Documents and the corresponding Affidavit of Nancy B. Johnson were filed via ESTTA and served upon Respondent via first class mail, postage prepaid, in an envelope addressed as follows:

Home Court International 2002, Ltd.  
c/o Attorney Paula J. Krasny  
Baker & McKenzie, LLP  
One Prudential Plaza, Suite 3500  
Chicago, IL 60601

this 15th day of April, 2009.

*/s/ Nancy B. Johnson*

---

Nancy B. Johnson

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

Blain Supply, Inc.,	}	
	}	
Petitioner	}	
	}	Cancellation No. 92049674
vs.	}	
	}	Registration No. 1825256
Home Court International 2002, Ltd.	}	Mark: ROCK RIVER
	}	Date registered: March 8, 1994
Respondent.	}	

**NANCY B. JOHNSON AFFIDAVIT IN SUPPORT OF BLAIN SUPPLY, INC'S  
MOTION TO COMPEL RESPONDENT TO MAKE ITS INITIAL DISCLOSURES  
AND TO GIVE RESPONSES TO INTERROGATORIES AND REQUESTS TO  
PRODUCE DOCUMENTS**

STATE OF WISCONSIN            )  
  ) ss.  
COUNTY OF ROCK            )

Nancy B. Johnson, being first duly sworn on oath, deposes and says:

1. I am one of the attorneys representing the Petitioner in the above matter.
2. Pursuant to the Scheduling Order in this proceeding, Initial Disclosures were due on November 26, 2008.
3. To date, Respondent has failed to serve upon Petitioner or its attorney Respondent's Initial Disclosures.
4. Petitioner served its Initial Disclosures on Respondent's attorneys on November 25, 2008 by regular mail.
5. Attached hereto as Exhibit A is a true and correct copy of Petitioner's First Set of Interrogatories, Requests to Produce Documents and Requests to Admit.
6. Attached hereto as Exhibit B is a true and correct copy of the Affidavit of Mailing which is proof of service on Respondent of the above referenced discovery.

7. Respondent served upon Petitioner Respondent's Objections and Responses to Petitioner's First Set of Request to Admit.
8. To date, Respondent has failed to respond to Petitioner's Interrogatories and Requests to Produce Documents.
9. Petitioner's attorneys and Respondent's attorneys have corresponded several times in this matter by letter or email.
10. Petitioner has insisted by letter or email that Respondent produce its Initial Disclosures on December 1, 2008, January 14, 2009, February 23, 2009 and March 20, 2009.
11. Petitioner has insisted that Respondent provide its Responses to the Petitioner's Interrogatories and Requests to Produce Documents on February 23, 2009 and March 20, 2009.
12. To date, Respondent has failed to respond to Petitioner's Interrogatories and Requests to Produce Documents, or to commit to providing such responses.
13. Respondent did provide some documents to Petitioner before Petitioner served its Requests to Produce Documents and as part of Respondent's positioning on settlement terms, but has not produced any response or documents in connection with Petitioner's Requests to Produce Documents.
14. Attached as Exhibit C are redacted copies of the letters whose dates are referenced above and responses from Respondent's attorney to said letters, if any.

15. This Affidavit is submitted in support of Petitioner's Motion to Compel Respondent to Make its Initial Disclosures and to Give Responses to Interrogatories and Requests to Produce Documents.

*/s/ Nancy B. Johnson*

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Nancy B. Johnson

Subscribed and sworn to before me  
this 15th day of April 2009.

*/s/ Gail Dallman*

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Gail Dallman  
Notary Public, State of Wisconsin  
My Commission expires: 7/22/12  
00295370.DOC



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

Blain Supply, Inc.,	}	
	}	
Petitioner	}	
	}	Cancellation No. 92049674
vs.	}	
	}	Registration No. 1825256
Home Court International 2002, Ltd.	}	Mark: ROCK RIVER
	}	Date registered: March 8, 1994
Respondent.	}	

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**PETITIONER BLAIN SUPPLY INC.'S FIRST SET OF  
INTERROGATORIES, REQUEST TO PRODUCE DOCUMENTS AND REQUESTS TO  
ADMIT TO HOME COURT INTERNATIONAL 2002, LTD.**

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TO: Home Court International 2002, Ltd.  
c/o Attorney Paula Jill Krasny  
Baker & McKenzie, LLP  
One Prudential Plaza, Suite 3500  
Chicago, IL 60601

Pursuant to Fed.R.Civ.P.36, Fed R.Civ.P.33 and Fed.R.Civ.P. 34., you are requested to admit or deny the following requests to admit; answer the following interrogatories in writing and under oath; and to produce the following documents for inspection and copying at the offices of Brennan, Steil & Basting, S.C., One East Milwaukee Street, P.O. Box 1148, Janesville, WI 53545 within thirty (30) days hereof.

**INSTRUCTIONS**

1. Answer each discovery request separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection must be stated in lieu of an answer. Where an individual interrogatory calls for an answer which involves more than one part, each part of your answer should be clearly set out so that it is understandable.

2. In answering these discovery requests, furnish such information as is available to you, regardless of whether this information is obtained directly by you or through your agents or other representatives or by any of your attorneys.

3. You are under a continuing duty to seasonably supplement your responses with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matter, and the identity of each person expected to be called as a witness. Furthermore, you are under a similar duty to correct any incorrect response if you later learn that it is incorrect.

4. When these discovery requests refer to any business entity or any corporate form of entity, any such reference includes not only the business entity or corporate entity but also that entity's employees, agents, officers, directors, shareholders and attorneys.

5. If any document requested herein is not produced based upon any claim of privilege, or if any discovery request is objected to because it requests allegedly privileged information, then state, as to the requested information or document, the following:

- a. The date of the communication;
- b. The type of communication (letter, memo, etc.);
- c. Who the communication was addressed to;
- d. All persons who have received or reviewed the communication;
- e. The subject matter discussed in the communication;
- f. The present custodian of the communication; and
- g. The statute, rule or case law relied on in asserting that the communication is privileged.

6. If any document herein requested was formerly in your possession, custody or control and/or has been lost or destroyed, you are requested to submit, in lieu of each document, a written statement which:

- a. Describes in detail the nature of the document and its contents;
- b. Specifies the person who prepared or authored the document and, if applicable, the person to whom that document was sent;
- c. Specifies the date on which the document was prepared; and
- d. Specifies the date on which the document was lost or destroyed.

## DEFINITIONS

For purposes of these discovery requests, the following definitions shall apply:

1. “Describe” or “describe in detail” when used in reference to a factual situation or allegations means to state with particularity all the facts known to you connected with, bearing upon, or relating in any way to the matters of which inquiry is made including, but not limited to, the date(s) on which the occurrence took place, the parties involved and the written documentation of the event. Where an interrogatory requests such a description and lists by way of example several categories, classes, or things which may be related to the general interrogatory, the description requested should treat each thing or category individually, and if you know of no instance or factual matter relating to such category, class, or thing, you should specifically so state.

2. “Document” or “Documentation” means the original and any non-identical copy (which is different from the original or any other copy because of notations thereon or attached thereto or otherwise) of any written, graphic, printed, typewritten, handwritten, computer generated, electronically stored, or recorded matter, however produced, reproduced or recorded, including by means of video or film impression, magnetic tape or disc, sound or other mechanical reproduction, and includes but is not limited to correspondence, notes, charges, calendars, tabulations, analyses, bank records, records of meetings and conversations of any kind, contracts, advertisements, receipts, drawings, vouchers, telephone records, computer generated files, electronically stored files, and email which is or was at any time in the possession, custody or control of you or known or believed by you to exist or to have existed.

3. “Identify” when used with respect to an individual person, means to state the individual person's full name, present employer, their occupation, telephone number, present or

last known business address, present or last known residential address, and to produce all documents relating to their knowledge of facts relevant to this action.

4. “Identify” when used with respect to a document, means to state the date, the title and the general subject matter of the document; the name and position of every author; the name and position of every addressee; and the name and position of every person to whom a copy of the document was sent.

5. “Person” means any natural person and any entities, including corporations, cooperatives, partnerships, trusts, firms, joint ventures, sole proprietorships, unincorporated associations or any other association or more than one of the foregoing persons.

6. “You” and/or “Home Court” mean Home Court International 2002, Ltd.

7. “Gattuso” means Gattuso Distributing Inc.

8. “Mark” means the ROCK RIVER mark, Federal Reg. No. 1825256.

9. “Inventory” means all products bearing the Mark that were sold to Gattuso in 2004.

### **INTERROGATORIES**

**INTERROGATORY NO. 1:** State the full name, address, and telephone number of each and every person who located or provided information that is included in your responses to these discovery requests.

**INTERROGATORY NO. 2:** State the full name, address and telephone number of each and every person who searched for documents in response to these discovery requests.

**INTERROGATORY NO. 3:** With respect to the denials set forth in Paragraph 4 of your Answer to Petition for Cancellation dated September 24, 2008:

- a. Describe in detail each and every fact that supports your denials;
- b. For each fact you identify in support of your denials, state the date upon which each event described by you occurred;

- c. For each fact you identify in support of your denials, state the name, address, telephone number, occupation, title and employer of each individual who has knowledge of the facts you describe; and
- d. Identify all documents that support your denials.

**INTERROGATORY NO. 4:** With respect to the denials set forth in Paragraph 5 of your Answer to Petition for Cancellation dated September 24, 2008:

- a. Describe in detail each and every fact that supports your denials;
- b. For each fact you identify in support of your denials, state the date upon which each event described by you occurred;
- c. For each fact you identify in support of your denials, state the name, address, telephone number, occupation, title and employer of each individual who has knowledge of the facts you describe; and
- e. Identify all documents that support your denials.

**INTERROGATORY NO. 5:** With respect to the denials set forth in Paragraph 6 of your Answer to Petition for Cancellation dated September 24, 2008:

- a. Describe in detail each and every fact that supports your denials;
- b. For each fact you identify in support of your denials, state the date upon which each event described by you occurred;
- c. For each fact you identify in support of your denials, state the name, address, telephone number, occupation, title and employer of each individual who has knowledge of the facts you describe; and
- a. Identify all documents that support your denials.

**INTERROGATORY NO. 6:** Describe in detail any and all use in the United States by Home Court of the Mark from January 1, 2004 to the present. Identify all documents that support said use.

**INTERROGATORY NO. 7:** Identify the addresses of each and every store and/or office from which Home Court sold in the United States footwear bearing the Mark from January 1, 2004 to the present and the dates Home Court occupied said offices and/or stores.

**INTERROGATORY NO. 8:** Identify the date Home Court closed its office located at 3265 17<sup>th</sup> Street, San Francisco, CA 94110.

**INTERROGATORY NO. 9:** Describe in detail how Home Court as a suspended California corporation has the legal right to defend this action or bring any other action related to the Mark and the federal trademark registration associated therewith.

**INTERROGATORY NO. 10:** Identify the date Home Court sold the Inventory to Gattuso.

**INTERROGATORY NO. 11:** Describe any and all documents generated in connection with the sale of the Inventory to Gattuso.

**INTERROGATORY NO. 12:** Describe in detail any and all ownership rights or title that Home Court claims in the Inventory. Describe any and all documents that show evidence of said title or ownership rights.

**INTERROGATORY NO. 13:** Describe in detail any and all bases Home Court has for the claim to rights or title you identified in your response to Interrogatory No. 12 and describe all documents that supports said bases.

**INTERROGATORY NO. 14:** Describe in detail any and all income Home Court received or currently receives in connection with the sale by Gattuso of the Inventory to third parties. Identify all documents that show evidence of said income.

**INTERROGATORY NO. 15:** Describe in detail how the sale by Gattuso of the Inventory to third parties constitutes a use of the Mark by Home Court.

**INTERROGATORY NO. 16:** Describe in detail any and all footwear products, other than the Inventory, that have been sold by Gattuso under the alleged license to distribute Rock River Footwear issued by C. Thomas Richardson in his letter dated July 1, 2004

**INTERROGATORY NO. 17:** If you contend that Home Court has made valid use of the Mark subsequent to its sale of the Inventory to Gattuso apart from any sale of the Inventory to third parties by Gattuso:

- a. Describe in detail each and every fact that supports your contentions;
- b. For each fact you identify in support of your contentions, state the date upon which each event described by you occurred;
- c. For each fact you identify in support of your contentions, state the name, address, telephone number, occupation, title and employer of each individual who has knowledge of the facts you describe; and
- d. Identify all documents that support your contentions.

**INTERROGATORY NO. 18:** If you contend that Home Court has manufactured or produced or had manufactured or produced any footwear bearing the Mark subsequent to your sale of the Inventory to Gattuso:

- a. Describe in detail each and every fact that supports your contentions;
- b. For each fact you identify in support of your contentions, state the date upon which each event described by you occurred;
- c. For each fact you identify in support of your contentions, state the name, address, telephone number, occupation, title and employer of each individual who has knowledge of the facts you describe; and
- d. Identify all documents that support your contentions.

**INTERROGATORY NO. 19:** If you contend that Home Court has acquired any footwear inventory bearing the Mark subsequent to your sale of the Inventory to Gattuso:

- a. Describe in detail each and every fact that supports your contentions;
- b. For each fact you identify in support of your contentions, state the date upon which each event described by you occurred;
- c. For each fact you identify in support of your contentions, state the name, address, telephone number, occupation, title and employer of each individual who has knowledge of the facts you describe; and
- d. Identify all documents that support your contentions.

**INTERROGATORY NO. 20:** Describe in detail any and all future plans of Home Court, to purchase and/or have manufactured footwear inventory using the Mark for sale in the United States. Identify any and all documents that show evidence of said future orders or manufacturing contracts.

**INTERROGATORY NO. 21:** Describe in detail any and all of Home Court's marketing plans for future sale of footwear inventory using the Mark. Identify any and all documents that show evidence of said marketing plans.

**INTERROGATORY NO. 22:** In the event that a denial has been entered with respect to all or a part of a requested admissions set forth below, for each requested admission that has been denied in whole or in part, specify in detail the factual basis for such denial, identify all persons who will testify to such facts by stating their name, address, and present occupation, and identify all documents evidencing the factual basis for such denial.

#### **REQUESTS TO ADMIT**

**REQUEST NO. 1:** Home Court International, Ltd. was an Illinois corporation.

**REQUEST NO. 2:** Home Court International, Ltd. was dissolved by the Illinois Secretary of State in 1993.

**REQUEST NO. 3:** Home Court International, Ltd. obtained federal registration of the ROCK RIVER mark on March 8, 1994.

**REQUEST NO. 4:** Home Court International, Ltd. assigned the Registration to Respondent Home Court International 2002, Ltd.

**REQUEST NO. 5:** An assignment of the ROCK RIVER registration to Respondent Home Court International 2002, Ltd. was recorded by the U.S. Patent and Trademark Office on March 09, 2004.



**REQUEST NO. 6:** Home Court International 2002, Ltd. is the current owner of the Mark.

**REQUEST NO. 7:** Respondent Home Court International 2002, Ltd. is a California corporation.

**REQUEST NO. 8:** Respondent Home Court International 2002, Ltd.'s corporate status was suspended by the California Secretary of State on January 13, 2005.

**REQUEST NO. 9:** Home Court's California corporate status remains suspended at the present time.

**REQUEST NO. 10:** Home Court sold its entire inventory bearing the Mark to Gattuso in 2004.

**REQUEST NO. 11:** Subsequent to the sale of the Inventory to Gattuso, Home Court has not had any new footwear inventory manufactured or produced bearing the Mark which was intended for sale in the United States.

**REQUEST NO.12:** Subsequent to the sale of the Inventory to Gattuso, Home Court has not acquired any new footwear inventory bearing the Mark which was intended for sale in the United States.

**REQUEST NO. 13:** Subsequent to July 1, 2004, Home Court has not received any compensation from Gattuso.

### **REQUESTS FOR PRODUCTION**

**REQUEST NO. 1:** Please produce a true and accurate copy of each document you identified in responses to the foregoing Interrogatories Numbers 3-6, 11-14, 17-22.

**REQUEST NO. 2:** For each denial referenced in your Answer to Petition for Cancellation, please produce all documents that include any facts on which these denials are based or that otherwise provide support for these claims.

Dated this 1<sup>st</sup> day of December, 2008.

BRENNAN, STEIL & BASTING, S.C.

By: Nancy B. Johnson  
George K. Steil, Jr. [1015839]  
Nancy B. Johnson [1022985]  
Attorneys for Petitioner  
Blain Supply, Inc.

MAILING ADDRESS:  
One East Milwaukee Street  
P.O. Box 1148  
Janesville, WI 53547-1148  
Tel: (608) 756-4141  
Fax: (608) 756-9000  
00279775.DOC

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

Blain Supply, Inc.,

Petitioner

vs.

Home Court International 2002, Ltd.

Respondent.

Cancellation No. 92049674

Registration No. 1825256

Mark: ROCK RIVER

Date registered: March 8, 1994

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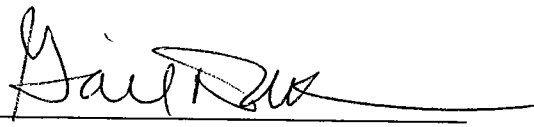
**AFFIDAVIT OF MAILING**

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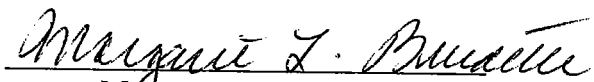
STATE OF WISCONSIN    )  
  ) ss.  
COUNTY OF ROCK        )

Gail Dallman, being first duly sworn, on oath deposes and says that on the 1st day of December, 2008, she caused to be deposited in the United States Mail at Janesville, Wisconsin, via First Class Mail, a true and correct copy of Petitioner Blain Supply Inc.'s First Set of Interrogatories, Requests to Produce Documents and Requests to Admit to Home Court International 2002, Ltd. in a postage paid envelope with return address in case of non-delivery addressed to the following:

Attorney. Paula J. Krasny  
Baker & McKenzie LLP  
One Prudential Plaza, Suite 3500  
130 East Randolph Drive  
Chicago, IL 60601

  
\_\_\_\_\_  
Gail Dallman

Subscribed and Sworn to Before Me  
this 1<sup>st</sup> day of December, 2008.

  
\_\_\_\_\_  
Margaret L. Burdette

Notary Public, Rock County, WI  
My Commission Expires: 9/13/09  
00281958.DOC

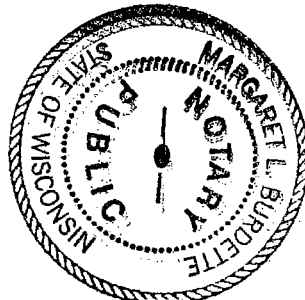


EXHIBIT B

**BRENNAN,  
STEIL &  
BASTING, S.C.**

Attorneys At Law

A Limited Liability Organization

One East Milwaukee Street (53545)  
P.O. Box 1148  
Janesville, Wisconsin 53547-1148  
Facsimile (608) 756-9000  
Telephone (608) 756-4141

December 1, 2008

Attorney. Paula J. Krasny  
Baker & McKenzie LLP  
One Prudential Plaza, Suite 3500  
130 East Randolph Drive  
Chicago, IL 60601

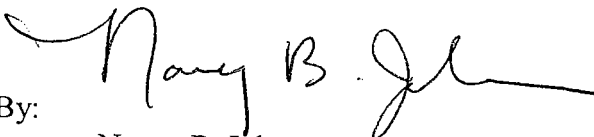
**Re: Petitioner Blain Supply Inc.'s First Set of Interrogatories, Requests to Produce Documents and Requests to Admit to Home Court International 2002, Ltd.**

Dear Ms. Krasny:

Enclosed please find a copy of the original above-referenced discovery document. Also enclosed is a copy of the Affidavit of Mailing of said documents. We look forward to receiving a response. Also, please note that you have failed to timely file your initial disclosures.

Very truly yours,

**BRENNAN, STEIL & BASTING, S.C.**

By: 

Nancy B. Johnson

E-Mail: [njohnson@brennansteil.com](mailto:njohnson@brennansteil.com)

NBJ/gd

Enclosure

00282379.DOC

c: Attorney George K. Steil, Jr.

EXHIBIT C

Baker & McKenzie LLP  
One Prudential Plaza, Suite 3500  
130 East Randolph Drive  
Chicago, Illinois 60601, USA

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Santiago  
Sao Paulo  
Tijuana  
Toronto  
Valencia  
Washington, DC

**FOR SETTLEMENT PURPOSES ONLY**

December 19, 2008

George K. Steil, Jr.  
Ms. Nancy B. Johnson  
Brennan, Steil & Basting, S.C.  
A Limited Liability Organization  
One E. Milwaukee St.  
P.O. Box 1148  
Janesville, WI 53537-1148

RE: Cancellation No. 92049674-Blain Supply, Inc. v. Home Court International 2002, Ltd.

Dear Mr. Steil and Ms. Johnson:

This is to respond to your letter dated November 6, 2008. We also acknowledge receipt of your discovery requests.

**REDACTED**

Paula Jill Krasny  
Tel: +1 312 861 2822  
Fax: +1 312 698 2241  
paula.j.krasny@bakernet.com

VIA EMAIL

[GKSTEIL@BRENNANSTEIL.COM](mailto:GKSTEIL@BRENNANSTEIL.COM)  
[NJOHNSON@BRENNANSTEIL.COM](mailto:NJOHNSON@BRENNANSTEIL.COM)

**REDACTED**

We already have provided you with documents responsive to most of your requests and subject to the TTAB's standard protective order, we are willing to supply you with additional documents to prove our case. Enclosed are Respondent's Answers to the Requests to Admit so that a failure to respond cannot be construed as admissions.

**REDACTED**

I look forward to hearing from you shortly.

Sincerely,



Paula Jill Krasny

Enc.  
CHIDMS1/2660115.2

**BRENNAN,  
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January 14, 2009

Home Court International 2002, Ltd.  
c/o Attorney Paula Jill Krasny  
Baker & McKenzie, LLP  
One Prudential Plaza, Suite 3500  
Chicago, IL 60601

**Re: Blain Supply, Inc. v. Home Court International 2002, Ltd.  
Cancellation No. 92049674**

Dear Ms. Krasny:

Please be advised that this is our second demand for Home Court International 2002, Ltd. to produce its Initial Disclosures in the above-referenced case that were due on November 26, 2008. Further, its Answers to Interrogatories and Requests to Produce were due on December 31, 2008. We will expect the Initial Disclosures and Answers to discovery by no later than Friday, January 23, 2009. In the event we do not receive said documents by that date, we will have no alternative but to file a motion to compel discovery.

Very truly yours,

**BRENNAN, STEIL & BASTING, S.C.**

By: 

Nancy B. Johnson  
Email: [njohnson@brennansteil.com](mailto:njohnson@brennansteil.com)

NBJ:gd

c: Attorney George K. Steil, Jr.  
00286172.DOC

EXHIBIT C

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VIA EMAIL

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FOR SETTLEMENT PURPOSES ONLY

January 22, 2009

Mr. George K. Steil, Jr.  
Ms. Nancy B. Johnson  
Brennan, Steil & Basting, S.C.  
One E. Milwaukee St.  
P.O. Box 1148  
Janesville, WI 53537-1148

RE: Cancellation No. 92049674-Blain Supply, Inc. v. Home Court International 2002, Ltd.

Dear Mr. Steil and Ms. Johnson:

**REDACTED**

Second, instead of filing a motion to compel discovery, please consider filing a consented motion to suspend the proceedings while we explore settlement. You will recall that we have voluntarily produced information and documents demonstrating how the mark is currently in use in commerce and not abandoned. We have also answered your Requests to Admit. It would seem that you have sufficient evidence to demonstrate that it is unlikely that your client would prevail in the cancellation proceeding, but if there is additional information you would like in order to evaluate settlement, please let me know.

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I will be back in touch with you once I have had the opportunity to discuss this further with my client. If you would like to discuss any of the substantive matters in this proceeding before then, do not hesitate to contact me.

Sincerely,



Paula Jill Krasny

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Telephone (608) 756-4141

February 23, 2009

VIA email: [paula.j.krasny@bakernet.com](mailto:paula.j.krasny@bakernet.com)  
Ms. Paula J. Krasny  
Baker & McKenzie, LLP  
One Prudential Plaza, Suite 3500  
130 East Randolph Drive  
Chicago, IL 60601

Re: Cancellation No. 92049674  
Blain Supply, Inc. v. HomeCourt International 2002, Ltd.

Dear Ms. Krasny:

**REDACTED**

your client has failed to file its Initial Disclosures and failed to answer the  
interrogatories and Requests to Produce.

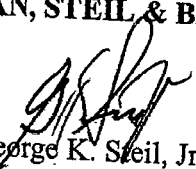
**REDACTED**

answers to discovery by March 2, 2009 or we will file a motion to compel. , we expect your client's Initial Disclosures and all

If you have any questions, please feel free to call. We look forward to your answer.

Very truly yours,

**BRENNAN, STEIL & BASTING, S.C.**

By:   
George K. Steil, Jr.  
[gksteil@brennansteil.com](mailto:gksteil@brennansteil.com)  
Nancy B. Johnson  
[njohnson@brennansteil.com](mailto:njohnson@brennansteil.com)

NBJ/ch

cc: Mr. Robert Blain, Blain Supply, Inc.  
00290014.DOC

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**FOR SETTLEMENT PURPOSES ONLY**

February 27, 2009

Mr. George K. Steil, Jr.  
Ms. Nancy B. Johnson  
Brennan, Steil & Basting, S.C.  
One E. Milwaukee St.  
P.O. Box 1148  
Janesville, WI 53537-1148

RE: Cancellation No. 92049674-Blain Supply, Inc. v. Home Court International 2002, Ltd.

Dear Mr. Steil and Ms. Johnson:

**REDACTED**

Paula Jill Krasny  
Tel: +1 312 861 2822  
Fax: +1 312 698 2241  
paula.j.krasny@bakernet.com

VIA EMAIL

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[NJOHNSON@BRENNANSTEIL.COM](mailto:NJOHNSON@BRENNANSTEIL.COM)

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**REDACTED**

Procedural Matters

While you are welcome to file a motion to compel,

**REDACTED**

You should let us know there is certain information you are seeking that we have not already produced, as we always have been cooperative and forthcoming about producing (subject to the Board's standard Protective Order) the documents that demonstrate the validity of our client's trademark rights.

Sincerely,

  
Paula Jill Krasny

Enclosures  
CHIDMS1/2678506.2

Mr. George Steil, Jr.  
Ms. Nancy B. Johnson  
February 27, 2009

Page 2

EXHIBIT C

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March 20, 2009

Ms. Paula J. Krasny  
Baker & McKenzie LLP  
One Prudential Plaza  
130 E. Randolph Drive, Suite 3500  
Chicago, IL 60601

**Re: Blain Supply, Inc. V. Home Court International 2002, Ltd.  
Registration No. 1825256  
Mark: ROCK RIVER**

Dear Ms. Krasny:


Enclosed please find Blain Supply, Inc.'s Motion to Amend Petition for Cancellation, Affidavit of Nancy B. Johnson and Blain Supply, Inc.'s Second Set of Requests for Admissions. As noted several times before, your answer to Blain Supply, Inc.'s First Set of Interrogatives and Requests to Produce Documents and your initial Disclosures are seriously overdue.

Your last letter dated February 27, 2009 indicated that you are willing to provide further documentation if needed to settle this matter. What is needed is answers to our discovery.

**REDACTED**

Very truly yours,

**BRENNAN, STEIL & BASTING, S.C.**

  
By: George K. Steil, Jr.  
E-Mail: [gksteil@brennansteil.com](mailto:gksteil@brennansteil.com)

GKSJ/  
Enclosures  
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