

ESTTA Tracking number: **ESTTA372808**

Filing date: **10/12/2010**

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

Proceeding	92051522
Party	Defendant PURE FISHING, INC.
Correspondence Address	LANCE G JOHNSON ROYLANCE ABRAMS BERDO & GOODMAN LLP 1300 19TH STREET NW , SUITE 600 WASHINGTON, DC 20036 UNITED STATES ccook@roylance.com
Submission	Opposition/Response to Motion
Filer's Name	Casimir Cook
Filer's e-mail	PFdocketing@roylance.com, CWCdocketing@roylance.com
Signature	/Casimir Cook/
Date	10/12/2010
Attachments	55503 PURE FISHING'S RESPONSE TO PETITIONER'S MOTION TO COMPEL.pdf (26 pages)(978161 bytes)

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

REDWING TACKLE, LTD.]	
]	
]	
Petitioner]	
]	
]	
v.]	Cancellation No. 92051522
]	
PURE FISHING, INC.]	
]	
]	
Registrant]	
]	
]	

**PURE FISHING’S RESPONSE TO PETITIONER’S
MOTION TO COMPEL DISCOVERY RESPONSES**

Registrant, Pure Fishing, Inc. hereby responds to Petitioner’s Motion to Compel Discovery Responses and contends that the motion has been rendered moot. Please note that:

(1). Petitioner served its discovery requests on February 4, 2010. Pure Fishing timely served its responses and objections on March 11, 2010.

(2). Pure Fishing produced its first set of responsive documents on May 21, 2010.

(3). Pure Fishing produced its second set of responsive documents on June 10, 2010.

(4). After the exchange of letters directed to perceived deficiencies in the Parties’ satisfaction of their respective discovery obligations, counsel met telephonically on August 26, 2010 to confer about the perceived deficiencies.

(5). On September 22, 2010, Petitioner moved this Honorable Board to compel more complete responses to its written discovery requests.

(6). On October 6, 2010, Pure Fishing moved to amend its registration based on a Section 8 Affidavit filed on October 4, 2010 that deletes all goods from Pure Fishing’s SPIDER

registration except for fishing line, fishing rods and fishing reels.¹ (Exhibit A).

(7). On October 6, 2010, Pure Fishing served a third set of documents on counsel for Petitioner. (Exhibit B). The produced documents included PFI 00276 – PFI 01023 which reflect sales data for Pure Fishing’s SPIDER mark on fishing line, fishing rods and fishing reels from 2004 - 2009.

(8). On October 12, 2010, Pure Fishing served its Supplemental Objections and Responses to Petitioner’s First Set of Interrogatories to Registrant. (Exhibit C). All deficiencies in Petitioner’s Motion to Compel are addressed in Pure Fishing’s October 12, 2010 supplemental responses.

Accordingly, Pure Fishing believes that it has satisfied all outstanding discovery obligations and that Petitioner’s motion has been rendered moot as a result.

Respectfully submitted,

Pure Fishing, Inc.

Dated: October 12, 2010

By: _____



Lance G. Johnson
Casimir W. Cook II
Stephen A. Straub
Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, D.C. 20036
Main Telephone: (202) 659-9076
Facsimile: (202) 659-9344
Attorneys for Registrant

¹ Counsel for Pure Fishing appreciates Interlocutory Attorney Jennifer Krisp’s time on the telephone regarding this issue.

CERTIFICATE OF SERVICE

It is hereby certified that a true and complete copy of the foregoing **PURE FISHING'S RESPONSE TO PETITIONER'S MOTION TO COMPEL DISCOVERY RESPONSES** was served by first class mail, postage prepaid, this 12th day of October 2010, upon Barbara L. Waite, Barbara L. Waite, PC 1425 K Street NW, Ste. 350, Washington, DC 20005, attorney for Petitioner.



Casimir W. Cook II

CERTIFICATE OF FILING ON ESSTA SYSTEM

It is hereby certified that this correspondence is being filed using the United States Patent and Trademark Office website ESTTA service, this 12th day of October, 2010.



Casimir W. Cook II

Exhibit A

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

REDWING TACKLE, LTD.]	
]	
]	
Petitioner]	
]	
]	
v.]	Cancellation No. 92051522
]	
PURE FISHING, INC.]	
]	
]	
Registrant]	
]	
]	

**PURE FISHING’S MOTION TO AMEND REGISTRATION
SUBJECT OF INTER PARTES PROCEEDING PURSUANT TO 37 C.F.R. §2.133(a)**

Pursuant to 37 C.F.R. §2.133(a), and for the reasons specified below, Registrant, Pure Fishing, Inc, respectfully requests that this Honorable Board direct the U.S. Patent and Trademark Office’s Post-registration Division to accept Registrant’s recently filed Section 8 Affidavit and amend U.S. Trademark Registration No. 2,903,536 to delete the following goods from the Registration:

ARTIFICIAL BAITS FOR FISHING; TERMINAL FISHING TACKLE; AND FISHING ACCESSORIES, NAMELY, FISHING FLOATS, BOBBERS, FISHING HOOKS, WEIGHTS USED FOR FISHING IN THE NATURE OF SHOTS AND SINKERS, HAND-HELD FISHING DIP NETS, HAND-HELD FISHING LANDING NETS, HAND-HELD BAIT CAPTURE NETS, IN GROUND AND MOUNTED FISHING ROD HOLDERS, FISHING HOOK REMOVERS, FISH STRINGERS, FISH STRIKE INDICATORS, FISH WEIGHT SCALES, FISHING BUOYS, AND FISHING TACKLE BOXES

REMARKS

U.S. Trademark Registration No. 2,903,536 was registered on November 16, 2004. Under Section 8 of the Trademark Act, 15 U.S.C. §1058, Registrant is required to file a Declaration of

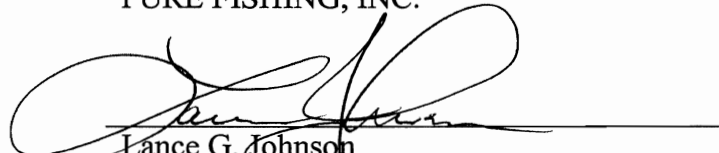
Use and/or Excusable Nonuse of Mark in Commerce at the end of six years following the date of registration (on or before November 16, 2010).

Registrant filed a Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8 deleting certain goods no longer in use under the SPIDER mark on October 4, 2010. Exhibit A. After this amendment, the goods in Registrant's U.S. Trademark Registration No. 2,903,536 will be "fishing rods; fishing reels; fishing line." This amendment not only reflects Registrant's current use of the SPIDER mark, but also ultimately streamlines the issues for Registrant, Petitioner and the Honorable Board in this proceeding.

Applicant requests that the Honorable Board approves this amendment and directs the U.S. Patent and Trademark Office's Post-registration Division to accept Registrant's recently filed Section 8 Affidavit and amend the identification of goods under U.S. Trademark Registration No. 2,903,536 as indicated therein.

Respectfully submitted,

PURE FISHING, INC.



Lance G. Johnson
Casimir W. Cook II
Stephen A. Straub
Roylance, Abrams, Berdo & Goodman LLP
1300 19th Street NW Suite 600
Washington, DC 20036
Tel: (202) 659-9076

Date: October 6, 2010

CERTIFICATE OF SERVICE

It is hereby certified that a true and complete copy of the foregoing

**PURE FISHING'S MOTION TO AMEND REGISTRATION
SUBJECT OF INTER PARTES PROCEEDING PURSUANT TO 37 C.F.R. §2.133(a)**

was served by first class mail, this 6th day of October 2010, upon Barbara L. Waite, Barbara L. Waite, PC 1425 K Street NW, Ste. 350, Washington, DC 20005, attorney for Petitioner.



Casimir W. Cook II

CERTIFICATE OF FILING ON ESSTA SYSTEM

It is hereby certified that this correspondence is being filed using the United States Patent and Trademark Office website ESTTA service, this 6th day of October, 2010.



Casimir W. Cook II

Exhibit A

Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2903536
REGISTRATION DATE	11/16/2004
SERIAL NUMBER	78334549
MARK SECTION	
MARK	SPIDER
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	028
GOODS OR SERVICES TO BE DELETED	ARTIFICIAL BAITS FOR FISHING; TERMINAL FISHING TACKLE; AND FISHING ACCESSORIES, NAMELY, FISHING FLOATS, BOBBERS, FISHING HOOKS, WEIGHTS USED FOR FISHING IN THE NATURE OF SHOTS AND SINKERS, HAND-HELD FISHING DIP NETS, HAND-HELD FISHING LANDING NETS, HAND-HELD BAIT CAPTURE NETS, IN GROUND AND MOUNTED FISHING ROD HOLDERS, FISHING HOOK REMOVERS, FISH STRINGERS, FISH STRIKE INDICATORS, FISH WEIGHT SCALES, FISHING BUOYS, AND FISHING TACKLE BOXES
GOODS OR SERVICES IN USE IN COMMERCE OR FOR WHICH OWNER CLAIMS EXCUSABLE NONUSE	FISHING RODS; FISHING REELS; FISHING LINE
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\783\345\78334549\xml1\ S080002.JPG
	\\TICRS\EXPORT11\IMAGEOUT 11\783\345\78334549\xml1\ S080003.JPG
	Specimens consist of a webpage snapshot showing the mark in use on product and providing ordering

SPECIMEN DESCRIPTION	information and a close up of a portion of the same webpage snapshot which provides a clearer view of the mark on product
OWNER SECTION (current)	
NAME	PURE FISHING, INC.
STREET	1900 18TH STREET
CITY	SPIRIT LAKE
STATE	Iowa
ZIP/POSTAL CODE	51360
COUNTRY	United States
LEGAL ENTITY SECTION (current)	
TYPE	INC. ASSOCIATION
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Iowa
LEGAL ENTITY SECTION (proposed)	
TYPE	corporation
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	100
TOTAL FEE PAID	100
SIGNATURE SECTION	
SIGNATURE	/Julie C. VanDerZanden/
SIGNATORY'S NAME	Julie C. VanDerZanden
SIGNATORY'S POSITION	Intellectual Property Counsel
DATE SIGNED	10/04/2010
PAYMENT METHOD	DA
FILING INFORMATION	
SUBMIT DATE	Mon Oct 04 18:20:23 EDT 2010
	USPTO/SECT08-207.170.241. 67-20101004182023568444-2

TEAS STAMP

903536-470e9b5f113d71c52c
31587b17ec1ada36-DA-5130-
20101001165220563326

PTO Form 1553 (Rev 5/2006)
OMB No. 0651-0055 (Exp 12/31/2011)

**Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 2903536

REGISTRATION DATE: 11/16/2004

MARK: SPIDER

The owner, PURE FISHING, INC., having an address of
1900 18TH STREET
SPIRIT LAKE, Iowa 51360
United States

is filing a Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8.

For International Class 028, this filing does **NOT** cover the following goods or services for this specific class listed in the registration, and these goods or services are to be permanently **deleted** from the registration: ARTIFICIAL BAITS FOR FISHING; TERMINAL FISHING TACKLE; AND FISHING ACCESSORIES, NAMELY, FISHING FLOATS, BOBBERS, FISHING HOOKS, WEIGHTS USED FOR FISHING IN THE NATURE OF SHOTS AND SINKERS, HAND-HELD FISHING DIP NETS, HAND-HELD FISHING LANDING NETS, HAND-HELD BAIT CAPTURE NETS, IN GROUND AND MOUNTED FISHING ROD HOLDERS, FISHING HOOK REMOVERS, FISH STRINGERS, FISH STRIKE INDICATORS, FISH WEIGHT SCALES, FISHING BUOYS, AND FISHING TACKLE BOXES

The mark is in use in commerce on or in connection with the following goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim: FISHING RODS; FISHING REELS; FISHING LINE

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Specimens consist of a webpage snapshot showing the mark in use on product and providing ordering information and a close up of a portion of the same webpage snapshot which provides a clearer view of the mark on product.

Specimen File1

Specimen File2

Declaration

Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Julie C. VanDerZanden/ Date: 10/04/2010

Signatory's Name: Julie C. VanDerZanden

Signatory's Position: Intellectual Property Counsel

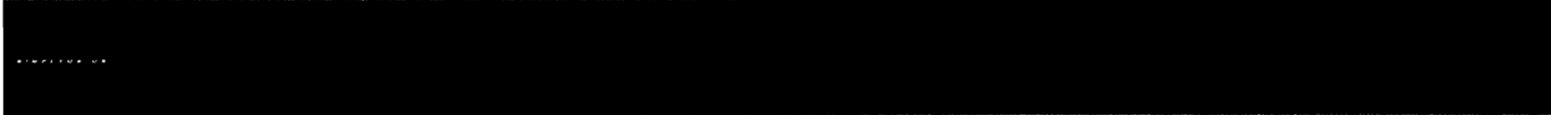
Serial Number: 78334549

Internet Transmission Date: Mon Oct 04 18:20:23 EDT 2010

TEAS Stamp: USPTO/SECT08-207.170.241.67-201010041820

23568444-2903536-470e9b5f113d71c52c31587

b17ec1ada36-DA-5130-20101001165220563326



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SPIDER Berkley



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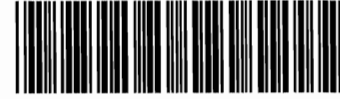
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ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 2903536



Serial Number: 78334549



RAM Sale Number: 5130

RAM Accounting Date: 20101005

Total Fees: \$100

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20101004	\$100	1	1	\$100

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20101004



Exhibit B



Roylance
Abrams

Roylance, Abrams, Berdo & Goodman, L.L.P.
Intellectual Property Attorneys

1300 19th Street, N.W., Suite 600
Washington, D.C. 20036-1649 U.S.A.
Tel: 202-659-9076 Fax: 202-659-9344
www.roylance.com

October 6, 2010

CASIMIR W. COOK II
202-659-9076
ccook@roylance.com

PLEASE REFER TO FILE:
55503

VIA FIRST CLASS MAIL

Barbara L. Waite, Esq.
BARBARA L. WAITE P.C.
1425 K Street, N.W., Ste. 350
Washington, D.C. 20005

Re: Redwing Tackle, Ltd. v. Pure Fishing, Inc.
Cancellation No. 92051522

Dear Ms. Waite:

Enclosed is Pure Fishing's document production identified as PFI 00201 – PFI 01129 along with a Motion to Amend Registration.

Note that documents identified as PFI 00276 – PFI 01041 are marked TRADE SECRET/COMMERCIALY SENSITIVE and should be treated accordingly.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'C. W. Cook II', written over a horizontal line.

Casimir W. Cook II

CWC:dcs
Enclosures

cc: Lance G. Johnson

Exhibit C

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

-----X

REDWING TACKLE, LTD.	:	
Petitioner,	:	
v.	:	Cancellation No. 92051522
PURE FISHING, INC.,	:	
Registrant.	:	

-----X

**REGISTRANTS’S SUPPLEMENTAL OBJECTIONS AND RESPONSES TO
PETITIONER’S FIRST SET OF INTERROGATORIES TO REGISTRANT**

Registrant, Pure Fishing, Inc. (“Pure Fishing”) hereby supplements its objections and responses to Petitioner’s First Set of Interrogatories.

RESPONSES AND OBJECTIONS

1. Pure Fishing objects to the Interrogatories to the extent they seek information or documents protected under the attorney-client privilege, work product immunity, or which is otherwise immune from discovery. To the extent that an individual Interrogatory may be construed as seeking privileged information, Pure Fishing claims that privilege and invokes such protection. Subject to and without waiving this objection, Pure Fishing will provide relevant, non-privileged information in its responses to these Interrogatories.

2. Pure Fishing objects to the Interrogatories to the extent they seek to impose obligations not required under the Federal Rules of Civil Procedure or the Trademark Rules of Practice.

3. Pure Fishing objects to each and every Interrogatory to the extent that it seeks information that does not exist, or that is outside the possession, custody, or control of Pure

Fishing.

4. Pure Fishing objects to the Interrogatories to the extent they seek information that is not relevant to the claim or defense of any party and not reasonably calculated to lead to the discovery of admissible evidence.

5. Pure Fishing objects to the Interrogatories as uncertain, overbroad, unduly burdensome, and oppressive to the extent that it seeks to impose on Pure Fishing the obligation to ascertain facts that are not know to Pure Fishing.

6. Pure Fishing objects to the Interrogatories to the extent that they are vague, ambiguous, and unduly burdensome in that they do not clearly define what information is requested or because it is not reasonably limited in scope and time. Furthermore, to the extent that responses are provided herein, they represent an effort to expedite discovery in this action and are not an admission by Pure Fishing of the relevancy or materiality of the information requested.

7. Pure Fishing objects to these Interrogatories to the extent that they call for supplemental responses within five days of receipt of any document or information subsequent to these responses. Pure Fishing reserves the right to supplement its responses to the Interrogatories as appropriate under the Federal Rules of Civil Procedure.

The foregoing General Objections are incorporated into each of the Specific Objections to the Interrogatories.

RESPONSES AND OBJECTIONS

Interrogatory No. 1

Does Registrant claim to have acquired the right to use the Mark or any other rights therein from any other person including any other person which is a predecessor of Registrant respecting ownership of the Mark? If the answer to this interrogatory is other than an unqualified negative:

- a. identify each person from whom Registrant claims to have acquired the rights;*

- b. state the date on which the acquisition occurred;*
- c. identify all persons having knowledge of the acquisition;*
- d. identify all documents referring or relating to the acquisition; and*
- e. describe each different product ever sold or offered for sale by each such person under the Mark, and for each such product and person, state:*
 - (1) the date on which the person commenced the sale or offering for sale of such product under the Mark;*
 - (2) the dates during which the person has offered such product for sale under the Mark; and*
 - (3) the number or dollar value of the sales of each product sold under the Mark during each year since the first sale thereof.*

Response:

Pure Fishing objects to this Interrogatory as compound and containing multiple discreet subparts. Pure Fishing further objects to this Interrogatory as overly broad and unduly burdensome to the extent it seeks “All” documents and “All” persons. Pure Fishing objects to this Interrogatory to the extent that it seeks information that is of public record and therefore equally accessible by Petitioner. Subject to and without waiver of the general and specific objections, Pure Fishing responds as follows:

- e. Pure Fishing identifies fishing rods; fishing reels; and fishing line as products having been sold or offered for sale under the SPIDER mark.

 - 1) Pure Fishing claims rights from the date of first sale of the earliest of the above-identified products under the SPIDER mark on or about December 21, 1993. Pure Fishing claims rights in fishing line since at least as early as December 21, 1993. Pure Fishing claims rights in fishing rods and fishing reels since at least as early as December 1, 2003.
 - 2) Pure Fishing claims rights for use of SPIDER on fishing line from on or about December 21, 1993 and has continued to do so to the present date. Pure Fishing claims rights for use of SPIDER on fishing rods and fishing reels from on or about December 1, 2003 and has continued to do so to the present date.

- 3) Sales data for the SPIDER mark is located in PFI 00276 – PFI 01023.

Interrogatory No. 2

For the first use made by Registrant of the Mark on each different type and/or style of goods:

- a. describe the type and/or style of goods on which the Mark was used and describe in what ways the goods differed from goods previously sold by Registrant;*
- b. state the date of such first use on or in connection with each good;*
- c. state the number of units of goods sold on the dates of first use;*
- d. state the number of goods, if any, shipped or performed on the date of first use;*
- e. identify each person to whom the goods were sold and state any affiliation or connection of each such person with Registrant;*
- f. identify each location in which the goods were sold or to which they were shipped or provided;*
- g. state the manner in which the Mark was affixed to the goods*
- h. identify each person having knowledge of the first use; and*
- i. identify all documents referring or relating to the first use, including with limitation all labels or other packaging items associated with the goods.*

Response:

Pure Fishing objects to this Interrogatory as compound and containing multiple discreet subparts. The response below shall be so limited. Pure Fishing further objects to this Interrogatory as overly broad and unduly burdensome to the extent it seeks “All” documents and “All” persons. Pure Fishing also objects to the terms “type and/or style” and “goods previously sold by Registrant” as unclear, vague and indefinite. Subject to and without waiver of the general and specific objections, Pure Fishing responds as follows:

- a. The fishing rods; fishing reels and fishing line; on which the SPIDER mark was used are suitable for recreational angling and sport fishing. The goods are of the highest quality, construction and technology and emblematic of the goodwill that consumers in the fishing industry have come to expect from Pure Fishing, the market leader for quality fishing products in the United States and worldwide.

- b. Pure Fishing, or a predecessor thereof, began using the SPIDER mark on fishing line on or about December 21, 1993. Pure Fishing began using the SPIDER mark on fishing rods and fishing reels on or about December 1, 2003.
- c. Sales data for the SPIDER mark is located in PFI 00276 – PFI 01023.
- d. See General Objections 2 and 5.
- e. See General Objections 2 and 5.
- f. See General Objections 2 and 5.
- i. Pure Fishing identifies PFI 00009 – PFI 00010 and PFI 01063 as representative of the first use of the SPIDER mark on fishing line, fishing rods and fishing reels.

Interrogatory No. 5

Identify all documents which state or indicate in any way the number of dollar value of the sales of any goods sold by Registrant, or any licensee, predecessor other person other than Registrant, under the Mark since the date of first use of the Mark.

Response:

Pure Fishing objects to this interrogatory as overly broad and unduly burdensome to the extent it seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Pure Fishing further objects to this Interrogatory as overly broad and unduly burdensome to the extent it seeks “All” documents. Subject to and without waiver of the general and specific objections, Pure Fishing states that sales data for the SPIDER mark is located in PFI 00276 – PFI 01023.

Interrogatory No. 6

Has Registrant or any predecessor, licensee or related company to Registrant ever abandoned or ceased to use the Mark on any product, or in any market area, or in any channel of distribution? If the answer to this interrogatory is other than an unqualified negative, then for each such abandonment or cessation of use;

- a. *state the products involved in the abandonment or cessation of use;*

- b. *state the market area or areas involved in the abandonment or cessation of use;*
- c. *state the channels of distribution involved in the abandonment or cessation of use;*
- d. *identify each document referring or relating to the abandonment or cessation of use; and*
- e. *identify each person having knowledge of the abandonment or cessation of use.*

Response:

Pure Fishing objects to this interrogatory as overly broad and unduly burdensome to the extent it seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the general and specific objections, Pure Fishing states that it has deleted all goods from the registration except fishing line, fishing rods and fishing reels. Pure Fishing has not abandoned its use of the SPIDER mark on fishing line, fishing rods and fishing reels.

Interrogatory No. 7

Identify all occurrences of actual confusion between the Mark and Petitioner's mark, SPIDER THREAD.

Response:

Pure Fishing objects to this Interrogatory to the extent that it seeks information that is protected under the attorney-client privilege and/or the attorney work-product doctrine. Pure Fishing objects to this Interrogatory to the extent it seeks Pure Fishing to specify, in advance of the applicable deadline in this proceeding (*see* Trademark Trial and Appeal Board Manual of Procedure Chapter 414(7)), the evidence it intends to present pursuant to Trademark Trial and Appeal Board Manual of Procedure Chapters 700 and subsequent. Subject to and without waiver of the general and specific objections, Pure Fishing notes however that according to Petitioner use of the SPIDER THREAD mark has not commenced on fishing line in the United States. Without use of the SPIDER THREAD mark having commenced, there can be no actual confusion. Pure Fishing has insufficient information to respond to this interrogatory regarding Petitioner's nylon

fiber that is used as a spawn-tying aid. This product is so obscure that it may not compete with any of Pure Fishing's SPIDER brand fishing line, fishing rods and fishing reels. Pure Fishing reserves the right to supplement its response should circumstances change and at the appropriate time.

Respectfully submitted,

Pure Fishing, Inc.

Dated: October 12, 2010

By: _____



Lance G. Johnson
Casimir W. Cook II
Stephen A. Straub
Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, D.C. 20036
Main Telephone: (202) 659-9076
Facsimile: (202) 659-9344

Attorneys for Registrant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Registrant's Supplemental Objections And Responses To Petitioner's First Set Of Interrogatories To Registrant was served by first class mail, postage prepaid, this 12th day of October, 2010, on attorney for Redwing Tackle at the following address:

Barbara L. Waite P.C.
1425 K Street NW, Ste. 350
Washington, Dc 20005
United States



Casimir W. Cook II