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

Proceeding	92049740
Party	Defendant Nature's Sunshine Products, Inc.
Correspondence Address	Marc T. Rasich STOEL RIVES LLP 201 South Main Street, Suite 1100 Salt Lake City, UT 84111 UNITED STATES
Submission	Motion for Sanctions
Filer's Name	Joshua G. Gigger
Filer's e-mail	TM-SLC@stoel.com
Signature	/Joshua G. Gigger/
Date	06/09/2009
Attachments	Motion for Terminating Sanctions.pdf (112 pages)(3388819 bytes)

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

THE SUNRIDER CORPORATION,)	
)	
Petitioner,)	Cancellation No. 92049740
)	
v.)	
)	
NATURE’S SUNSHINE PRODUCTS, INC.,)	
)	
Respondent.)	
)	

**NATURE’S SUNSHINE PRODUCT INC.’S MOTION FOR TERMINATING
SANCTIONS, EVIDENTIARY SANCTIONS OR AN ORDER
COMPELLING DISCOVERY**

Pursuant to 37 CFR § 2.120(g) and Federal Rule of Civil Procedure (“Rule”) 37, respondent, Nature’s Sunshine Products, Inc. (“Nature’s Sunshine”), respectfully moves the Board to (a) impose terminating sanctions on The SunRider Corporation (“SunRider”) for its delay tactics and discovery abuses by entering judgment against SunRider in this matter; or (b) impose evidentiary sanctions on SunRider by barring SunRider from using any witnesses, documents and other evidence not previously disclosed to Nature’s Sunshine in this matter; or (c) compel SunRider to immediately (i) produce its initial and pretrial disclosures, (ii) produce all documents responsive to Nature’s Sunshine’s first set of requests for production of documents, as well as a privilege log, (iii) provide substantive and complete supplemental responses to Nature’s Sunshine’s first set of interrogatories, and (iv) make Tei-Fu Chen, SunRider’s founder and Chairman of the Board, available for a discovery deposition in Salt Lake City, Utah.

INTRODUCTION

Given SunRider's repeated conduct over the last 25 years – occasional threats of legal action and then disappearing for years at a time – Nature's Sunshine was not surprised when SunRider initiated this cancellation proceeding, in July 2008, and then disappeared, despite the passing of deadlines for the discovery conference, and initial and expert disclosures. But, Nature's Sunshine became concerned that SunRider was simply trying to “sandbag” it when Nature's Sunshine discovered, in February 2009, that SunRider had suspended prosecution of its application to register the TEI-FU mark (the “Mark”) pending the outcome of the cancellation. Specifically, Nature's Sunshine was concerned that SunRider was trying to lull Nature's Sunshine into falsely believing that SunRider did not intend to pursue the cancellation so that Nature's Sunshine would not engage in discovery. Therefore, on February 20, 2009, Nature's Sunshine invited SunRider to participate in a discovery conference and engage in discovery. Nature's Sunshine was also concerned that SunRider would not provide substantive responses to discovery requests, this fear having been confirmed time and time again throughout this proceeding as SunRider has repeatedly failed to provide Nature's Sunshine with discovery that it needs in connection with the trial of this matter.

After filing its petition to cancel, SunRider failed to take any action in this matter for months. SunRider then sought to remedy this failure, and gain additional time to complete its discovery, by filing three motions to extend the discovery schedule. *See* Docket Entry (“D.E.”) Nos. 6, 8 and 10. At the same time, SunRider repeatedly refused or otherwise failed to comply with its obligations to provide discovery under the Board's scheduling order and in response to Nature's Sunshine's discovery requests. The Board's scheduling order required SunRider to serve its initial

disclosures on November 12, 2008 and to serve its pretrial disclosures on May 26, 2009. SunRider, however, has failed to provide any initial or pretrial disclosures in this matter.

On February 20, 2009, Nature's Sunshine served its First Set of Interrogatories and its First Set of Requests for Production of Documents. SunRider, however, did not provide any responses when they were due. In fact, Nature's Sunshine did not receive any responses from SunRider until April 23, 2009 (approximately a month after the responses were due). At that time, SunRider baselessly objected to Nature's Sunshine's 21 interrogatories as exceeding the limit of 75 interrogatories and has failed, despite repeated requests from Nature's Sunshine, to reveal the basis for its objection. As of the date of this motion, SunRider also has not produced any documents.

On March 20, 2009, Nature's Sunshine noticed the deposition of Tei-Fu Chen. Despite SunRider's allegation that Nature's Sunshine was required to obtain Mr. Chen's consent to Nature's Sunshine's registration and use of the Mark, SunRider refused to make Mr. Chen available for a discovery deposition when noticed. Repeated attempts to reschedule the deposition have failed.

SunRider's tactics are intentional and in violation of the Board's scheduling order, the Rules and the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"). SunRider's tactics have increased the costs of this proceeding and frustrated Nature's Sunshine's efforts to have a timely trial of this matter, all in an effort to force Nature's Sunshine into an unjustified settlement, including consent to SunRider's registration and use of the Mark.

Accordingly, Nature's Sunshine respectfully requests that the Board (a) impose terminating sanctions on SunRider by entering judgment against SunRider; or (b) impose evidentiary sanctions on SunRider by barring SunRider from using any witnesses, documents or other evidence not previously disclosed to Nature's Sunshine; or (c) compel SunRider to immediately (i) produce its

pretrial disclosures, (ii) produce all documents responsive to Nature's Sunshine's first set of requests for production of documents, as well as a privilege log, (iii) provide substantive and complete responses to Nature's Sunshine's first set of interrogatories, and (iv) make Mr. Chen available for a discovery deposition in Salt Lake City, Utah.

Nature's Sunshine, through its counsel, has made a good faith effort, by conference and correspondence, to resolve with counsel for SunRider the issues presented in this motion. In spite of such efforts, the parties have failed to reach an agreement regarding the issues presented herein.

BACKGROUND

Nature's Sunshine has used the Mark in interstate commerce since at least as early as 1979 and has expended substantial resources in developing the Mark, which enjoys a high level of recognition for Nature's Sunshine's products. Nature's Sunshine obtained registrations for the Mark on Oct. 12, 1982 (U.S. Reg. No. 1,212,076) and Oct. 29, 1985 (U.S. Reg. No. 1,367,261).

For the last 25 years, SunRider has occasionally threatened Nature's Sunshine with legal action regarding its registration and use of the Mark and then disappeared for years at a time before again threatening Nature's Sunshine. The events leading up to and following the initiation of this cancellation proceeding were no different.

In early 2008, SunRider contacted Nature's Sunshine and threatened to cancel Nature's Sunshine's registrations for the Mark if it did not consent to registration of SunRider's application for the Mark.¹ Nature's Sunshine denied that its registrations were subject to cancellation, but

¹ SunRider has filed two applications to register the TEI-FU mark. The first, U.S. Serial No. 75/698,469, was filed May 5, 1999, but was abandoned when SunRider failed to respond to a final office action. The second, U.S. Ser. No. 77/438,414, was filed on April 2, 2008 and rejected by the Examining Attorney based on a likelihood of confusion with Nature's Sunshine's registrations for the mark TEI-FU.

agreed to discuss a settlement with SunRider. On June 3, 2008, SunRider's counsel forwarded a settlement proposal to counsel for Nature's Sunshine. Nature's Sunshine provided a counter-proposal on July 10, 2008. SunRider, however, never responded to Nature's Sunshine's counter-proposal. Instead, on July 31, 2008, SunRider initiated this cancellation proceeding.

The deadlines for the discovery conference and initial disclosures, as set forth in the Board's scheduling order, passed and Nature's Sunshine did not hear from SunRider with regard to settlement or any other matter, so Nature's Sunshine assumed that SunRider had decided to abandon this proceeding. Nature's Sunshine, however, later learned that SunRider sought to suspend consideration of its application to register the Mark pending the outcome of this cancellation. Nature's Sunshine, therefore, contacted SunRider's counsel on February 20, 2009 to inquire whether it would "agree to a discovery conference next week or, if SunRider has decided not to proceed with the cancellation . . ." See Exh. A, Correspondence from M. Rasich to B. Ehrlich, dated February 20, 2009. To ensure that it was not sandbagged or otherwise prejudiced by SunRider's delay in pursuing this matter, Nature's Sunshine also sent its initial disclosures and discovery requests to SunRider at this time. *Id.* Nature's Sunshine's First Set of Requests to Petitioner for Production of Documents and Tangible Things are attached hereto as Exh. B. Nature's Sunshine's First Set of Interrogatories to Petitioner are attached hereto as Exh. C.

SunRider requested a 30 day extension of time in which to provide its responses to Nature's Sunshine's discovery requests and, on March 25, 2009, Nature's Sunshine responded that it could not agree to a 30 day extension because it had noticed the deposition of Tei-Fu Chen for April 10, 2009 and needed the documents and information from the discovery responses to depose Mr. Chen. See Exh. D, Correspondence from J. Gigger to B. Ehrlich, dated March 25, 2009. See also, Exh. E,

Deposition Notice for Tei-Fu Chen. Nature's Sunshine did offer SunRider an extension of one week "upon the express condition that [SunRider] overnight mail the discovery responses and documents to assure that [Nature's Sunshine] received them by no later than Monday, April 6, 2009, and upon the condition that SunRider's responses will be substantive and complete – *i.e.*, will contain more than stock objections." Exh. D.

SunRider never responded to Nature's Sunshine's extension offer. Instead, SunRider filed numerous motions seeking extensions of time to provide its discovery responses and for discovery in general. D.E. Nos. 6, 8 and 10. On April 8, 2009, SunRider also informed Nature's Sunshine that it would not make Tei-Fu Chen available for deposition as noticed. *See* Exh. F, Correspondence from B. Ehrlich to J. Gigger. Nature's Sunshine has repeatedly tried to reschedule this deposition, but SunRider has failed to provide dates for the deposition. *See* Exh. G, Correspondence from J. Gigger to B. Ehrlich, dated May 13, 2009, and Exh. H, Correspondence from J. Gigger to B. Ehrlich, dated June 1, 2009.

On April 23, 2009, Nature's Sunshine received SunRider's responses to Nature's Sunshine's First Set of Requests to Petitioner for Production of Documents and Tangible Things and First Set of Interrogatories. *See* Exhs. I and J. Instead of providing any responses to Nature's Sunshine's interrogatories, SunRider provided a general objection that Nature's Sunshine's 21 interrogatories "when counted are at least one-hundred forty-one (141) questions, including subparts." Exh. J, at p. 7. SunRider has repeatedly ignored Nature's Sunshine's requests that SunRider provide the basis for this objection. *See, e.g.*, Exhs. G and H.

SunRider also has failed to make any documents available for inspection and copying despite repeated requests from Nature's Sunshine, including an offer by Nature's Sunshine (a) to

pay the costs of copying and shipping if SunRider will produce the documents or (b) to travel to SunRider's facilities and copy the documents itself. *See* Exhs. G and H. *See also*, Exh. K, Correspondence from J. Gigger to B. Ehrlich, dated May 1, 2009. SunRider has also fought Nature's Sunshine on the production of a privilege log. *Id.*

ARGUMENT

I. Judgment Should Be Entered Against SunRider Pursuant to 37 CFR § 2.120(g) and Rule 37 Based on SunRider's Failure and Refusal to Both Comply with the Board's Scheduling Order and SunRider's Failure Respond to Nature's Sunshine's Discovery.

Pursuant to 37 CFR § 2.120(g), sanctions are available if a party fails to (a) participate in the discovery conference, (b) comply with an order of the Board, (c) make required initial disclosures, (d) make an officer available for deposition when noticed, (e) provide interrogatory responses, or (f) provide documents in response to document requests. Such sanctions include striking the pleadings of the disobedient party; refusing to allow the disobedient party to support or oppose designated claims or defenses; prohibiting the disobedient party from introducing designated matters in evidence; and entering judgment against the disobedient party. TBMP § 527.01(b).

Although SunRider unilaterally initiated this proceeding, it has consistently missed every deadline set forth on the Board's scheduling order, including the deadline for the discovery conference, the deadline for initial disclosures, the deadline for expert disclosures, the deadline for the close of discovery and the deadline for pretrial disclosures.

SunRider has also missed every deadline to provide responses to Nature's Sunshine's discovery requests. Nature's Sunshine served its First Set of Requests for Production of Documents and Tangible Things on February 20, 2009. Exhs. A-B. Nature's Sunshine, however, did not receive SunRider's responses until April 23, 2009. Additionally, although SunRider agreed in its

responses to make certain documents available for inspection and copying, SunRider has failed to inform Nature's Sunshine as to when, where and how it can inspect and copy the documents, despite repeated requests from Nature's Sunshine. Exhs. G, H and K. SunRider has also refused to provide a privilege log. *Id.*

In fact, in a letter dated May 15, 2009, counsel for SunRider made it clear that SunRider would not produce any documents unless Nature's Sunshine agreed to withdraw its objections to discovery requests served by SunRider in violation of 37 CFR § 2.120, which states that "[a] party must make its initial disclosures prior to seeking discovery..." See Exh. L, Correspondence from B. Ehrlich to J. Gigger, dated May 15, 2009. SunRider does not argue that it has met this prerequisite to seeking discovery. Regardless, Nature's Sunshine is under no obligation to accept SunRider's quid pro quo offer to secure responses to its discovery requests. See, e.g., TBMP §403.03 ("a party is under an obligation to respond to an adversary's request for discovery during the time allowed therefor under the applicable rules, irrespective of the sequence of requests for discovery, or of an adversary's failure to respond to a pending request for discovery.").

Nature's Sunshine also served its First Set of Interrogatories on February 20, 2009. Exhs. A and C. Nature's Sunshine, however, did not receive any responses from SunRider until April 23, 2009. When SunRider did finally respond to Nature's Sunshine's interrogatories, SunRider did not answer the interrogatories, but instead lodged a baseless general objection that the 21 interrogatories "when counted are at least one-hundred forty-one (141) questions, including subparts." Exh. J. As the Board can see from Nature's Sunshine's interrogatories, attached here to as Exh. C, there is no reasonable basis for reading 141 interrogatories into Nature's Sunshine's

short and concise interrogatories. Regardless, Nature's Sunshine repeatedly sought to confer with SunRider on the basis for its objections, but SunRider has not responded. *See* Exhs. G and H.

Now, more than three months have passed since Nature's Sunshine served its discovery requests and SunRider still has not provided substantive and complete interrogatory responses or any documents responsive to Nature's Sunshine's document requests.

SunRider has also violated 37 CFR § 2.120(g)(2) by failing to make Tei-Fu Chen available for discovery deposition after a proper notice of deposition. On March 20, 2009, Nature's Sunshine noticed the deposition of Tei-Fu Chen. Exh. E. SunRider, however, refused to make Mr. Chen available for the deposition when noticed, promising to make Mr. Chen available at a later date. Exh. F. Repeated attempts to reschedule the deposition have proved fruitless as SunRider has never agreed to any dates for Mr. Chen's deposition.

SunRider's conduct, including its repeated disregard for the deadlines established by the Board in its scheduling order, failure to provide initial and pretrial disclosures, refusal or failure to provide substantive and complete interrogatory responses, refusal or failure to make documents available for production and failure to make Tei-Fu Chen available for deposition after receiving proper notice of the deposition provides compelling justification for the Board to enter judgment in this matter against SunRider. Indeed, despite having initiated this action, SunRider has repeatedly engaged in dilatory tactics and gamesmanship both to delay and to increase Nature's Sunshine's costs incurred in this proceeding. The Board should put an end to SunRider's gamesmanship and enter judgment against SunRider.

II. In the Alternative, the Board Should Enter Evidentiary Sanctions Against SunRider.

Pursuant to 37 CFR 2.120(g) and Rule 37, the Board may sanction a party that engages in discovery abuses by, for example, ordering that disputed issues be conclusively established against a disobedient party or ordering that the disobedient party be barred from introducing any evidence on the disputed issues. Additionally, a party that fails to timely respond to a request for discovery, “may be found . . . to have forfeited its right to object to the discovery request on its merits.” TBMP § 527.01(c). The Board has great discretion in determining whether a forfeiture or other sanction should be found. *No Fear Inc. v. Rule*, 54 USPQ2d 1151 (TTAB 2000).

Here, SunRider cannot demonstrate any justification for its staunch refusal or failure to provide initial and pretrial disclosures, substantive responses to interrogatories and document requests and Mr. Chen for a deposition. In fact, SunRider specifically asked the Board to allow it more time to respond to Nature’s Sunshine’s discovery requests so that it could collect the requested information. Yet, despite being allowed more time, SunRider refuses or has otherwise failed to provide any responses.

Additionally, SunRider cannot demonstrate any justification for its failure to disclose its use of expert testimony during the period established by the Board’s scheduling order. SunRider was required to disclose its expert and provide an proper expert report by March 12, 2009. SunRider, however, did not disclose that it was using an expert at that time. Instead, SunRider provided its expert disclosure, including a simply conclusory 1 page “expert report”, more than a month later. D.E. No. 11. *See also* Nature’s Sunshine’s discussion of the expert report at D.E. No. 13, pp. 3-4.

In light of SunRider's violation of the Board's scheduling order and SunRider's numerous other discovery abuses, Nature's Sunshine requests that the Board (a) preclude SunRider from admitting any evidence at trial that it has not already produced to Nature's Sunshine, (b) preclude SunRider from using Tei-Fu Chen at trial and (c) preclude SunRider from using its expert at trial. At this late stage (SunRider's 30-day trial period begins June 10, 2009), it would be unfair to allow SunRider to proceed to trial and to introduce evidence in support of its case that was not provided to Nature's Sunshine as required under the Board's scheduling order and the Rules.

III. In the Alternative, the Board Should Issue an Order Compelling SunRider to Provide Substantive and Complete Discovery Responses and Pretrial Disclosures, and to Make Mr. Chen Available for Deposition.

If a party fails to make required initial or pretrial disclosures, fails to make an officer, director or managing agent available for deposition, fails to answer any interrogatory or fails to produce any document in response to document requests, the other party can file a motion requesting that the Board compel the party to provide substantive and complete disclosures. 37 C.F.R. § 2.120(e). Here, SunRider should be compelled to (a) produce substantive and complete responses to Nature's Sunshine's discovery requests, (b) produce pretrial disclosures and (c) make Mr. Chen available for deposition in Salt Lake City, Utah.

A. SunRider Should be Compelled to Produce Substantive and Complete Responses to Nature's Sunshine's Requests for Production of Documents.

On April 20, 2009, Nature's Sunshine served its First Set of Requests to Petitioner for Production of Documents and Things. Exh. B. Nature's Sunshine's First Set of Requests for Production of Documents were limited to 31 document requests, including, for example, documents relating to SunRider's applications to register the Mark (Request No. 8), SunRider's allegations in

its petition (Request Nos. 10-13 and 15-24), Mr. Chen's alleged employment with Nature's Sunshine (Request No. 14), SunRider's contention that Mr. Chen is a well known doctor in the herb, vitamin, dietary supplement or nutraceutical industry (Request Nos. 12, 13 and 24), and SunRider's knowledge of Nature's Sunshine's registration and use of the Mark (Request No. 28).

On April 23, 2009, Nature's Sunshine received SunRider's responses to Nature's Sunshine's First Set of Requests to Petitioner for Production of Documents. Exh. I. SunRider objected to each of Nature's Sunshine's requests to the extent that they requested documents from 1977 through the present because it was "overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period." *Id.* SunRider, however, should not be permitted to withhold documents on this basis. It was SunRider and Mr. Chen who waited until 2008 to file a cancellation proceeding despite the fact that they have known for at least 25 years about Nature's Sunshine's registration of the Mark and for approximately 30 years about Nature's Sunshine's use of the Mark. Additionally, SunRider has alleged in this proceeding that Nature's Sunshine committed fraud during prosecution of the applications to register the Marks approximately 25 or 30 years ago. Nature's Sunshine's discovery requests are directly related to SunRider's and Mr. Chen's fraud allegations. SunRider cannot reasonably complain now that finding responsive documents is unduly burdensome and oppressive.

SunRider also objected to certain of Nature's Sunshine's document requests because "said documents would include proprietary, confidential and trade secret information." Exh. I (Response No. 9). SunRider, however, cannot withhold documents on this basis. SunRider can move for a protective order if it is concerned about the confidentiality of its documents. TBMP 412.02.

SunRider objected to other document requests because “Respondent has not yet responded to Petitioner’s discovery.” Exh. I (Response Nos. 11, 15 and 27). SunRider cannot withhold documents on this basis. Indeed, the TBMP clearly states that “a party is under an obligation to respond to an adversary’s request for discovery during the time allowed therefor under the applicable rules, irrespective of the sequence of requests for discovery, or of an adversary’s failure to respond to a pending request for discovery.” TBMP §403.03.

SunRider has also fought Nature’s Sunshine’s requests for a privilege log. SunRider’s objection to this request is baseless and the Board should compel SunRider to produce it as a privilege log is expressly required by Rule 26(b)(5).

Accordingly, Nature’s Sunshine respectfully requests that the Board issue an order compelling SunRider to produce substantive and complete responses to Nature’s Sunshine’s document requests and also compelling SunRider to produce a proper privilege log.

B. SunRider Should be Compelled to Produce Substantive and Complete Responses to Nature’s Sunshine’s Interrogatory Requests.

On April 20, 2009, Nature’s Sunshine served its First Set of Interrogatories to Petitioner. Exh. C. Nature’s Sunshine’s First Set of Interrogatories were limited to 21 interrogatories, including, for example, interrogatories relating to when SunRider and Mr. Chen became aware of Nature’s Sunshine’s registration and use of the Mark (Interrogatory No. 4), SunRider’s future plans for the Mark (Interrogatory No. 6), facts supporting SunRider’s contentions set forth in the petition to cancel (Interrogatory Nos. 7-16), and instances of actual confusion between Nature’s Sunshine’s and SunRider’s use of the Mark (Interrogatory No. 17).

On April 23, 2009, Nature's Sunshine received SunRider's responses to Nature's Sunshine's First Set of Interrogatories. Exh. J. Instead of providing any responses to Nature's Sunshine's interrogatories, however, SunRider provided a general objection that Nature's Sunshine's 21 interrogatories "when counted are at least one-hundred forty-one (141) questions, including subparts." See Exh. J, at p. 7. As the Board can see from Nature's Sunshine's interrogatories, there is no reasonable basis for construing Nature's Sunshine's 21 interrogatories as exceeding the 75 interrogatories permitted under the Board's rules, which may explain why SunRider has repeatedly ignored requests to explain the basis for this objection. *See, e.g.*, Exhs. G and H.

Nature's Sunshine, therefore, respectfully requests that the Board issue an order compelling SunRider to produce substantive and complete responses to Nature's Sunshine's interrogatories.

C. SunRider Should be Compelled to Produce its Pretrial Disclosures.

37 CFR § 2.121(e) provides that no later than fifteen days prior to the opening of each testimony period, the party scheduled to present evidence must disclose information regarding its witnesses, their testimony and the types of documents and things which may be introduced as exhibits during the testimony of the witness. Here, SunRider's pretrial disclosures were due by May 26, 2009, but SunRider has failed to provide any pretrial disclosures. Accordingly, SunRider should be compelled to produce proper pretrial disclosures.

D. SunRider Should be Compelled to Make Tei-Fu Chen Available for a Discovery Deposition in Salt Lake City, Utah.

Nature's Sunshine noticed the deposition of Tei-Fu Chen, SunRider's founder and Chairman of the Board, for April 10, 2009. Exh. E. SunRider never objected to Mr. Chen's deposition.

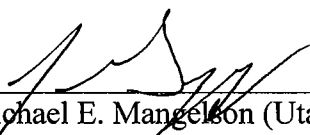
However, on April 8, 2009, SunRider informed Nature's Sunshine that it would not make Mr. Chen available for deposition. Exh. F. Nature's Sunshine has repeatedly tried to reschedule this deposition, but SunRider has failed to make Mr. Chen available. *See, e.g.*, Exhs. G and H. Accordingly, Nature's Sunshine respectfully requests that the Board compel SunRider to make Mr. Chen available for a discovery deposition at the offices of Nature's Sunshine's counsel in Salt Lake City, Utah.

CONCLUSION

For the reasons set forth above, Nature's Sunshine respectfully requests that the Board (a) impose terminating sanctions on SunRider for its delay tactics and discovery abuses by entering judgment against SunRider in this matter; or (b) impose evidentiary sanctions on SunRider by barring SunRider from using any witnesses, documents and other evidence not previously disclosed to Nature's Sunshine in this matter; or (c) compel SunRider to immediately (i) produce its pretrial disclosures, (ii) produce all documents responsive to Nature's Sunshine's first set of requests for production of documents, as well as a privilege log, (iii) provide substantive and complete supplemental responses to Nature's Sunshine's first set of interrogatories, and (iv) make Tei-Fu Chen available for a discovery deposition in Salt Lake City, Utah.

DATED: June 9, 2009

Respectfully submitted,



Michael E. Mangelson (Utah State Bar #8067)
Marc T. Rasich (Utah State Bar #9279)
Joshua G. Gigger (California State Bar #234508)
STOEL RIVES LLP

Attorneys for Respondent Nature's Sunshine Products, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing **NATURE'S SUNSHINE PRODUCT INC.'S MOTION FOR TERMINATING SANCTIONS, EVIDENTIARY SANCTIONS OR AN ORDER COMPELLING DISCOVERY** on the following by first class mail:

Burton S. Ehrlich
Ladas & Parry LLP
224 S. Michigan Avenue
Suite 1600
Chicago, Illinois 60604

Dated this 9th day of June, 2009.

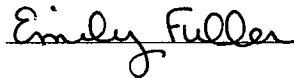
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Exhibit A



February 20, 2009

201 S. Main Street, Suite 1100
Salt Lake City, Utah 84111
main 801.328.3131
fax 801.578.6999
www.stoel.com

MARC T. RASICH
Direct Dial
(801) 578-6901
email: mtrasich@stoel.com

Via E-Mail and First Class Mail
(burte@ladas.net, chiustm@ladas.net)

Burton S. Ehrlich, Esq.
Ladas & Parry LLP
224 S. Michigan Avenue, Suite 1600
Chicago, Illinois 60604

Re: *The SunRider Corp. v. Nature's Sunshine Products, Inc., Cancellation No.*
92049740

Dear Mr. Ehrlich:

Nearly seven months ago, SunRider Corp. ("SunRider") initiated the above referenced cancellation proceeding. In the meantime, however, SunRider has not contacted us to schedule the discovery conference, which the parties were required to complete by October 13, 2008. Please confirm whether you will agree to a discovery conference next week or, if SunRider has decided not to proceed with the cancellation, when SunRider will be dismissing the proceeding with prejudice.

Regardless, we've enclosed herewith Nature's Sunshine's (1) Initial Disclosures; (2) First Set of Requests for the Production of Documents; (3) First Set of Interrogatories; and (4) First Set of Requests for Admission. We look forward to receiving your timely responses.

Please feel free to contact me if you have any questions regarding the foregoing.

Regards,

A handwritten signature in black ink, appearing to read "Marc T. Rasich", written over a horizontal line.

Marc T. Rasich

Enclosures

cc: Nature's Sunshine Products, Inc.
 Michael E. Mangelson, Esq.

Exhibit B

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

THE SUNRIDER CORPORATION,)	
)	
Petitioner,)	Cancellation No. 92049740
)	
v.)	
)	
NATURE'S SUNSHINE PRODUCTS, INC.,)	
)	
Respondent.)	
)	

**RESPONDENT NATURE'S SUNSHINE PRODUCTS, INC.'S FIRST SET OF
REQUESTS TO PETITIONER FOR PRODUCTION OF DOCUMENTS AND
TANGIBLE THINGS**

PROPOUNDING PARTY: RESPONDENT NATURE'S SUNSHINE PRODUCTS, INC.

RESPONDING PARTY: PETITIONER THE SUNRIDER CORPORATION

SET NO: ONE (Document Request Nos. 1 - 31)

Pursuant to 37 C.F.R. 2.120 and Rule 34 of the Federal Rules of Civil Procedure, Respondent Nature's Sunshine Products, Inc. ("Nature's Sunshine"), by and through its attorneys, hereby requests that Petitioner the SunRider Corporation ("SunRider") produce the documents and things in their possession, custody or control requested in the following Requests for Production of Documents and Things (the "Requests") at the offices of Stoel Rives, LLP, 201 South Main Street, Suite 1100, Salt Lake City, Utah 84111, on or before thirty (30) days from the date of service hereof. Within thirty (30) days of service hereof, SunRider is also required to respond in writing to each of the following Requests separately, fully and under oath.

These Requests are intended to be continuing requests to the fullest extent allowed by the Federal Rules of Civil Procedure. To the extent that SunRider acquires, or becomes aware of

additional documents or information responsive to these requests, SunRider is required to supplement its responses to these requests.

The following definitions and instructions shall govern these Requests.

DEFINITIONS

1. The terms “AND” and “OR” shall be construed both conjunctively and disjunctively to bring within the scope of the request all responses that might otherwise be construed to be outside of its scope.
2. The term “ANY” means any and all.
3. The term “EVERY” means each and every.
4. The term “EACH” means all and each.
5. The term “INCLUDING” means including but not limited to.
6. Terms in the present tense include the past and future tenses. Terms in the past tense includes the present and future tenses. Terms in the future tense include the present and past tenses.
7. The singular form of terms include the plural, and the plural form of terms include the singular.
8. Terms in the masculine, feminine or neuter form shall include each of the other genders.
9. The terms “PERSON” and “PERSONS,” and the possessive forms of those terms, mean and include natural persons, corporations, partnerships, limited partnerships, associations, organizations, joint ventures, governmental units or entities, and any other and of business or other entity whether or not employed by PETITIONER; and the acts of a person are defined to include the acts of a director, officer, owner, member, employee, agent, consultant or attorney

acting on the person's behalf.

10. The terms "IDENTIFY," "IDENTITY," "IDENTIFICATION," "DESCRIPTION" or "DESCRIBE" mean:

a. When used with reference to a natural person: the person's (i) full name; (ii) present home address; (iii) present business address; (iv) present home and business telephone numbers; and (v) present or last known place of employment, including position and business affiliation;

b. When used with reference to an entity, such as a partnership (either general or limited), joint venture, trust, corporation, governmental agency or association: (i) the full legal name of such entity; (ii) each trade name under which such entity does business; (iii) the entity's present or last known address; (iv) the entity's telephone number; and (v) the IDENTITY of the chief operating officer, manager, trustee or other principal representative or managing agent or agents;

c. When used with reference to a DOCUMENT: (i) the type of DOCUMENT involved (e.g., letter, interoffice memorandum, product, etc.); (ii) the date the DOCUMENT was prepared or created; (iii) the IDENTITY of the author(s) or preparer(s); (iv) the IDENTITY of all addressee(s) and recipient(s); (v) its general subject matter; (vi) its title or the heading and the number of pages; and (vii) the IDENTITY of the custodian or other person last known to have possession of the DOCUMENT, together with (viii) the present or last known location of the DOCUMENT;

d. When used with reference to a COMMUNICATION: (i) the date of the COMMUNICATION; (ii) the form of COMMUNICATION (e.g., in person meeting or presentation, telephonic or electronic, written correspondence, etc.); (iii) the place where the

COMMUNICATION was made; (iv) the persons who were party to or were present at the time of the COMMUNICATION; and (v) a summary of the COMMUNICATION;

e. When used with reference to a product, device, or other thing: (i) its manufacturer or producer; (ii) its version number, model number or other model designation; (iii) its serial number or other unit designation; (iv) its date or dates of compilation, manufacture or production; (v) its date or dates of sale and shipment; (vi) its location and recipient customer; (vii) any trademarks RELATING TO the product, device, or other thing or its use, and all registration number(s) RELATING TO the trademark; and (viii) all trademarks ever marked thereon (or on packaging or containers therefore) and, for each such trademark, the dates during which the product, device or thing was so marked; and a representative sample sufficient to identify the product, device, or thing and its associated trademark(s);

f. (iv) describe all related events, and all previous or subsequent related attempts whether or not completed and whether or not successful; and (v) describe the motivation for and result of the event; and

g. When used with reference to an event: (i) the type of event involved; (ii) the date or dates of each occurrence relevant to the event; (iii) the location of the event; (iv) the IDENTITY of the preparer(s), sponsor(s) and participant(s) and all other individuals having information about any occurrence or aspect of the event, including but not limited to those involved in, witnessing, supervising, controlling, supporting, requesting, or otherwise participating in the event; (v) the role and contribution of each person IDENTIFIED; (vi) the event's general subject matter; (vii) the event's title; (viii) all related events, and all previous or subsequent related attempts whether or not completed and whether or not successful; and

(ix) the motivation for and result of the event.

11. The terms "PETITIONER," "YOU" and "YOUR," means and refers collectively and individually to the SunRider Corporation, any past or present related company, division, subsidiary, parent, affiliate, joint venture, predecessor, successor, or assign, whether U.S. or foreign, whether incorporated or not; and all past or present directors, officers, employees, accountants, consultants, experts, investigators, advisors, partners, representatives, agents and attorneys thereof, and any other person acting on their behalf, including, but not limited to Tei-Fu Chen. The terms "PETITIONER," "YOU" and "YOUR" further mean and refer to any present and former agents, representatives, employees, attorneys, investigators, and other persons acting under YOUR authorization, employment, direction, or control, whether employed or retained on a full-time, part-time, independent contractor, commission, or other basis. While this definition is not intended to impose a discovery obligation on any person who is a party to the litigation or to limit the Trademark Trial and Appeal Board's jurisdiction to enter any appropriate order, discovery requests directed to PETITIONER properly extend to all information available to PETITIONER and all documents and things within PETITIONER'S possession, custody, or control, including documents and things to which PETITIONER has legal or contractual right to access, and information contained therein.

12. The term "NATURE'S SUNSHINE" means Nature's Sunshine Products, Inc, any past or present predecessor, successor, parent, subsidiary, division or affiliate thereof, whether domestic or foreign and whether owned in whole or in part, and any and all persons or entities acting on behalf of Nature's Sunshine Products, Inc., including but limited to employees, officers, directors, attorneys, agents or representatives thereof..

13. The term "DOCUMENTS" means and refers to all "DOCUMENTS and

things” IDENTIFIED in, or within the scope of, FED. R. CIV. P. 34(a) and the 1970 Advisory Committee Note thereto, and all forms of “WRITINGS” and “RECORDINGS” as defined in FED. R. EVID. 1001(1). The term “DOCUMENTS” also includes any reduction to tangible form, including electronic, computer, magnetic, flash, or other electronic memory or storage, of COMMUNICATIONS, information, or data, including any written, recorded, or filmed graphic matter of any kind or nature (including metadata), however produced or reproduced, and including originals, drafts, and non-identical copies, wherever located. This term includes, but is not limited to, letters, books, contracts, agreements, correspondence, computer tapes, computer disks, storage devices, printouts, keypunch cards, memoranda, diaries, notes, reports, bulletins, printed forms, telegraphic COMMUNICATIONS, pleadings and other legal papers, notes, telexes, telegrams, telecopies, facsimile reproductions or “faxes,” factual compilations, electronic data compilations, statistical compilations, plans, diagrams, journals, change orders, studies, surveys, sketches, art work, graphics, checks, ledgers, catalogs, brochures, pamphlets, press releases, advertisements, magazines, publications, invoices, minutes, photographs, microfilm, microfiche, films, personnel files, quotes, stenographic notes, computer discs, e-mail and e-mail data, spreadsheets, html files, server log files, word-processing files and data, telephone records, schedules, bids, voice recording, transcriptions, and lab notebooks. This term includes the originals, or if the originals are unavailable, the duplicates of said DOCUMENTS, from which information can be obtained or translated. Any copy of a document containing therein, of having attached thereto, any alterations, notes, comments or other material which is not included in the original, or other copies of such DOCUMENTS, shall be deemed a separate document. Any prototype of, modification of, or change to a tangible thing shall be deemed a separate thing. This definition applies to all

DOCUMENTS on the particular subject in YOUR possession, custody, or control, or that of anyone acting on YOUR behalf, irrespective of who generated, prepared, received, sent, or signed the DOCUMENTS.

14. The term “BOARD” means the Trademark Trial and Appeal Board of the USPTO.

15. The term “USPTO” means the United States Patent and Trademark Office in Washington, D.C., including the Commissioner, all examiners, and all other employees and/or officers thereof.

16. The word “COMMUNICATION” means any recording of any transfer of information, ideas, opinions, or thoughts made by any means, at any time or place, under any circumstances, including, without limitation, by personal meeting, telephone, facsimile, and e-mail. COMMUNICATION is not limited to direct transfers between PERSONS, but includes other transfers and memorializations, such as records, memoranda to file, electronic or magnetic transfer of computer files, facsimile transmissions, and teletype transmissions. COMMUNICATIONS may be embodied in any means or media, including writing, electronic or magnetic storage of computer files, electronic mail, voice mail, answering machine, digital recording, sound recording, and facsimile transmission.

17. The terms “RELATING TO,” “RELATED TO” or “RELATE TO” mean concerning, referring to, summarizing, evidencing, constituting, containing, alluding to, responding to, connected with, regarding, discussing, involving, showing, describing, analyzing, commemorating, reflecting, supporting, contradicting, IDENTIFYING, incorporating, in any way pertaining to or otherwise prepared in connection with the matter.

INSTRUCTIONS

1. Ambiguities. If, in responding to these Requests, YOU encounter any

ambiguities when construing a request or definition, the response shall set forth the matter deemed ambiguous and the construction used in responding.

2. Full Response. In answering the following Requests, furnish all available DOCUMENTS and information in YOUR possession, custody or control. If YOU cannot fully respond to the following Requests after exercising due diligence to secure the DOCUMENTS and information requested thereby, so state, and specify the portion of each request that cannot be responded to fully and completely. In the latter event, state what efforts were made to obtain the requested DOCUMENTS and information and the facts relied upon that support the contention that the Request cannot be answered fully and completely; and state what knowledge, information or belief YOU have concerning the unanswered portion of any such Request.

3. All Documents. These Requests call for all DOCUMENTS, electronically stored information, and tangible things on the particular subject (a) in YOUR possession, custody or control, (b) in the possession, custody or control of anyone acting on YOUR behalf, irrespective of who generated, prepared, received, sent, or signed the DOCUMENTS or tangible things.

4. Usual Course of Business. In accordance with the provisions of FED. R. CIV. P. 34(b), DOCUMENTS, electronically stored information, and tangible things responsive to these Requests shall be produced as they are kept in the usual course of business, or shall be organized and labeled to correspond with the categories set forth in these requests. When produced as kept in the ordinary course of business or as organized and labeled to correspond with the categories set forth in these requests, the DOCUMENTS and tangible things shall be produced with the folders (or copies thereof) kept by the PERSON who had the DOCUMENTS in his, her, or its

possession, custody or control so that NATURE'S SUNSHINE will know who had the DOCUMENTS or things in his, her, or its possession, custody or control. Please produce DOCUMENTS in such a manner as will facilitate their IDENTIFICATION with the particular Request or category of Requests to which they are responsive. File folders with tabs or labels IDENTIFYING DOCUMENTS must be produced intact with the DOCUMENTS. DOCUMENTS attached to each other should not be separated. Selection of DOCUMENTS from files and other sources shall be performed in a manner sufficient to ensure that the source of each DOCUMENT may be determined, if necessary.

4. Partial Production. Whenever a DOCUMENT is not produced in full, please state with particularity the reason or reasons it is not being produced in full and DESCRIBE, to the best of YOUR knowledge, information and belief, and with as much particularity as possible, those portions of the DOCUMENT which are not produced and the reasons therefore.

5. Documents Withheld. Whenever in these Requests YOU are asked to IDENTIFY or produce a DOCUMENT which is deemed by YOU to be properly withheld from production, IDENTIFY the Request number or numbers, to which the withheld DOCUMENT is responsive and:

i) If YOU are withholding the DOCUMENT under claim of privilege (including but not limited to the work product doctrine), please provide the information set forth in Federal Rule of Civil Procedure 26(b)(5), including:

- i. The type of DOCUMENT;
- ii. The general subject matter of the DOCUMENT;
- iii. The date of the DOCUMENT;

iv. Such other information as is sufficient to IDENTIFY the DOCUMENT, including, where appropriate, the length of the DOCUMENT, as well as the author, addressees, custodian, and any other recipient of the DOCUMENT, and where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other, in a manner that, without revealing the information claimed to be protected, will enable this party to assess the applicability of the privilege or protection claimed by YOU;

v. The nature and basis of the privilege claimed;

vi. If the privilege claimed is the attorney-client privilege, an indication of which author(s) or addressee(s) is/are attorney(s); and

vii. Any other information necessary to support the claim of privilege.

ii) If production of any requested DOCUMENT(S) is objected to on the ground the production is unduly burdensome, DESCRIBE the burden or expense of the proposed discovery;

iii) If YOU are withholding the DOCUMENT for any reason other than an objection that it is beyond the scope of discovery or that a request is unduly burdensome, provide the reason for withholding the document, and the information requested in sections 5(i)(i) — 5(i)(iv) above. Regardless of whether a protective order is entered by the BOARD, in all instances in which YOU are withholding DOCUMENTS or things on the ground of confidentiality, please so indicate in YOUR responses.

6. When a DOCUMENT contains both privileged and non-privileged material, the non-privileged material must be disclosed to the fullest extent possible without thereby disclosing the privileged material. If a privilege is asserted with regard to part of the material

contained in a document, the party claiming the privilege must clearly indicate the portions as to which the privilege is claimed. When a DOCUMENT has been redacted or altered in any fashion, IDENTIFY as to each DOCUMENT the reason for the redaction or alteration, the date of the redaction or alteration, and the PERSON performing the redaction or alteration. Any redaction must be clearly visible on the redacted DOCUMENT.

7. Form. To the extent information is maintained in both hard copy and magnetic or electronic form, we request production in both forms.

8. Translation. If a DOCUMENT is in a language other than English, produce both the original and any translation thereof.

9. Orderly Response. Please produce DOCUMENTS in such a manner as will facilitate their IDENTIFICATION with the particular request or category of Requests to which they are responsive. File folders with tabs or labels IDENTIFYING DOCUMENTS must be produced intact with the DOCUMENTS. DOCUMENTS attached to each other should not be separated. Selection of DOCUMENTS from files and other sources shall be performed in a manner sufficient to ensure that the source of each DOCUMENT may be determined, if necessary.

10. Duty to Produce Continues. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure these discovery requests are intended to be continuing in nature so as to require supplemental or amended responses or answers, or production of additional DOCUMENTS, if any additional information or DOCUMENTS are obtained in the future. Such supplemental or amended responses or answers or such production of additional DOCUMENTS shall be furnished within ten (10) days of the date on which any additional information or DOCUMENT is obtained.

11. Inability to Produce. If any or all of the DOCUMENTS IDENTIFIED herein are no longer in the possession, custody or control of YOU because of destruction, loss or any other reason, then please provide the following information for each such document:

- i) DESCRIPTION of the content of that DOCUMENT;
- ii) The location of all copies of the DOCUMENT;
- iii) DESCRIPTION of the reason why that DOCUMENT no longer remains in YOUR possession, custody or control; and
- iv) The date of, and the IDENTITY of the PERSON responsible for, its destruction, loss, transfer, or other action by which the DOCUMENT left YOUR possession, custody or control.

12. Documents Already Produced. YOU are not required to produce DOCUMENTS YOU have already produced to NATURE'S SUNSHINE.

13. Supplementation. YOUR obligation to respond to these Requests is continuing and YOUR responses are to be supplemented to include subsequently acquired DOCUMENTS and information in accordance with the requirements of Rule 26(e) of the Federal Rules of Civil Procedure.

REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

Request No. 1: All DOCUMENTS sufficient to show YOUR organizational structure each year from 1977 through the present, including, but not limited to, organizational charts and other DOCUMENTS sufficient to show the names of officers, directors and/or managers, and the positions held by Tei-Fu Chen.

Request No. 2: All DOCUMENTS, from 1977 to the present, that reflect any instance of actual confusion on the part of anyone between YOU, YOUR business, goods or services, or use of the term "Tei-Fu", on the one hand, and NATURE'S SUNSHINE'S business, goods or services, or NATURE'S SUNSHINE'S use of the term "Tei-Fu", on the other hand.

Request No. 3: All DOCUMENTS, from 1977 to the present, that reflect any likelihood of confusion or mistake between YOU, YOUR business, goods or services, or YOUR use of the term "Tei-Fu", on the one hand, and NATURE'S SUNSHINE, NATURE'S SUNSHINE'S business, goods or services, or NATURE'S SUNSHINE'S use of the term "Tei-Fu", on the other hand.

Request No. 4: All DOCUMENTS, from 1977 to the present, RELATING TO YOUR use of the term "Tei-Fu" in commerce.

Request No. 5: All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR selection, development, creation, adoption or use in commerce of, or decision or intent to do any of the foregoing with, the term "Tei-Fu", including, but not limited to, search reports, market surveys, COMMUNICATIONS (whether written, oral or electronic), and all

DOCUMENTS sufficient to IDENTIFY all PERSONS who participated in the selection, development, creation, adoption or use of the term “Tei-Fu”.

Request No. 6: All DOCUMENTS, from 1977 to the present, RELATING TO the definition, meaning and/or YOUR understanding of the term “Tei-Fu”.

Request No. 7: All DOCUMENTS, from 1977 to the present, RELATING TO the selection, development, creation, adoption or use of any names which preceded in consideration and were rejected by YOU in favor of the term “Tei-Fu”.

Request No. 8: All DOCUMENTS, from 1977 to the present, that RELATE TO any attempt by YOU or anyone acting on your behalf to register the term “Tei-Fu”, under the laws of any state or foreign country or before the USPTO, including, without limitation, DOCUMENTS held by your current or former attorneys who performed on YOUR behalf in this regard and DOCUMENTS RELATING TO U.S. Application Serial Nos. 75/698,469 and 77/438,414.

Request No. 9: All DOCUMENTS, from 1977 to the present, RELATING TO YOUR future plans, whether expanding, contracting, modifying or otherwise, for products and/or services offered in connection with the term “Tei-Fu”.

Request No. 10: All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that “TEI-FU Registration Nos. 1,212,076 and 1,367,261 were obtained fraudulently.”

Request No. 11: All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that NATURE’S SUNSHINE “failed to disclose to

the Trademark Office during the prosecution of the applications which matured to Registration Nos. 1,212,076 and 1,367,261 that the term TEI-FU was, in fact, the name of a living individual, Dr. Tei-Fu Chen.”

Request No. 12: All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that Tei-Fu Chen is a doctor.

Request No. 13: All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that Tei-Fu Chen is “a renowned herbalist and founder and principal of petitioner”, including, but not limited, copies of all books, articles and other publications authored by Tei-Fu Chen; copies of all patents and patent applications listing Tei-Fu Chen as an inventor; all DOCUMENTS RELATING TO and sufficient to IDENTIFY all speeches and presentations given by Tei-Fu Chen; and all DOCUMENTS RELATING to acknowledgements, awards, honors and other recognitions of Tei-Fu Chen as a “renowned herbalist.”

Request No. 14: All DOCUMENTS RELATING TO Tei-Fu Chen’s employment with NATURE’S SUNSHINE, including, but not limited to, all communications, letters, memoranda, records of telephone conversations, contracts, licenses, day planners, journals, calendars, publications, patents and patent applications, and invention disclosures.

Request No. 15: All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that NATURE’S SUNSHINE “did not obtain the written consent of Dr. Tei-Fu Chen to the registration of respondent’s TEI-FU marks.”

Request No. 16: All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that NATURE'S SUNSHINE "fraudulently misrepresented to the Trademark Office that the term 'Tei-Fu' was a common first name in China."

Request No. 17: All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that the term "Tei-Fu Chen" has significance "in the relevant trade".

Request No. 18: All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that "TEI-FU Registration Nos. 1,212,076 and 1,367,261 consist of or comprise matter which falsely suggests a connection with a living person, namely, Dr. Tei-Fu Chen."

Request No. 19: All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that "TEI-FU Registration Nos. 1,212,076 and 1,367,261 consist of or comprise a name identifying a particular living individual, namely Dr. Tei-Fu Chen, without his written consent."

Request No. 20: All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that NATURE'S SUNSHINE is "using the TEI-FU marks covered by its Registration Nos. 1,212,076 and 1,367,261, or is permitting the TEI-FU marks to be used with the permission of the respondent, to misrepresent the source of some or all of its goods, . . . by claiming in product literature that its TEI-FU products were created by a famous herbalist, Dr. Tei-Fu Chen."

Request No. 21: All DOCUMENTS that RELATE TO YOUR allegation in the Petition for Cancellation that “Dr. Tei-Fu Chen . . . has been closely associated by the public with petitioner since its founding in 1982.”

Request No. 22: All DOCUMENTS, from 1977 to the present, that RELATE TO the contention that Tei-Fu Chen was sufficiently well known that a connection between Tei-Fu Chen and either NATURE’S SUNSHINE or the TEI-FU mark would be presumed whenever NATURE’S SUNSHINE used the TEI-FU mark.

Request No. 23: All DOCUMENTS, from 1977 to the present, that RELATE TO the contention that NATURE’S SUNSHINE publicly used Tei-Fu Chen to market, promote or otherwise provide its products, services or business.

Request No. 24: All DOCUMENTS, from 1977 to the present, that RELATE TO the contention that Tei-Fu Chen was well known in the herb, vitamin, dietary supplement or nutraceutical industry.

Request No. 25: All DOCUMENTS, from 1977 to the present, that RELATE TO any search or investigation of the Internet, the files and records of the USPTO, or any other information, records or publications done by YOU, done for YOU, or done for anyone acting on YOUR behalf, RELATING TO NATURE’S SUNSHINE and its use of the term “Tei-Fu”.

Request No. 26: All DOCUMENTS, from 1977 to the present, that RELATE TO COMMUNICATIONS between YOU and NATURE’S SUNSHINE on any topic.

Request No. 27: All DOCUMENTS, from 1977 to the present, YOU provided to, or received from any third party RELATING TO NATURE'S SUNSHINE, NATURE'S SUNSHINE'S use of the term "Tei-Fu", the subject of the business operations, services or products of NATURE'S SUNSHINE, or the subject matter and claims of this cancellation. Such third parties include, but are not limited to, all former, current or prospective employees, distributors and customers of YOU or NATURE'S SUNSHINE.

Request No. 28: All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR knowledge of NATURE'S SUNSHINE'S applications to register, registrations of and uses of the term "Tei-Fu" prior to the filing of this cancellation, including, but not limited to, YOUR first knowledge of NATURE'S SUNSHINE'S applications to register, registrations of and uses of the term "Tei-Fu".

Request No. 29: All DOUCMENTS, from 1977 to the present, that RELATE TO YOUR policies, guidelines or instructions regarding policing and enforcing YOUR marks.

Request No. 30: All DOCUMENTS, from 1977 to the present, that RELATE TO any action taken by YOU against any third party with respect to that third party's use of one or more of YOUR marks or any marks confusingly similar thereto.

Request No. 31: All DOCUMENTS the IDENTIFICATION of which is requested in NATURE'S SUNSHINE'S First Set of Interrogatories or which supported or formed a basis for the preparation of YOUR response to any of NATURE'S SUNSHINE'S Interrogatories, including, but not limited to, all DOCUMENTS that YOU have referenced or will reference in response to any of NATURE'S SUNSHINE'S Interrogatories.

DATED: February 20, 2009

STOEL RIVES LLP

A handwritten signature in black ink, appearing to read "Marc T. Rasich", written over a horizontal line.

Marc T. Rasich

Mike E. Mangelson

Joshua G. Gigger

Attorneys for Nature's Sunshine Products, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing
**RESPONDENT NATURE'S SUNSHINE PRODUCTS, INC.'S FIRST SET OF
REQUESTS TO PETITIONER FOR PRODUCTION OF DOCUMENTS AND
TANGIBLE THINGS** on the following by first class mail:

Burton S. Ehrlich
Ladas & Parry LLP
224 S. Michigan Avenue
Suite 1600
Chicago, Illinois 60604

Dated this 20th day of February, 2009.

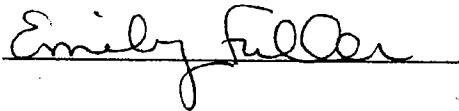
A handwritten signature in cursive script, appearing to read "Emily Fuller", is written over a horizontal line.

Exhibit C

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

THE SUNRIDER CORPORATION,)	
)	
Petitioner,)	Cancellation No. 92049740
)	
v.)	
)	
NATURE'S SUNSHINE PRODUCTS, INC.,)	
)	
Respondent.)	
)	

**RESPONDENT NATURE'S SUNSHINE PRODUCTS, INC.'S FIRST SET OF
INTERROGATORIES TO PETITIONER**

PROPOUNDING PARTY: RESPONDENT NATURE'S SUNSHINE PRODUCTS, INC.

RESPONDING PARTY: PETITIONER THE SUNRIDER CORPORATION

SET NO: ONE (Interrogatory Nos. 1-21)

Pursuant to 37 C.F.R. 2.120 and Rule 33 of the Federal Rules of Civil Procedure, Respondent Nature's Sunshine Products, Inc. ("Nature's Sunshine") hereby propounds the following set of written interrogatories to Petitioner the SunRider Corporation ("SunRider"). SunRider is directed to give answers to the following written interrogatories separately, fully, in writing, under oath, and in accordance with the following instructions and definitions. The answers must be signed by the person making them and must be served on the undersigned attorney within thirty (30) days after service hereof.

DEFINITIONS

1. Nature's Sunshine incorporates by reference herein the Definitions set forth in Nature's Sunshine's First Set of Requests for Production of Documents and Things to Respondent served

concurrently herewith.

INSTRUCTIONS

1. Each paragraph herein should be construed independently and not with reference to any other paragraph, unless otherwise specified.
2. Separate and complete responses are required for each interrogatory.
3. If an interrogatory cannot be answered in full, it should be answered to the fullest extent possible with an explanation as to why a complete answer is not provided.
4. Regardless of whether a protective order is entered by the Board, in all instances in which you are withholding information on the ground of confidentiality, indicate so in your responses.
5. If an interrogatory is answered by reference to business records under Federal Rule of Civil Procedure 33(d), identify the bates numbers of those records within SunRider's document production and describe any organization and/or relationships of documents within those records.
6. With respect to any information called for by these interrogatories and withheld under a claim of privilege, provide the information set forth in Federal Rule of Civil Procedure 26(b)(5).
7. Whenever SunRider identifies or is asked to describe an event or a chain of events: (a) state the date or dates of each occurrence relevant to the event; (b) identify all individuals having information about any occurrence or aspect of the event, including but not limited to those involved in, witnessing, supervising, controlling, supporting, requesting, or otherwise participating in the event; (c) describe the role and contribution of each person identified; (d) describe all related events, and all previous or subsequent related attempts whether

or not completed and whether or not successful; and (e) describe the motivation for and result of the event.

8. These requests are ongoing and the information provided must be supplemented to the extent required by Federal Rule of Civil Procedure 26(e).

INTERROGATORIES

INTERROGATORY NO. 1:

For each year from 1977 to the present, describe in detail the process(es) employed by YOU and any PERSON acting on YOUR behalf to enforce or police YOUR marks as against third parties.

INTERROGATORY NO. 2:

For each year from 1977 to the present, describe in detail all instances in which YOU and any PERSON acting on YOUR behalf took action against any third party for use of YOUR marks or any mark similar thereto.

INTERROGATORY NO. 3:

For each year from 1977 to the present, describe in detail each and every good and service in connection with which YOU have used or have intended to commercially use the term "Tei-Fu".

INTERROGATORY NO. 4:

Describe in detail all facts RELATING TO each time YOU became aware of NATURE'S SUNSHINE'S application to register, registration of and/or use in commerce of the term "Tei-Fu", including, but not limited to, the date when YOU first became aware of NATURE'S SUNSHINE'S application to register, registration of and/or use in commerce of the term "Tei-Fu", and the basis of such

awareness.

INTERROGATORY NO. 5:

Describe in detail YOUR understanding of the geographic origin, definition and meaning of the term “Tei-Fu”.

INTERROGATORY NO. 6:

Describe in detail YOUR future plans, whether expanding, contracting, modifying or otherwise, for products and services offered in connection with the term “Tei-Fu”.

INTERROGATORY NO. 7:

State all facts that YOU contend support YOUR allegation in the Petition for Cancellation that “TEI-FU Registration Nos. 1,212,076 and 1,367,261 were obtained fraudulently within the meaning of 15 U.S.C. § 1115(b)(1).

INTERROGATORY NO. 8:

State all facts that YOU contend support the allegation that Tei-Fu Chen was “a renowned herbalist,” including, but not limited to, all facts that YOU contend support the allegation that Tei-Fu Chen was a “renowned herbalist” up to and including the year 1986.

INTERROGATORY NO. 9:

State all facts that YOU contend support YOUR allegation in the Petition for Cancellation that “TEI-FU Registration Nos. 1,212,076 and 1,367,261 consist of or comprise matter which falsely suggests a connection with a living person, namely, Dr. Tei-Fu Chen, in violation of 15 U.S.C. § 1052(a).”

INTERROGATORY NO. 10:

State all facts that YOU contend support YOUR allegation in the Petition for

Cancellation that “TEI-FU Registration Nos. 1,212,076 and 1,367,261 consist of or comprise a name identifying a particular living individual, namely Dr. Tei-Fu Chen, without his written consent, in violation of 15 U.S.C. § 1052(c).”

INTERROGATORY NO. 11:

State all facts that YOU contend support YOUR allegation in the Petition for Cancellation that NATURE’S SUNSHINE is “using the TEI-FU marks covered by its Registration Nos. 1,212,076 and 1,367,261, or is permitting the TEI-FU marks to be used with the permission of the respondent, to misrepresent the source of some or all of its goods, in violation of 15 U.S.C.(b)(3).”

INTERROGATORY NO. 12:

State all facts RELATING TO YOUR contention that NATURE’S SUNSHINE claimed or permitted others to claim “in product literature that its TEI-FU products were created by a famous herbalist, Dr. Tei-Fu Chen.”

INTERROGATORY NO. 13:

State all facts RELATING TO YOUR contention that “Dr. Tei-Fu Chen . . . has been closely associated by the public with petitioner since its founding in 1982.”

INTERROGATORY NO. 14:

State all facts that YOU contend support the contention that Tei-Fu Chen was sufficiently well known, at any time up to and including 1986, that a connection between Tei-Fu Chen and either NATURE’S SUNSHINE or the TEI-FU mark would be presumed whenever NATURE’S SUNSHINE used the TEI-FU mark.

INTERROGATORY NO. 15:

State all facts that YOU contend support the contention that, at any time up to and

including 1986, NATURE'S SUNSHINE publicly used Tei-Fu Chen to market, promote or otherwise provide its products, services or business.

INTERROGATORY NO. 16:

State all facts that YOU contend support the contention that, at any time up to and including 1986, Tei-Fu Chen was well known in the herb, vitamin, dietary supplement or nutraceutical industry.

INTERROGATORY NO. 17:

Describe in detail any instances of actual consumer confusion of which YOU are aware that resulted from NATURE'S SUNSHINE'S use of the term "Tei-Fu".

INTERROGATORY NO. 18:

For each year from 1977 to the present, set forth the facts and circumstances surrounding all attempts by YOU and/or Tei-Fu Chen to contact NATURE'S SUNSHINE regarding its application to register, registration of and/or use in commerce of the term "Tei-Fu", including, but not limited to,:

- (i) the date on which each attempt was made;
- (ii) an IDENTIFICATION of each PERSON who directed or requested each attempt to be made;
- (iii) an IDENTIFICATION of each PERSON who performed each attempt;
- (iv) an IDENTIFICATION of each PERSON to whom the results of each attempt were communicated;
- (v) the results of each attempt; and
- (vi) an IDENTIFICATION of each DOCUMENT relating to the institution, performance, report and/or result of each attempt.

INTERROGATORY NO. 19:

State all facts that YOU contend support each denial of NATURE'S SUNSHINE'S Requests for Admission served concurrently herewith, including, but not limited to, an IDENTIFICATION of all DOCUMENTS that YOU contend support each such denial.

INTERROGATORY NO. 20:

IDENTIFY all PERSONS of which YOU are aware with knowledge of any agreement, oral or written, between NATURE'S SUNSHINE and Tei-Fu Chen regarding use of the term "Tei-Fu".

INTERROGATORY NO. 21:

IDENTIFY all PERSONS with whom YOU have discussed, at any time, NATURE'S SUNSHINE'S application to register, registration of and/or use of the term "Tei-Fu", such PERSONS, including, but not limited to, all current and former employees of NATURE'S SUNSHINE.

DATED: February 20, 2009

STOEL RIVES LLP

Marc T. Rasich
Mike E. Mangelson
Joshua G. Gigger
Attorneys for Nature's Sunshine Products, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing
**RESPONDENT NATURE'S SUNSHINE PRODUCTS, INC.'S FIRST SET OF
INTERROGATORIES TO PETITIONER** on the following by first class mail:

Burton S. Ehrlich
Ladas & Parry LLP
224 S. Michigan Avenue
Suite 1600
Chicago, Illinois 60604

Dated this 20th day of February, 2009.

Emily Fuller

Exhibit D



201 S. Main Street, Suite 1100
Salt Lake City, Utah 84111
main 801.328.3131
fax 801.578.6999
www.stoel.com

March 25, 2009

Via Email and Certified Mail

JOSHUA G. GIGGER
Direct (801) 428-6311
jggigger@stoel.com

Burton S. Ehrlich
Ladas & Parry LLP
224 South Michigan Avenue
Suite 1600
Chicago, Illinois 60604

Re: *The SunRider Corporation v. Nature's Sunshine Products, Inc.*, Cancellation No. 92049740

Dear Burton:

We write to follow-up on our recent conversations regarding discovery in the above referenced cancellation.

SunRider asks Nature's Sunshine to agree to extend the discovery cut-off so that SunRider has additional time to take discovery. Nature's Sunshine, however, cannot agree to such an extension. As we have already discussed, SunRider elected to initiate this cancellation proceeding then waited more than six months after Nature's Sunshine's answer to begin taking discovery. Nature's Sunshine already has incurred significant expense in connection with this matter and cannot agree to incur additional expense because of SunRider's failure to take discovery according to the schedule set forth by the Board.

SunRider also requests that Nature's Sunshine grant them a thirty-day extension to provide responses to Nature's Sunshine's discovery requests. As a professional courtesy, we are open to a reasonable extension, but Nature's Sunshine is unwilling to grant SunRider an extension until April 26, 2009. SunRider's responses are currently due by Thursday, March 26, 2009 (Nature's Sunshine served its discovery requests on February 20, 2009). Nature's Sunshine has noticed the deposition of Tei-Fu Chen for April 10, 2009 and needs the documents and information from its discovery responses to depose Mr. Chen. Thus, Nature's Sunshine will grant you an extension until Friday, April 3, 2009 to respond to Nature's Sunshine's discovery requests upon the express condition that you overnight mail the discovery responses and documents to assure that we receive them by no later than Monday, April 6, 2009, and upon the condition that SunRider's responses will be substantive and complete – *i.e.*, will contain more



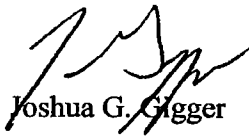
Burton S. Ehrlich
March 25, 2009
Page 2

than stock objections. Please let us know in writing as soon as possible if SunRider agrees to these conditions.

We understand that SunRider wants to engage the services of an expert to address certain issues in this matter. While we believe that the issues appropriate for expert testimony are minor, we are not opposed to the use of experts so long as it does not delay the trial of this matter. Thus, we propose that SunRider provide an expert report by April 17th, that Nature's Sunshine provide a response by May 1st and the parties conclude expert depositions no later than May 15th. Please feel free to contact me to discuss this schedule further.

Please feel free to contact us if you would like to discuss any of the foregoing.

Very truly yours,



Joshua G. Gigger

cc: Marc Rasich, Esq.
Michael Mangelson, Esq.

Exhibit E

Burton S. Ehrlich
Ladas & Parry LLP
224 S. Michigan Avenue
Suite 1600
Chicago, Illinois 60604

Via Facsimile & Certified Mail

NAME	DATE AND TIME	LOCATION
Tei-Fu Chen	April 10, 2009 at 9 a.m.	Stoel Rives LLP 201 South Main Street Salt Lake City, Utah 84111

DATED: March 20, 2009



Marc T. Rasich (Utah State Bar #9279)
Michael E. Mangelson (Utah State Bar #8067)
Joshua G. Gigger (California State Bar #234508, Utah State Bar #12100)
STOEL RIVES LLP
201 South Main Street, Suite 1100
Salt Lake City, Utah 84111
Telephone: (801) 328-3131
Facsimile: (801) 578-6999

Attorneys for Respondent Nature's Sunshine Products, Inc.

Burton S. Ehrlich
Ladas & Parry LLP
224 S. Michigan Avenue
Suite 1600
Chicago, Illinois 60604

Via Facsimile & Certified Mail

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

THE SUNRIDER CORPORATION,

Petitioner,

v.

NATURE'S SUNSHINE PRODUCTS, INC.,

Respondent.

)
)
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)
)
)
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)
)
)

Cancellation No. 92049740

PROOF OF SERVICE

I am employed in the City and County of Salt Lake, State of Utah. I am over the age of 18, and not a party to the within action. My business address is 201 South State Street, Salt Lake City, Utah 84111.

On March 20, 2009, I caused the service of the following document(s) described as:

**RESPONDENT NATURE'S SUNSHINE PRODUCTS, INC.'S NOTICE OF
DEPOSITION OF TEL-FU CHEN**

on the interested parties by placing a true copy thereof in a sealed envelope(s) addressed as follows:

Burton S. Ehrlich
Ladas & Parry LLP
224 S. Michigan Avenue
Suite 1600
Chicago, Illinois 60604

Via Facsimile & Certified Mail


Burton S. Ehrlich
Ladas & Parry LLP
224 S. Michigan Avenue
Suite 1600
Chicago, Illinois 60604

Via Facsimile & Certified Mail

- ☐ (BY MAIL) I placed the sealed envelope(s) for collection and mailing by following the ordinary business practices of Stoel Rives, LLP. I am readily familiar with Stoel Rives, LLP's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.
- ☒ (BY CERTIFIED MAIL) I placed the sealed envelope(s) for collection and mailing by following the ordinary business practices of Stoel Rives, LLP. I am readily familiar with Stoel Rives, LLP's practice for collecting and processing of correspondence for certified mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.
- ☐ (BY PERSONAL SERVICE) I caused the envelope(s) to be delivered by hand to the addressee(s) noted above. I arranged for an authorized courier or driver to deliver to the above on the same date. A proof of service signed by the authorized courier will be filed with the court upon request.
- ☒ (BY FACSIMILE) The above-referenced documents were transmitted by facsimile transmission and the transmission was reported as complete and without error.
- ☐ (BY OVERNIGHT DELIVERY) I placed the sealed envelope(s) or package(s) designated by the express service carrier for collection and overnight delivery by following the ordinary business practices of Stoel Rives, LLP. I am readily familiar with Stoel Rives, LLP's practice for collecting and processing of correspondence for overnight delivery, said practice being that, in the ordinary course of business, correspondence for overnight delivery is deposited with delivery fees paid or provided for at the carrier's express service offices for next-day delivery the same day as the correspondence is placed for collection.

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

Executed on March 20, 2009, at Salt Lake City, Utah.



EMILY FULLER

Exhibit F

LADAS & PARRY LLP
INTELLECTUAL PROPERTY LAW

Burton S. Ehrlich



burte@ladas.net

LAW OFFICES • LADAS & PARRY LLP • 224 South Michigan Avenue • Suite 1600 • Chicago, Illinois 60604
P 312.427.1300 ext. 211 • F 312.427.6663 • F 312.427.6668 • www.ladas.com

April 8, 2009

VIA E-MAIL

Joshua G. Gigger
Stoel Rives LLP
201 S. Main Street
Suite 1100
Salt Lake City, Utah 84111

Re: The Sunrider Corporation v. Nature's
Sunshine Products, Inc.
Cancellation No.: 9204974

Dear Josh:

Our letter will confirm our telephone conversation of earlier today and from Monday of this week. On Monday of this week we discussed that the April 10, 2009 deposition noticed could not proceed for a variety of reasons, including that under our earlier discussed scheduling the responses to the Interrogatories and Requests for Documents would not be available until a later date. We understand that we will be further conferring on appropriate re-scheduling of a mutually convenient date for the deposition.

We also on Monday and again today sought your agreement on some rescheduling of the discovery time period. Earlier today we suggested an agreed sixty day extension and we are looking forward to hopefully receiving your consent to that request. However, as we discussed even without consent we will be moving for the extension.

We believe that the extension of the discovery time period will accommodate for the orderly completion of discovery and discovery depositions. This would be in everyone's respective interests. Moreover, we advised that we would agree to your suggested scheduling on experts' reports and depositions,

Joshua G. Gigger
Page 2

April 8, 2009

provided that it is under the ambit of an extension of the discovery time period.

We were advised today that you would be in further contact with us on your response to our proposed extension of the discovery time period.

We were further advised that you are presently working on a letter to send to us on settlement, which is further to our recent revived discussions on settlement. In that regard, we would further urge your agreement on the two month extension of the discovery time period.

We look forward to receiving your cooperation both in reaching an agreement on agreed scheduling to resolve matters, without having to cause the Board's need to consider Motions on each issue, as well as in hopefully moving ahead on possible settlement. Please do not hesitate to contact us with any questions or comments. Thank you and best regards.

Sincerely,

Burton S. Ehrlich

BSE:jlb

Exhibit G



201 S. Main Street, Suite 1100
Salt Lake City, Utah 84111
main 801.328.3131
fax 801.578.6999
www.stoel.com

May 13, 2009

Via Email and Certified Mail

JOSHUA G. GIGGER
Direct (801) 428-6311
jggigger@stoel.com

Burton S. Ehrlich
Ladas & Parry LLP
224 South Michigan Avenue
Suite 1600
Chicago, Illinois 60604

Re: *The SunRider Corporation v. Nature's Sunshine Products, Inc.*, Cancellation No. 92049740

Dear Burton:

We write to follow-up on our May 5, 2009 conference call and several other matters relating to discovery in the above referenced cancellation.

First, on May 5, 2009, you agreed to send us hard copies of the documents, which SunRider identified as responsive to Nature's Sunshine's First Set of Requests for Production of Documents, as soon as SunRider could copy and ship them. We agreed, provided that we received the documents no later than Friday, May 15, 2009. Thus, we expect to receive SunRider's document production (as well as a proper privilege log accounting for all allegedly privileged and other documents, which SunRider is intentionally withholding) no later than May 15, 2009. If we do not receive SunRider's production by then, Nature's Sunshine will immediately bring a motion to compel.

Second, SunRider's failure to provide any responses to Nature's Sunshine's First Set of Interrogatories is improper. Indeed, SunRider's general objection that Nature's Sunshine's 21 interrogatory requests, including subparts, amounted to 141 interrogatories lacks merit. Therefore, we demand that SunRider provide substantive and complete supplemental responses to Nature's Sunshine's First Set of Interrogatories no later than Monday, May 15, 2009. If, however, you maintain that SunRider's objection is proper then we demand that you provide us with a detailed explanation of the counting method employed by SunRider, including, without limitation, an identification of (a) the purported number of interrogatories that SunRider allegedly derived from each of Nature's Sunshine's numbered interrogatory requests and (b) the distinct question or subject matter allegedly associated with each such purported interrogatory.



Burton S. Ehrlich
May 13, 2009
Page 2

We expect to hear from SunRider as soon as possible, but in no event later than May 15, 2009. If we do not receive supplemental responses or a response to this letter before then, Nature's Sunshine will immediately bring a motion to compel.

Third, Nature's Sunshine properly noticed the deposition of Tei-Fu Chen during the discovery period established by the Board. SunRider, however, refused to make Mr. Chen available for deposition, but agreed to make him available for deposition at a later date. Please confirm when you will make Mr. Chen available for deposition. If you do not provide us with a date for the deposition by May 15, 2009, then Nature's Sunshine will immediately bring a motion to compel.

Fourth, despite your agreement during our call on May 5, 2009, SunRider has not provided a written response to Nature's Sunshine's April 16, 2009 letter with proposed settlement terms. Consequently, we assume that SunRider is not interested in serious settlement discussions and will proceed accordingly.

Finally, this letter is not meant to address any deficiencies in SunRider's responses to Nature's Sunshine's discovery requests other than those deficiencies specifically identified above. Nature's Sunshine reserves the right to address these additional deficiencies in subsequent letters.

Very truly yours,



Joshua G. Gigger

cc: Marc Rasich, Esq.
Michael Mangelson, Esq.

Exhibit H



June 1, 2009

201 S. Main Street, Suite 1100
Salt Lake City, Utah 84111
main 801.328.3131
fax 801.578.6999
www.stoel.com

JOSHUA G. GIGGER
Direct (801) 428-6311
jggigger@stoel.com

Via Email and Certified Mail

Burton S. Ehrlich
Ladas & Parry LLP
224 South Michigan Avenue
Suite 1600
Chicago, Illinois 60604

Re: *The SunRider Corporation v. Nature's Sunshine Products, Inc.*, Cancellation No. 92049740

Dear Burton:

We write in response to your May 15, 2009 letter.

We cannot understand why you were "surprised" to receive our May 13, 2009 letter. Nature's Sunshine served its discovery requests more than 3 months ago and you still have not provided any documents or interrogatory responses. And, despite your suggestion to the contrary, we never agreed "to get back in touch with you" on whether Nature's Sunshine would produce documents in response to SunRider's document requests. In fact, during our call, we maintained that Nature's Sunshine objected to SunRider's discovery requests, and would not be producing any documents, on grounds including SunRider's failure to provide initial disclosures in violation of the requirement in 37 CFR 2.120, which states that "[a] party must make its initial disclosures prior to seeking discovery . . .". We did offer you an opportunity to provide us the case law, which you alleged to support your contention that Nature's Sunshine's objection was improper. But you have failed to provide any such case law.

Your letter makes it clear that SunRider will not produce documents unless Nature's Sunshine agrees to withdraw its objections to SunRider's discovery requests. Nature's Sunshine rejects your quid pro quo offer. Nature's Sunshine will, however, reimburse SunRider for reasonable costs associated with copying and shipping responsive documents if SunRider will agree to arrange for the copying and shipping. If not, Nature's Sunshine will come to SunRider's facility to inspect and copy the documents ourselves. We are available to do so June 11th, 12th or 15th. Please confirm as soon as possible how, when and where SunRider will make its responsive documents available to Nature's Sunshine.

We also expect that SunRider will provide a proper privilege log accounting for all allegedly privileged and other documents, which SunRider is intentionally withholding. We specifically asked SunRider to provide a privilege log in Nature's Sunshine's document requests, in our May 1, 2009 letter to you and in our May 13, 2009 letter to you. Regardless, SunRider is



Burton S. Ehrlich
June 1, 2009
Page 2

required to provide a privilege log whether we request it or not. Fed. R. Civ. P. 26(b)(5). We expect to receive a proper privilege log no later than June 8, 2009.

Your letter failed to respond to Nature's Sunshine's demand that SunRider provide substantive and complete supplemental responses to Nature's Sunshine's interrogatory requests or, in the alternative a detailed explanation of the counting method employed by SunRider to derive 141 interrogatories from the interrogatory requests. We expect to receive SunRider's substantive and complete supplemental responses no later than June 8, 2009.

In your letter, you agree to make Mr. Chen available for us to depose him. We are available June 19th, 22nd and 26th. Please confirm as soon as possible which of these dates Mr. Chen will be available for a deposition in our offices as originally noticed.

Your letter also states that SunRider will provide its initial disclosures if Nature's Sunshine will remove its objections to SunRider's discovery requests. As discussed during our call on May 5, 2009, Nature's Sunshine rejects your offer. The time for SunRider's initial disclosures passed more than 6 months ago. The deadline for SunRider's pretrial disclosures has also passed and we have not received any pretrial disclosures from SunRider.

SunRider's course of conduct makes it clear that SunRider has no interest in discussing settlement, in litigating this dispute in a professional manner or even attempting to comply with the TTAB or Federal Rules of Civil Procedure. Nature's Sunshine will proceed accordingly.

Note that this letter is not meant to address any deficiencies in SunRider's responses to Nature's Sunshine's discovery requests other than those deficiencies specifically identified above. Nature's Sunshine reserves the right to address these additional deficiencies in subsequent letters.

Very truly yours,



Joshua G. Gigger

cc: Marc Rasich, Esq.
Michael Mangelson, Esq.

Exhibit I

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

THE SUNRIDER CORPORATION,)	CANCELLATION No.: 92049740
)	
Petitioner,)	
)	
v.)	
)	
NATURE'S SUNSHINE PRODUCTS, INC.,)	
)	
Respondent.)	

**PETITIONER'S RESPONSE TO RESPONDENT'S FIRST
SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
AND TANGIBLE THINGS (NOS. 1-31)**

Petitioner, The Sunrider Corporation, herein answers and responds to the Respondent's First Set of Requests for Production of Documents and Tangible Things, pursuant to Rule 34 of the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

1. Petitioner hereby incorporates by reference its General Objections and those objections contained in PETITIONER'S ANSWERS TO RESPONDENT'S FIRST SET OF INTERROGATORIES Nos. 1 to 21.

2. Petitioner objects to Respondent's Requests to the extent that they purport to impose any duty on Petitioner inconsistent with, or beyond that specified in the Federal Rules of Civil Procedure. This objection is pertinent to each of Respondent's Requests and Petitioner's Responses.

3. Petitioner further objects to the entire set of Requests on the basis that, at times, the Respondent has not limited their requests for information to a specified reasonable time period relating to pertinent and relevant facts at issue. Some of the requested information is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and is further overly broad, burdensome and oppressive in that it requires an accumulation of information potentially on unrelated subject matter and would cause Petitioner to peruse virtually all corporate records over a number of decades on Petitioner's worldwide operations.

4. Further, Petitioner objects to providing any document which is immune from discovery and may be protected by the attorney-client, work product, or other privilege.

5. Petitioner objects to any Requests requiring or purporting to require the search of the files of third parties over whom the Petitioner has no control. Petitioner is not required to search and provide documents from independent, third parties under the Federal Rules.

6. Petitioner objects to providing documents to the extent that they refer or relate to activities occurring wholly outside of the United States.

7. Petitioner further objects to the extent that the Requests may be construed to require the production of documents

in any manner inconsistent with Production Procedures under the Federal Rules.

Petitioner bases its responses upon present knowledge (a) without conceding relevancy or materiality of any Requests, (b) without prejudice to Petitioner's right to object to further discovery or proof of the subject matter, and (c) incorporates its general objections into each Request. Petitioner reserves the right to change or supplement a response should it appear to be incomplete or incorrect, or if additional information or documents should become available.

RESPONSES TO REQUESTS

REQUEST NO.1:

All DOCUMENTS sufficient to show YOUR organizational structure each year from 1977 through the present, including, but not limited to, organizational charts and other DOCUMENTS sufficient to show the names of officers, directors and/or managers, and the positions held by Tei-Fu Chen.

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response in seeking business records extending over such a lengthy time period and is not limited to persons having anything to do with the underlying subject matter at issue. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by

requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Furthermore, the Petitioner objects to the request as seeking irrelevant documents, not reasonably calculated to lead to the discovery of admissible evidence. For instance, the request seeks documents on all officers, directors or managers, since 1977, regardless of the positions held. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying current and relatively current information on the top level organization of officers of the Petitioner.

REQUEST NO.2:

All DOCUMENTS, from 1977 to the present, that reflect any instance of actual confusion on the part of anyone between YOU, YOUR business, goods or services, or use of the term "Tei-Fu", on the one hand, and NATURE'S SUNSHINE'S business, goods or services, or NATURE'S SUNSHINE'S use of the term "Tei-Fu", on the other hand.

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response as requiring the search of an extensive range of business records dating back decades. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a

lengthy time period. No discovery has yet been obtained from the Respondent and the investigation continues, so Petitioner further objects as to the request being premature and in advance of discovery responses from Respondent. Without a waiver of any of its objections, the Petitioner based upon a search of documents extending back over a reasonable time period is unable to locate any documents showing instances of actual confusion evidence.

REQUEST NO.3:

All DOCUMENTS, from 1977 to the present, that reflect any likelihood of confusion or mistake between YOU, YOUR business, goods or services, or YOUR use of the term "Tei-Fu", on the one hand, and NATURE'S SUNSHINE, NATURE'S SUNSHINE'S business, goods or services, or NATURE'S SUNSHINE'S use of the term "Tei-Fu", on the other hand.

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response as requiring the search of an extensive range of business records dating back decades. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. No discovery has yet been obtained from the Respondent and the investigation continues, so Petitioner

further objects as to the request being premature and in advance of discovery responses from Respondent. Without a waiver of any of its objections, the Petitioner based upon a relatively recent search of documents is unable to locate documents showing instances of actual confusion evidence.

REQUEST NO.4:

All DOCUMENTS, from 1977 to the present, RELATING TO YOUR use of the term "Tei-Fu" in commerce.

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response as requiring the search of an extensive range of business records dating back decades. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying illustrative specimens showing use of the term over time.

REQUEST NO.5:

All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR selection, development, creation, adoption or use in commerce of, or decision or intent to do any of the foregoing with, the term "Tei-Fu", including, but not limited to, search

reports, market surveys, COMMUNICATIONS (whether written, oral or electronic), and all DOCUMENTS sufficient to IDENTIFY all PERSONS who participated in the selection, development, creation, adoption or use of the term "Tei-Fu".

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response as requiring the search of an extensive range of business records dating back decades. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Petitioner also objects to the production of the requested materials based upon attorney-client and work product privileges. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying non-privileged documents pertaining to the intent to use trademark application.

REQUEST NO. 6:

All DOCUMENTS, from 1977 to the present, RELATING TO the definition, meaning and/or YOUR understanding of the term "Tei-Fu".

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request

would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying recent documents showing the understanding of the term at issue (see expert report already provided).

REQUEST NO.7:

All DOCUMENTS, from 1977 to the present, RELATING TO the selection, development, creation, adoption or use of any names which preceded in consideration and were rejected by YOU in favor of the term "Tei-Fu".

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response as requiring the search of an extensive range of business records dating back decades. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Petitioner also objects to the request as seeking irrelevant documents, not reasonably calculated to lead to the discovery of admissible evidence. Petitioner further

objects to the request based upon the request being ambiguous and indefinite concerning what is meant by the phrase "which preceded in consideration and were rejected".

REQUEST NO. 8:

All DOCUMENTS, from 1977 to the present, that RELATE TO any attempt by YOU or anyone acting on your behalf to register the term "Tei-Fu", under the laws of any state or foreign country or before the USPTO, including, without limitation, DOCUMENTS held by your current or former attorneys who performed on YOUR behalf in this regard and DOCUMENTS RELATING TO U.S. Application Serial Nos. 75/698,469 and 77/438,414.

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Petitioner also objects to the request based upon the attorney-client and work product privileges. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying such non-privileged documents which are located in a search of documents covering a reasonable time period.

REQUEST NO. 9:

All DOCUMENTS, from 1977 to the present, RELATING TO YOUR future plans, whether expanding, contracting, modifying or otherwise, for products and/or services offered in connection with the term "Tei-Fu".

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response as requiring the search of an extensive range of business records dating back decades. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Petitioner also objects to the request based upon the attorney-client and work product privileges. Petitioner also objects to the production of the requested materials based upon attorney-client and work product privileges. Petitioner objects that said documents would include proprietary, confidential and trade secret information. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying such non-privileged documents which are located in a search of documents covering a reasonable time period.

REQUEST NO.10:

All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that "TEI-FU Registration Nos. 1,212,076 and 1,367,261 were obtained fraudulently."

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Petitioner also objects to the request based upon the attorney client and work product privileges. Furthermore, the Petitioner objects to the request as seeking irrelevant documents, not reasonably calculated to lead to the discovery of admissible evidence. Petitioner also objects to the production of the requested materials based upon attorney-client and work product privileges. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying such non-privileged documents which are located in a search of documents covering a reasonable time period.

REQUEST NO.11:

All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that NATURE'S

SUNSHINE "failed to disclose to the Trademark Office during the prosecution of the applications which matured to Registration Nos. 1,212,076 and 1,367,261 that the term TEI-FU was, in fact, the name of a living individual, Dr. Tei-Fu Chen."

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Petitioner objects to the request in that the Respondent is requesting that the Petitioner provide documents to prove a negative, specifically that the Respondent failed to disclose required information to the USPTO. Petitioner also objects to the request in that it is premature because Respondent has not yet responded to Petitioner's discovery. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying documents showing, to the extent available to Petitioner, what was provided by Respondent to the USPTO, but nothing shows that Respondent ever provided the requested information to the USPTO.

REQUEST NO.12:

All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that Tei-Fu Chen is a doctor.

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. Furthermore, the Petitioner objects to the request as seeking irrelevant documents, not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of any of its objections, the Petitioner will make available for inspection and/or copying illustrative documents in response to the request.

REQUEST NO.13:

All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that Tei-Fu Chen is "a renowned herbalist and founder and principal of petitioner", including, but not limited, copies of all books, articles and other publications authored by Tei-Fu Chen; copies of all patents and patent applications listing Tei-Fu Chen as an inventor; all DOCUMENTS RELATING TO and sufficient to IDENTIFY all speeches and presentations given by Tei-Fu Chen; and all DOCUMENTS RELATING to acknowledgements, awards, honors and other recognitions of Tei-Fu Chen as a "renowned herbalist."

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response as requiring the search of an extensive range of business records dating back decades. The request would require the review of documents over

more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying illustrative materials or samples of materials written by the identified person extending back over the time period requested.

REQUEST NO.14:

All DOCUMENTS RELATING TO Tei-Fu Chen's employment with NATURE'S SUNSHINE, including, but not limited to, all communications, letters, memoranda, records of telephone conversations, contracts, licenses, day planners, journals, calendars, publications, patents and patent applications, and invention disclosures.

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of documents extending over such a lengthy time period. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying documents to the extent that any such records are located from a reasonable search.

REQUEST NO.15:

All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that NATURE'S SUNSHINE "did not obtain the written consent of Dr. Tei-Fu Chen to the registration of respondent's TEI-FU marks."

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Petitioner objects to the request in that the Respondent is requesting that the Petitioner provide documents to prove a negative, specifically about a written consent not be provided. Petitioner also objects to the request in that it is premature because Respondent has not yet responded to Petitioner's discovery. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying documents showing, to the extent available to Petitioner, what was provided by Respondent to the USPTO, but nothing shows that Respondent ever provided the requested consent to the USPTO.

REQUEST NO.16:

All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that NATURE'S

SUNSHINE "fraudulently misrepresented to the Trademark Office that the term 'Tei-Fu' was a common first name in China."

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Petitioner also objects to the request in that the Respondent is requesting that the Petitioner provide documents to prove a negative, or that Respondent fraudulently misrepresented to the USPTO that "TEI-FU" was a common first name in China. Petitioner also objects to having to search the records of others, which is not a requirement of the Federal Rules. Without a waiver of any of its objections, please see the report previously provided by Petitioner from its expert witness on Chinese languages.

REQUEST NO.17:

All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that the term "Tei-Fu Chen" has significance "in the relevant trade".

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Without a waiver of any of its objections, Petitioner will make available for inspection and/or copying illustrative documents over the time period involved.

REQUEST NO.18:

All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that "TEI-FU Registration Nos. 1,212,076 and 1,367,261 consist of or comprise matter which falsely suggests a connection with a living person, namely, Dr. Tei-Fu Chen."

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Without a waiver of any of its objections,

Petitioner will make available for inspection and/or copying illustrative documents over the time period involved.

REQUEST NO.19:

All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that "TEI-FU Registration Nos. 1,212,076 and 1,367,261 consist of or comprise a name identifying a particular living individual, namely Dr. Tei-Fu Chen, without his written consent."

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Petitioner also objects to the request in that it is being asked to prove a negative, specifically that a document would exist to show that the applications were submitted "without his written consent". Rather, it should be considered that Respondent has no documents showing that Dr. Tei-Fu Chen provided his written consent to said applications. Without a waiver of any of its objections, Petitioner will make available for inspection and/or copying, illustrative documents over the time period involved and documents in Petitioner's possession showing records from the application files.

REQUEST NO.20:

All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR allegation in the Petition for Cancellation that NATURE'S SUNSHINE is "using the TEI-FU marks covered by its Registration Nos. 1,212,076 and 1,367,261, or is permitting the TEI-FU marks to be used with the permission of the respondent, to misrepresent the source of some or all of its goods, . . . by claiming in product literature that its TEI-FU products were created by a famous herbalist, Dr. Tei-Fu Chen."

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response as requiring the search of an extensive range of business records dating back decades. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Petitioner objects to the request as being premature in requesting documents in advance of the responses to the document requests propounded by Petitioner upon Respondent. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying requested documents extending over a reasonable time period and located by a reasonable search.

REQUEST NO.21:

All DOCUMENTS that RELATE TO YOUR allegation in the Petition for Cancellation that "Dr. Tei-Fu Chen . . . has been

closely associated by the public with petitioner since its founding in 1982."

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over nearly a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Without a waiver of any of its objections, Petitioner will make available for inspection and/or copying illustrative documents over the time period involved.

REQUEST NO.22:

All DOCUMENTS, from 1977 to the present, that RELATE TO the contention that Tei-Fu Chen was sufficiently well known that a connection between Tei-Fu Chen and either NATURE'S SUNSHINE or the TEI-FU mark would be presumed whenever NATURE'S SUNSHINE used the TEI-FU mark.

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period.

Without a waiver of any of its objections, Petitioner will make available for inspection and/or copying illustrative documents over the time period involved, and located by a reasonable search.

REQUEST NO.23:

All DOCUMENTS, from 1977 to the present, that RELATE TO the contention that NATURE'S SUNSHINE publicly used Tei-Fu Chen to market, promote or otherwise provide its products, services or business.

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Petitioner objects to the request as being premature in requesting documents in advance of the receipt of discovery responses to the document requests propounded by Petitioner upon Respondent. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying illustrative documents extending over a reasonable time period and located by a reasonable search.

REQUEST NO.24:

All DOCUMENTS, from 1977 to the present, that RELATE TO the contention that Tei-Fu Chen was well known in the herb, vitamin, dietary supplement or nutraceutical industry.

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Without a waiver of any of its objections, Petitioner will make available for inspection and/or copying illustrative documents over the time period involved and located by a reasonable search.

REQUEST NO.25:

All DOCUMENTS, from 1977 to the present, that RELATE TO any search or investigation of the Internet, the files and records of the USPTO, or any other information, records or publications done by YOU, done for YOU, or done for anyone acting on YOUR behalf, RELATING TO NATURE'S SUNSHINE and its use of the term "Tei-Fu".

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty

(30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Petitioner also objects to the production of the requested materials based upon attorney-client and work product privileges. Furthermore, the Petitioner objects to the request as seeking irrelevant documents, not reasonably calculated to lead to the discovery of admissible evidence. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying non-privileged documents pertaining to the intent to use trademark application.

REQUEST NO.26:

All DOCUMENTS, from 1977 to the present, that RELATE TO COMMUNICATIONS between YOU and NATURE'S SUNSHINE on any topic.

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Furthermore, Petitioner objects to the request as seeking irrelevant documents, not reasonably calculated to lead to the

discovery of admissible evidence, because the request is not limited to topics related to this case. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying documents located by a reasonable search, extending over a reasonable time period, to the extent that such documents have not already been provided to the Respondent.

REQUEST NO.27:

All DOCUMENTS, from 1977 to the present, YOU provided to, or received from any third party RELATING TO NATURE'S SUNSHINE, NATURE'S SUNSHINE'S use of the term "Tei-Fu", the subject of the business operations, services or products of NATURE'S SUNSHINE, or the subject matter and claims of this cancellation. Such third parties include, but are not limited to, all former, current or prospective employees, distributors and customers of YOU or NATURE'S SUNSHINE.

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Petitioner objects to the request as being, at this time, premature to allow for the consideration of the materials being provided by the Respondent in discovery, as such discovery

responses have not been received. Without a waiver of any of its objections, the Petitioner after conducting a reasonable search, extending over a reasonable time period, has not, as of this time, located any responsive documents.

REQUEST NO.28:

All DOCUMENTS, from 1977 to the present, that RELATE TO YOUR knowledge of NATURE'S SUNSHINE'S applications to register, registrations of and uses of the term "Tei-Fu" prior to the filing of this cancellation, including, but not limited to, YOUR first knowledge of NATURE'S SUNSHINE'S applications to register, registrations of and uses of the term "Tei-Fu".

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Petitioner objects to the production of any attorney-client or work product privileged documents. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying such non-privileged documents located from a reasonable search, extending over a reasonable time period, and to the extent that such documents have not already been produced.

REQUEST NO.29:

All DOUCMENTS, from 1977 to the present, that RELATE TO YOUR policies, guidelines or instructions regarding policing and enforcing YOUR marks.

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Furthermore, the Petitioner objects to the request as seeking irrelevant documents, not reasonably calculated to lead to the discovery of admissible evidence. Petitioner objects to the request as not even being limited to the issues in this case and extending to seeking a production of documents over more than a thirty year time period on every single policing criteria ever considered by Petitioner. Petitioner also objects to the request as seeking attorney-client and work product privileged documents.

REQUEST NO.30:

All DOCUMENTS, from 1977 to the present, that RELATE TO any action taken by YOU against any third party with respect to that third party's use of one or more of YOUR marks or any marks confusingly similar thereto.

Response:

Petitioner objects to the request as being overly broad, unduly burdensome, and oppressive for a response. The request would require the review of documents over more than a thirty (30) year time period and as such would be overly burdensome for a response by requiring a comprehensive review of a multitude of corporate records extending over such a lengthy time period. Furthermore, the Petitioner objects to the request as seeking irrelevant documents, not reasonably calculated to lead to the discovery of admissible evidence. Petitioner objects to the request as not even being limited to the issues in this case and extending to seeking a production of documents over more than a thirty year time period on every single policing criteria ever considered by Petitioner. Petitioner also objects to the request as seeking attorney-client and work product privileged documents.

REQUEST NO.31:

All DOCUMENTS the IDENTIFICATION of which is requested in NATURE'S SUNSHINE'S First Set of Interrogatories or which supported or formed a basis for the preparation of YOUR response to any of NATURE'S SUNSHINE'S Interrogatories, including, but not limited to, all DOCUMENTS that YOU have referenced or will reference in response to any of NATURE'S SUNSHINE'S Interrogatories.

Response:

The objections to the specific document identifications or Interrogatory answers objected to by Petitioner, with those objections being incorporated by reference herein. Furthermore, Petitioner objects to the request in that the request is improperly vague and incomprehensible, since it is not known by what is intended by Respondent's use of the phrase within the request "will reference in response". Furthermore, the request is objected to on the basis that it improperly calls for attorney speculation or conjecture. The Petitioner's attorneys would be required to determine what evidence might support or form a basis for a portion of an Interrogatory answer and then produce such documents. This is objectionable for improperly calling for attorney speculation or conjecture on what might be used to support or form a basis for some responsive information in an Interrogatory answer, rather than as required by the Federal Rules, clearly identifying or defining, without attorney speculation, the documents intended for production. Petitioner also objects to the request to the extent that it calls for the production of attorney-client or work product privileged documents. Without a waiver of any of its objections, the Petitioner will make available for inspection and/or copying documents, if any, which it discloses within the Interrogatory

Answers that would be made available for inspection and/or copying.

Respectfully submitted,



Burton S. Ehrlich

Burton S. Ehrlich
Ladas & Parry LLP
224 S. Michigan Avenue
Suite 1600
Chicago, Illinois 60604
(312) 427-1300 ext. 211

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PETITIONER'S RESPONSE TO RESPONDENT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND TANGIBLE THINGS (NOS. 1-31) was served by first class mail upon counsel for Respondent, by depositing same with the United States Postal Service, first class mail, postage prepaid, on April 17, 2009 in an envelope addressed to:

Mark T. Rasich
Mike E. Mangelson
Joshua G. Gigger
Stoel Rives LLP
201 S. Main Street
Suite 1100
Salt Lake City, Utah 84111



Burton S. Ehrlich
By One Of Petitioner's Attorneys

Exhibit J

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

THE SUNRIDER CORPORATION,)	CANCELLATION No.: 92049740
)	
Petitioner,)	
)	
v.)	
)	
NATURE'S SUNSHINE PRODUCTS, INC.,)	
)	
Respondent.)	

**PETITIONER'S ANSWERS AND OBJECTIONS TO
RESPONDENT'S FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, the Petitioner, The Sunrider Corporation hereby responds and objects to RESPONDENT'S FIRST SET OF INTERROGATORIES, Nos. 1 through 21 as follows:

GENERAL OBJECTIONS

(1) Petitioner objects to Respondent's questions to the extent that they purport to impose any duty on Petitioner inconsistent with, or beyond that specified in the Federal Rules and Civil Procedure. This objection is pertinent to each of the Respondent's Interrogatories.

(2) Petitioner further objects to the entire set of Interrogatories on the basis that at times the Respondent has not limited questions to a specified reasonable time period, or even subject matter to U.S. activities. Some of the requested information is irrelevant and not reasonably calculated to lead

to the discovery of admissible evidence, and is further overly broad, burdensome and oppressive in that it requires an accumulation of information potentially on other subject matter and would cause Petitioner to peruse virtually all corporate records over more than a thirty year time period.

(3) Further, Petitioner objects to providing any information which is immune from discovery and may be protected by the attorney-client, work-product, or other privilege.

(4) Petitioner objects to any Interrogatories requiring or purporting to require the search of the files of others. Petitioner is not required to search and provide documents from independent, third parties under the Federal Rules.

(5) Petitioner objects to providing information or documents to the extent they contain information regarded as confidential, proprietary or trade secrets and outside the scope of subject matter at issue in these proceedings.

(6) Petitioner bases its responses upon its present knowledge (a) without conceding relevancy or materiality of any requests, (b) without prejudice to Petitioner's right to object to further discovery or proof of the subject matter, and (c) incorporates its general objections into each Answer.

Petitioner reserves the right to change or supplement a response should it appear to be incomplete or incorrect, or if additional information should become available.

INTERROGATORIES

INTERROGATORY NO. 1:

For each year from 1977 to the present, describe in detail the process(es) employed by YOU and any PERSON acting on YOUR behalf to enforce or police YOUR marks as against third parties.

INTERROGATORY NO. 2:

For each year from 1977 to the present, describe in detail all instances in which YOU and any PERSON acting on YOUR behalf took action against any third party for use of YOUR marks or any mark similar thereto.

INTERROGATORY NO. 3:

For each year from 1977 to the present, describe in detail each and every good and service in connection with which YOU have used or have intended to commercially use the term "Tei-Fu".

INTERROGATORY NO. 4:

Describe in detail all facts RELATING TO each time YOU became aware of NATURE'S SUNSHINE'S application to register, registration of and/or use in commerce of the term "Tei-Fu", including, but not limited to, the date when YOU first became aware of NATURE'S SUNSHINE'S application to register, registration of and/or use in commerce of the term "Tei-Fu", and the basis of such awareness.

INTERROGATORY NO. 5:

Describe in detail YOUR understanding of the geographic origin, definition and meaning of the term "Tei-Fu".

INTERROGATORY NO. 6:

Describe in detail YOUR future plans, whether expanding, contracting, modifying or otherwise, for products and services offered in connection with the term "Tei-Fu".

INTERROGATORY NO. 7:

State all facts that YOU contend support YOUR allegation in the Petition for Cancellation that "TEI-FU Registration Nos. 1,212,076 and 1,367,261 were obtained fraudulently within the meaning of 15 U.S.C. § 1115(b)(1).

INTERROGATORY NO. 8:

State all facts that YOU contend support the allegation that Tei-Fu Chen was "a renowned herbalist," including, but not limited to, all facts that YOU contend support the allegation that Tei-Fu Chen was a "renowned herbalist" up to and including the year 1986.

INTERROGATORY NO. 9:

State all facts that YOU contend support YOUR allegation in the Petition for Cancellation that "TEI-FU Registration Nos. 1,212,076 and 1,367,261 consist of or comprise matter which falsely suggests a connection with a living person, namely, Dr. Tei-Fu Chen, in violation of 15 U.S.C. § 1052(a)."

INTERROGATORY NO. 10:

State all facts that YOU contend support YOUR allegation in the Petition for Cancellation that "TEI-FU Registration Nos. 1,212,076 and 1,367,261 consist of or comprise a name identifying a particular living individual, namely Dr. Tei-Fu Chen, without his written consent, in violation of 15 U.S.C. § 1052(c)."

INTERROGATORY NO. 11:

State all facts that YOU contend support YOUR allegation in the Petition for Cancellation that NATURE'S SUNSHINE is "using the TEI-FU marks covered by its Registration Nos. 1,212,076 and 1,367,261, or is permitting the TEI-FU marks to be used with the permission of the respondent, to misrepresent the source of some or all of its goods, in violation of 15 U.S.C. (b)(3)."

INTERROGATORY NO. 12:

State all facts RELATING TO YOUR contention that NATURE'S SUNSHINE claimed or permitted others to claim "in product literature that its TEI-FU products were created by a famous herbalist, Dr. Tei-Fu Chen."

INTERROGATORY NO. 13:

State all facts RELATING TO YOUR contention that "Dr. Tei-Fu Chen . . . has been closely associated by the public with petitioner since its founding in 1982."

INTERROGATORY NO. 14:

State all facts that YOU contend support the contention that Tei-Fu Chen was sufficiently well known, at any time up to and including 1986, that a connection between Tei-Fu Chen and either NATURE'S SUNSHINE or the TEI-FU mark would be presumed whenever NATURE'S SUNSHINE used the TEI-FU mark.

INTERROGATORY NO. 15:

State all facts that YOU contend support the contention that, at any time up to and including 1986, NATURE'S SUNSHINE publicly used Tei-Fu Chen to market, promote or otherwise provide its products, services or business.

INTERROGATORY NO. 16:

State all facts that YOU contend support the contention that, at any time up to and including 1986, Tei-Fu Chen was well known in the herb, vitamin, dietary supplement or nutraceutical industry.

INTERROGATORY NO. 17:

Describe in detail any instances of actual consumer confusion of which YOU are aware that resulted from NATURE'S SUNSHINE'S use of the term "Tei-Fu".

INTERROGATORY NO. 18:

For each year from 1977 to the present, set forth the facts and circumstances surrounding all attempts by YOU and/or Tei-Fu Chen to contact NATURE'S SUNSHINE regarding its application to register, registration of and/or use in commerce of the term "Tei-Fu", including, but not limited to,:

- (i) the date on which each attempt was made;
 - (ii) an IDENTIFICATION of each PERSON who directed or requested each attempt to be made;
 - (iii) an IDENTIFICATION of each PERSON who performed each attempt;
 - (iv) an IDENTIFICATION of each PERSON to whom the results of each attempt were communicated;
 - (v) the results of each attempt; and
- an IDENTIFICATION of each DOCUMENT relating to the institution, performance, report and/or result of each attempt.

INTERROGATORY NO. 19:

State all facts that YOU contend support each denial of NATURE'S SUNSHINE'S Requests for Admission served concurrently herewith, including, but not limited to, an IDENTIFICATION of all DOCUMENTS that YOU contend support each such denial.

INTERROGATORY NO. 20:

IDENTIFY all PERSONS of which YOU are aware with knowledge of any agreement, oral or written, between NATURE'S SUNSHINE and Tei-Fu Chen regarding use of the term "Tei-Fu".

INTERROGATORY NO. 21:

IDENTIFY all PERSONS with whom YOU have discussed, at any time, NATURE'S SUNSHINE'S application to register, registration of and/or use of the term "Tei-Fu", such PERSONS, including, but not limited to, all current and former employees of NATURE'S SUNSHINE.

**GENERAL OBJECTIONS TO INTERROGATORY
QUESTIONS NOS. 1 THROUGH 21**

Pursuant to 37 CFR §2.120(d) and TBMP §405, Petitioner hereby generally objects to the excessive number of Interrogatories served by the Respondent on the Petitioner. The number of Interrogatories when considering definitions, subparts and other referenced documents in the Respondent's Interrogatories when counted are at least one-hundred forty-one (141) questions, including subparts.

The numerical limits in the USPTO rule pertains to the total number of questions in Interrogatories with subparts as limited to 75, to be served by a party over the course of an entire proceeding. TBMP §405.02. As the Board has noted, a party should not Answer the first seventy-five Interrogatories and object to the rest as excessive. Accordingly, no answers or further responses to Respondent's First Set of Interrogatories to Petitioner (Nos. 1-21) are warranted under the circumstances. The Petitioner also herein incorporates its general objections in its responses to the Respondent's First Set of Interrogatories. The Petitioner also reserves the right to assert other generalized or specific objections to the

Interrogatories should it become necessary or appropriate to respond further to the Interrogatories.

Respectfully submitted,



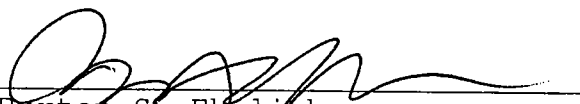
Burton S. Ehrlich

Burton S. Ehrlich
Ladas & Parry LLP
224 S. Michigan Avenue
Suite 1600
Chicago, Illinois 60604
(312) 427-1300 ext. 211

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PETITIONER'S ANSWERS AND OBJECTIONS TO RESPONDENT'S FIRST SET OF INTERROGATORIES was served by first class mail upon counsel for Respondent, by depositing same with the United States Postal Service, first class mail, postage prepaid, on April 17, 2009 in an envelope addressed to:

Mark T. Rasich
Mike E. Mangelson
Joshua G. Gigger
Stoel Rives LLP
201 S. Main Street
Suite 1100
Salt Lake City, Utah 84111



Burton S. Ehrlich
By One Of Petitioner's Attorneys

Exhibit K



201 S. Main Street, Suite 1100
Salt Lake City, Utah 84111
main 801.328.3131
fax 801.578.6999
www.stoel.com

May 1, 2009

Via Email and Certified Mail

JOSHUA G. GIGGER
Direct (801) 428-6311
jggigger@stoel.com

Burton S. Ehrlich
Ladas & Parry LLP
224 South Michigan Avenue
Suite 1600
Chicago, Illinois 60604

Re: *The SunRider Corporation v. Nature's Sunshine Products, Inc.*, Cancellation No. 92049740

Dear Burton:

We write to follow-up on several matters relating to the above referenced cancellation.

First, in response to Nature's Sunshine's First Set of Requests for Production of Documents, SunRider stated that it located responsive documents. Please send us hard copies of all such documents immediately. We expect that you will include with such production a proper privilege log accounting for all allegedly privileged and other documents, which SunRider is intentionally withholding. Please note that this letter is not meant to address any deficiencies in SunRider's responses to Nature's Sunshine's discovery requests, including, without limitation, the appropriateness of SunRider's objections to or deficiencies in the production of documents in response to Nature's Sunshine's First Set of Requests for Production of Documents. Those matters will be addressed in subsequent letters.

Second, we were surprised (a) to receive SunRider's designation of an expert witness and expert report well after the deadline for doing so, and (b) that SunRider implied in certain of its motions to suspend/extend discovery that Nature's Sunshine and SunRider agreed to a schedule for belated expert discovery. As you know, SunRider rejected the schedule for expert discovery proposed by Nature's Sunshine and the parties have never agreed to any other extension of or schedule for expert discovery. Also, please note that we intend to move to exclude SunRider's expert testimony on the grounds that the deadline for such discovery passed, SunRider's expert report is wholly deficient, and that SunRider's expert is not qualified as an expert.



Burton S. Ehrlich

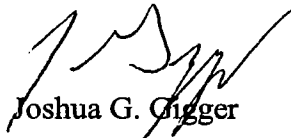
May 1, 2009

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Finally, on April 16, 2009, at your request, Nature's Sunshine sent a letter with proposed settlement terms. On April 23, 2009, you agreed to provide a response the next day as to SunRider's willingness to enter into a settlement in accordance with the terms set forth in that letter. SunRider did not provide a response. Consequently, we will assume that SunRider is not interested in serious settlement discussions and proceed accordingly.

Please feel free to contact me regarding any of the foregoing.

Very truly yours,



Joshua G. Gigger

cc: Marc Rasich, Esq.
Michael Mangelson, Esq.

Exhibit L

LADAS & PARRY LLP
INTELLECTUAL PROPERTY LAW

Burton S. Ehrlich



burte@ladas.net

LAW OFFICES • LADAS & PARRY LLP • 224 South Michigan Avenue • Suite 1600 • Chicago, Illinois 60604
P 312.427.1300 ext. 211 • F 312.427.6663 • F 312.427.6668 • www.ladas.com

May 15, 2009

VIA E-MAIL

Joshua G. Gigger
Stoel Rives LLP
201 S. Main Street
Suite 1100
Salt Lake City, Utah 84111

**Re: The Sunrider Corporation v. Nature's
Sunshine Products, Inc.
Cancellation No.: 9204974**

Dear Josh:

We were surprised by your letter received in the late afternoon of May 13, 2009 demanding our response with your receipt of a document production from us and other materials by Friday, May 15, 2009.

We never agreed to send you any documents, but only for the time being comply with the Federal Rules on such production. We discussed with you a reciprocal agreement that each side would produce and send to the other side reciprocal document productions of at least illustrative materials, to alleviate the need for either side to travel to the location where the documents were kept for a document production, or bear the expense of photocopying and mailing the documents. We understood that you were going to be reviewing that reciprocal proposal with other attorneys from your office, since you said you had no authority for any agreement. You even asked us to provide some authority that your withholding of documents based upon that an initial disclosure statement was not previously provided when due, was not a basis for your continuing to withhold all discovery from us, including proper Interrogatory Answers or your Responses to Requests for Documents.

May 15, 2009

We offered to provide you with an initial disclosure statement if you still wanted one, but apparently your view is that even our providing that statement under present circumstances would be insufficient for your providing us with any discovery responses, either to the Interrogatories or Requests for Documents which we previously served.

We never heard you mention anything about any privilege log, and at no time have we ever agreed to ship you any documents from our client's facility, unless we could put in place a reciprocal agreement.

We also advised you that towards the end of this week and all of next week both our client and I would be busy, so we expected you to get back in touch with us quickly on our proposed reciprocal and reasonable agreement on document production. We specifically advised that towards the end of this week we would be very busy in connection with a number of matters towards getting ready for attending the INTA convention. Both us and our client will be attending the INTA convention during next week. We wonder whether your letter with a delay in responding to us, was timed with the thought being that we had already expressed unavailability during the exact time period when your letter would be received by us.

You never got back to us on the reciprocal agreement, nor are you apparently willing to inspect documents at our client's facility, which is required in the absence of our reciprocal agreement on instead sending each other illustrative documents.

With regard to your letters we are tiring on your sending a letter late in the day and demanding a response with receipt of materials and information to be sent to you within about 24 hours of our receipt of your letter. Your letter was sent in the late afternoon on May 13, 2009 and demanded your receipt of documents in your offices by May 15, 2009. Furthermore, the letter completely disregarded anything about the reciprocity on any of the areas which we discussed with you.

May 15, 2009

You threaten to file Motions to Compel, but such a Motion under the circumstances would be in violation of the Trademark Rules. We have already had you object to every single area requested by us, even a simple extension of time for responding to discovery. Rather than waste each others time with endlessly arguing Motions, why don't you provide us with your expert's report as you previously identified could be provided to us long prior to today's date.

We would suggest the following for getting things moving in this case, without endless waste of time in filing needless Motions. I will be returning to the office after the INTA convention on the week of May 25, 2009. Towards the end of that week let us both touch base towards resolving objections to each others discovery and requests for documents. At that time, you could be prepared to advise us of several dates for a potential deposition that we could take back to our client. If we are unable to reach an agreement on sending each other the illustrative documents, as we previously proposed, then you could also provide us with several alternative dates on when you would like to have the documents ready for your inspection at our client's facility and whether you are holding to the objection to not provide anything to us on Interrogatory Answers or in Responses to Requests for Documents.

Your letter also discussed settlement. As we advised we would provide a written response letter to you, but we indicated that it would take some thought with the client and its attorneys, so the letter will probably be no earlier than the week following our attending of INTA (which letter will probably be sent the week following next week).

We urge you to cooperate, so that we can move this case ahead, without unnecessary Motions or matters before the Board.

Sincerely,

Burton S. Ehrlich

BSE:jlb