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

Proceeding	92052778
Party	Defendant Paigelauren Enterprises, LLC
Correspondence Address	SEPEHR DAGHIGHIAN SEPEHR DAGHIGHIAN PC 433 N CAMDEN DR FL 4 BEVERLY HILLS, CA 90210-4408 UNITED STATES sepehr@daghighian.com
Submission	Opposition/Response to Motion
Filer's Name	Sepehr Daghighian, Esq.
Filer's e-mail	sepehr@daghighian.com
Signature	/Sepehr Daghighian/
Date	03/05/2012
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PREMIUM DENIM, LLC

Petitioner,

v.

PAIGELAUREN ENTERPRISES, LLC

Registrant.

Petition for Cancellation No.: 92/052778

Directed to Reg. No.: 3,594,678

**REGISTRANT'S RESPONSE TO PETITIONER'S MOTION FOR SANCTIONS
IN THE FORM OF ENTRY OF JUDGMENT, OR, IN THE ALTERNATIVE, TO
COMPEL PRODUCTION OF DOCUMENTS AND FURTHER RESPONSES TO
INTERROGATORIES**

Commissioner for Trademarks
P.O Box 1451
Alexandria, VA 22313-1451

Registrant PAIGELAUREN ENTERPRISES, LLC ("Registrant"), through its undersigned counsel, hereby responds to Petitioner's Motion for sanctions in the form of entry of judgment granting the petition for cancellation against Registrant, or, in the alternative, an order compelling Registrant to "produce all documents in its possession, custody, or control that are responsive to any of Petitioner's requests for production. Petitioner's Motion should be denied because (1) Registrant has produced all responsive documents in its possession, and (2) Registrant has amended its Response to Interrogatories in a manner sufficient to satisfy the Board's December 19, 2011 Order.

I. INTRODUCTION

On or about July 20, 2010, Petitioner Premium Denim, LLC filed this subject Petition for Cancellation seeking the Board's cancellation of the trademark PAIGELAUREN, in U.S. Registration Number 3,594,678, in International Class 025, owned by Paige Lauren, a U.S. individual residing and domiciled in California. On or about March 28, 2011, Petitioner served Interrogatories and Requests for Production of Documents on Registrant. Petitioner originally responded to the written discovery on or about June 1, 2011. Following an Order by the Board on December 19, 2011, Registrant provided Further Verified Responses to Interrogatories and Requests for Production of Documents on or about January 17, 2012.

On February 17, 2012, Petitioner filed this Motion for sanctions in the form of entry of judgment granting the petition for cancellation against Registrant, or, in the alternative, an order compelling Registrant to produce more documents. The Petitioner's Motion should be denied because all responsive documents in Registrant's possession have been produced. Further, Registrant amends its Response to Interrogatory No. 11 in a manner satisfactory to the Board's December 19, 2011 Order.

II. THE REGISTRANT HAS PRODUCED ALL RESPONSIVE DOCUMENTS IN ITS POSSESSION, CUSTODY, AND/OR CONTROL

The Petitioner's Request that the Board enter sanctions against Registrant in the form of entry of judgment should be denied because the Registrant has produced all responsive documents in its possession, custody, and control. According to the Petitioner, the Registrant's production was devoid of the following:

- (1) documents identifying all of Registrant's products (Request Nos. 16-17);

- (2) documents identifying the owners of the mark and other interested parties
(Request Nos. 1, 3);
- (3) licensing or assignment agreements (Request Nos. 4-5);
- (4) documents regarding the creation, selection, or adoption of the mark
(Request
Nos. 7);
- (5) trademark searches (Request Nos. 8-11)
- (6) documents establishing the date of first use (Request Nos. 18-21);
- (7) documents regarding sales & advertising (Request Nos. 22-25);
- (8) documents establishing channels of trade and methods of advertising
(Request
Nos. 30-33);
- (9) communications and filings with the USPTO (Request Nos. 45-46); and
- (10) examples of advertising (Request No. 47).

That the Petitioner did not receive the documents it wishes it had received is not grounds for entry of sanctions in the form of entry of judgment. Petitioner's production of documents satisfies all of the ten categories identified above by Petitioner as being devoid. The printouts from Registrant's website unambiguously identifies Registrant's products, thereby satisfying the first category identified above, namely documents "identifying all of Registrant's Products." The article from the Daily Candy identifies the owner of the trademark PAIGELAUREN as Paige Lauren, satisfying the second category identified by Petitioner above, namely documents sufficient to identify the owner of the

trademark. There are no documents in Petitioner's possession, custody, or control sufficient to satisfy the third category identified above, namely "licensing or assignment agreements." Additionally, in response to Interrogatory No. 1, Registrant clearly states that no other marks were considered, and that the trademark PAIGELAUREN was selected based on the name of its owner, Paige Lauren. This response to Interrogatory No. 1 factually and logically makes it impossible for Registrant to possess documents sufficient to satisfy Petitioner's fourth and fifth category above, documents regarding the selection of the mark and relevant trademark searched relating to same.

Further, the printouts from Registrant's website sufficiently satisfy the seventh, eighth, and tenth categories identified above by Petitioner. The documents provided by Registrant are sufficient to establish sales and advertising, channels of trade and methods of advertising, and examples of advertising. As to the tenth category identified above regarding "communications and filings with the USPTO," Registrant contends that such documents are public documents and equally available to Petitioner. As to the sixth category regarding documents establishing the date of first use, Petitioner is not in possession of documents responsive to the request. Petitioner confuses lacking responsive documents with failing to produce responsive documents. Registrant is not failing to produce documents in its possession. Rather, the Registrant has produced all documents in its possession.

Furthermore, Registrant Paige Lauren's certification/verification of her Responses to Requests for Production of Documents is sufficient to legally certify that the documents produced are all that is in Registrant's possession, custody, or control.

According to Federal Rule of Civil Procedure 26, the signature of a party or its attorney to a discovery response (i.e., response to interrogatory, request to admit, or request for production) or objection is a certification by the party or its attorney that, inter alia, the response or objection is warranted, consistent with the Federal Rules of Civil Procedure, and not interposed for any improper purpose such as to cause unnecessary delay or needlessly increase the cost of litigation.

III. THE REGISTRANT HAS COMPLIED WITH THE BOARD'S ORDER REGARDING INTERROGATORIES

The Petitioner would have the Board believe that the Registrant has utterly and miserably failed its obligations regarding discovery. Yet, despite having propounded thirty-seven (37) Interrogatories on Registrant, Petitioner comes to the plate requesting further responses on only one of Registrant's Responses to Interrogatories. Arguing that Plaintiff has miserably failed its obligations regarding discovery lacks any merit, especially considering that the Registrant has provided satisfactory responses to thirty-six (36) of the thirty-seven Interrogatories.

Furthermore, upon further review and consideration, Registrant amends its Response to Interrogatory No. 11 to the following: March 2008. Attached hereto as **Exhibit "A"** is Registrant's Amended Response to Interrogatories.

IV. CONCLUSION

As such, Petitioner's Motion should be denied because (1) Registrant has produced all responsive documents in its possession, and (2) Registrant has amended its Response to Interrogatories in a manner sufficient to satisfy the Board's December 19, 2011 Order.

Registrant's Response to Petitioner's Motion
Cancellation No.: 92/052,778
Directed to Reg. No.: 3,594,678
Page 6 of 7

The Board is invited to contact Applicant's undersigned counsel by e-mail (Sepehr@Daghighian.com) or by telephone at (310) 887-1333 should there be any unresolved matters remaining.

Respectfully Submitted,
LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.

/Sepehr Daghighian/

Sepehr Daghighian, Esq.
March 5, 2012
Attorney for Registrant
Sepehr Daghighian, Esq.
433 North Camden Drive, Fourth Floor
Beverly Hills, California 90210
T: (310) 887-1333
F: (310) 887-1334

EXHIBIT A

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

PREMIUM DENIM, LLC

Petitioner,

v.

PAIGELAUREN ENTERPRISES, LLC

Registrant.

Petition for Cancellation No.: 92/052778

Directed to Reg. No.: 3,594,678

**AMENDED RESPONSES TO PETITIONER'S FIRST SET OF
INTERROGATORIES**

The Registrant, PAIGELAUREN Enterprises, LLC ("Registrant"), a California Corporation, by and through its attorney of record Sepehr Daghighian, hereby submits the following amended responses to Petitioner's First Set of Interrogatories.

PRELIMINARY STATEMENT

These responses, while based on diligent exploration by Registrant and its counsel, reflect only the current status of Registrant's knowledge, understanding, and belief responding to the matters about which inquiry has been made.

As discovery in this action proceeds, Registrant anticipates that they may discover additional or different documents, information, or facts. Without in way obligating itself to do so, Registrant reserves the right to modify or supplement its responses with whatever pertinent documents, information, or facts as subsequently may be discovered. Furthermore, these responses are without prejudice to Registrant's right to use or rely on at any time, including at trial, any subsequently discovered documents, information, or facts, or documents, information, or facts omitted from these responses as a result of mistake, error, oversight, or inadvertence. Registrant further reserves the right to produce

additional documents, information, or facts in evidence at any time, including at trial, and to object on appropriate grounds to the introduction into evidence of any portion of these responses.

The inclusion of any specific objection to a interrogatory produced in any response below is neither intended as, nor shall in any way be deemed to be, a waiver of any other specific objection made herein or asserted at a later date. In addition, the failure to include at this time any specific objection to a request is neither intended as, nor in any way shall be deemed to be, a waiver of Registrant's right to assert that or any other objection at a later date.

Registrant objects to the interrogatories to the extent that they seek information protected from disclosure by any privilege or immunity including, without limitation, the attorney-client privilege, the self-critical analysis privilege, the joint defense privilege, or the work product immunity from discovery. Inadvertent disclosure of any such testimony shall not constitute a waiver of any privilege or immunity, and shall not waive the right of Registrant to object to the use of any such testimony during this action.

The responses set forth below are made without waiving: (1) the right to object to use of any response for any purpose, in this action or any other actions, on the grounds of privilege, relevance, or any other appropriate grounds; (2) the right to object to any other request involving or relating to the subject matter of the responses herein; or (3) the right to revise, correct, supplement, or clarify any of the responses below at any time.

GENERAL OBJECTIONS

Registrant makes the following general objections to Petitioner's First Set of Interrogatories:

1. Registrant objects to each Interrogatory in the First Set of Interrogatories to the extent that it seeks information protected from disclosure by any privilege or immunity including, without limitation, the attorney-client privilege, the self-critical analysis

privilege, the joint defense privilege, or the work product immunity from discovery. Inadvertent disclosure of any such information shall not constitute a waiver of any privilege or immunity, and shall not waive the right of Petitioner to object to the use of any such information during this action.

2. Registrant objects to the definitions contained in the First Set of Interrogatories to the extent that they make one or more of the Interrogatories overly broad, unduly burdensome, harassing, and unreasonable.

3. Registrant objects to the definitions and instructions to the First Set of Interrogatories to the extent they purport to impose on Registrant an obligation to provide information for or on behalf of any person or entity other than the named Registrant, and/or purports to seek information that is not within the possession, custody, or control of Registrant.

5. Registrant objects to each Interrogatory in the First Set of Interrogatories to the extent that it seeks information equally or more readily available to Petitioner.

6. Registrant objects to each Interrogatory in the First Set of Interrogatories on the grounds that it is duplicative, burdensome, and harassing, to the extent that it seeks information that was previously sought and obtained.

7. Registrant objects to each Interrogatory in the First Set of Interrogatories to the extent that it seeks confidential, non-public, proprietary, trade secret, and/or commercially sensitive information.

8. Registrant objects to each Interrogatory in the First Set of Interrogatories to the extent that it exceeds the scope of the claims and/or defenses in the action, and therefore, is not relevant, nor calculated to lead to the discovery of admissible evidence.

AMENDED RESPONSES TO INTERROGATORIES

Amended Response to Interrogatory No. 11:

March 2008.

Respectfully submitted,

LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.

Dated: March 5, 2012

SEPEHR DAGHIGHIAN, ESQ.
Attorney for Registrant

VERIFICATION

I have read the forgoing Responses to Interrogatories. I am a party to this action or an officer of the corporation responding to the same. The matters stated in the forgoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true. I am informed and believe and on that ground allege that the matters stated in the forgoing document are true.

Executed: March 2, 2012, at Los Angeles, California.

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

Name: /S/ Paige Lauren
Paige Lauren

CERTIFICATE OF SERVICE

I am a Member of the Bar of California, not a Party in the Action, and I hereby certify that I caused to be served on Attorneys for Opposer a true and correct copy of each of the foregoing documents:

REGISTRANT'S AMENDED RESPONSES TO INTERROGATORIES

was served on March 5, 2012 by U.S. First Class Mail with postage prepaid, in an envelope addressed to:

Rod S. Berman
Jessica C. Bromall
JEFFER, MANGLES, BUTLER & MARMARO LLP
1900 Avenue of the Stars, Seventh Floor
Los Angeles, CA 90067

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

Executed on March 5, 2012 at Beverly Hills, California.

/Sepehr Daghighian/

Sepehr Daghighian, Esq.

CERTIFICATE OF SERVICE

I am a Member of the Bar of California, not a Party in the Action, and I hereby certify that I caused to be served on Attorneys for Opposer a true and correct copy of each of the foregoing documents:

REGISTRANT'S RESPONSE TO PETITIONER'S MOTION FOR SANCTIONS IN THE FORM OF ENTRY OF JUDGMENT, OR, IN THE ALTERNATIVE, TO COMPEL PRODUCTION OF DOCUMENTS AND FURTHER RESPONSES TO INTERROGATORIES

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Rod S. Berman
Jessica C. Bromall
JEFFER, MANGLES, BUTLER & MARMARO LLP
1900 Avenue of the Stars, Seventh Floor
Los Angeles, CA 90067

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

Executed on March 5, 2012 at Beverly Hills, California.

/Sepehr Daghighian/

Sepehr Daghighian, Esq.