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

Proceeding	92067794
Party	Plaintiff Joshua S. Schoonover
Correspondence Address	JOSHUA S SCHOONOVER COASTAL PATENT LAW GROUP PC PO BOX 131299 CARLSBAD, CA 92013 UNITED STATES Primary Email: LawGroup@CoastalPatent.com 858-565-4730
Submission	Plaintiff's Notice of Reliance
Filer's Name	Joshua S. Schoonover
Filer's email	lawgroup@coastalpatent.com
Signature	/JSS/
Date	09/30/2020
Attachments	3-NOR-Discovery-complete.pdf(954655 bytes)

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

In the matter of Ser. No. 87/629,391
Mark: FORUM

Joshua S. Schoonover,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92067794 (parent)
)	Cancellation No. 92069499
The Burton Corporation,)	
)	
Respondent.)	
)	

PETITIONER’S NOTICE OF RELIANCE ON RESPONDENT’S DISCOVERY

RESPONSES UNDER 37 C.F.R. § 2.122(e)

Pursuant to Rule 2.120(k) of the Trademark Rules of Practice and TBMP § 704.10, Petitioner, Joshua S. Schoonover, hereby makes of record and notifies Respondent, The Burton Corporation, of its reliance on the following discovery responses of Respondent. Unless otherwise indicated herein, all Requests for Admission are related to the issue of abandonment of the Forum mark and Registrant’s discontinued use with intent to not resume use of the subject Forum mark in connection with apparel and snowboard -related goods. Attached hereto as *Exhibits A&B* are true and accurate copies of Respondent’s admissions in response to Request for Admission Nos. 2,5-8, 13-21, 25-27, 30-31, 33-39, and 41-47 served in this proceeding. Petitioner submits Respondent’s admissions to show the following:

1. Respondent’s admission to *Request for Admission No. 2* will be used to support Respondent’s objective manifestation of intent to discontinue use of the Forum brand and

corresponding Forum mark in connection with snowboards and snowboard apparel and outerwear, and is relevant to Respondent's intent at the time of the Burton Press Release dated October 23, 2012.

2. Respondent's admission to *Request for Admission Nos. 5-6* will be used to support Respondent's objective manifestation of intent to discontinue use of the Forum brand and corresponding Forum mark in connection with snowboards and snowboard apparel and outerwear, and is relevant to Respondent's intent at the time of the ESPN article dated October 23, 2012.

3. Respondent's admission to *Request for Admission Nos. 7-8* will be used to support evidence of Respondent's intent concerning "transitioning out of" the Forum brand and merely "retain[ing] the trademarks" on the register (without manufacture and sale of goods bearing the Forum mark), which is relevant to Respondent's intent to not resume use and abandonment of the Forum mark.

4. Respondent's admission to *Request for Admission Nos. 13-15* will be used to establish that the Respondent's @forumsnowboards facebook social media page was discontinued with the last post made on November 16, 2012, which is relevant to Respondent's discontinued use of the Forum mark.

5. Respondent's admission to *Request for Admission Nos. 16-18* will be used to establish that the Respondent's @forumsnowboards twitter social media page was discontinued with the last post made on October 18, 2012, which is relevant to Respondent's discontinued use of the Forum mark.

6. Respondent's admission to *Request for Admission Nos. 19-21* will be used to establish that the Respondent's @forumsnowboards Instagram social media page was discontinued with the last post made on October 18, 2012, which is relevant to Respondent's discontinued use of the Forum mark.

7. Respondent's admission to *Request for Admission Nos. 25-27* will be used to establish that the Respondent discontinued marketing efforts involving sponsorship of athletes under the Forum brand since at least January 25, 2014, which is relevant to Respondent's discontinued use of the Forum mark.

8. Respondent's admission to *Request for Admission No. 30* will be used to establish that the Respondent discontinued marketing efforts involving participation in trade shows at least between years 2013-2017, which is relevant to Respondent's discontinued use of the Forum mark.

9. Respondent's admission to *Request for Admission No. 31* will be used to establish that the Respondent discontinued use of the Forum mark and wrote off goodwill associated with the brand in tax filings, which is relevant to Respondent's abandonment of the Forum mark.

10. Respondent's admission to *Request for Admission Nos. 33-38* will be used to establish that the Respondent discontinued manufacturing of apparel products bearing the Forum mark in at least years 2013 to 2018, which is relevant to Respondent's discontinued use of the Forum mark.

11. Respondent's admission to *Request for Admission No. 39* will be used to establish that the Respondent discontinued the sale of apparel products bearing the Forum mark in at least years 2013 to 2018, which is relevant to Respondent's discontinued use of the Forum mark.

12. Respondent's admission to *Request for Admission Nos. 41-46* will be used to establish that the Respondent discontinued manufacturing of snowboard products bearing the Forum mark in at least years 2013 to 2018, which is relevant to Respondent's discontinued use of the Forum mark.

13. Respondent's admission to *Request for Admission No. 47* will be used to establish that the Respondent discontinued the sale of snowboard products bearing the Forum mark in at least years 2013 to 2018, which is relevant to Respondent's discontinued use of the Forum mark.

Dated this 30th day of September 2020.

By: /Joshua S. Schoonover/
Joshua S. Schoonover. Esq.
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Carlsbad, CA 92013
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Petitioner Pro Se

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of PETITIONER'S NOTICE OF RELIANCE ON RESPONDENT'S DISCOVERY RESPONSES UNDER 37 C.F.R. § 2.122(e) has this 30th day of September 2020, been delivered via email only to the below-identified Attorney/Correspondent for the Respondent:

tmip@drm.com

/Joshua S. Schoonover/
Joshua S. Schoonover

EXHIBIT A

EXHIBIT A

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

In the Matter of Reg. No. 2,134,652 issued on February 3, 1998
and Reg. No. 2,207,535 issued on December 1, 1998

-----X
Joshua S. Schoonover, :
 :
 : Petitioner, : Cancellation No. 92067794
 :
 : -against- :
 :
 : The Burton Corporation :
 :
 : Registrant. :
-----X

REGISTRANT'S RESPONSE TO PETITIONER'S FIRST AND SECOND REQUESTS FOR ADMISSIONS

Registrant, The Burton Corporation, responds to Petitioner's First and Second Requests for Admissions as follows:

GENERAL OBJECTIONS

Registrant objects to Petitioner's requests to the extent they call for or encompass information outside the scope of that required under the Federal Rules of Civil Procedure or other applicable law, or to the extent that, as worded, they call for the disclosure or production of information protected by the attorney-client privilege and/or work product doctrine. All responses set forth herein are made without waiver of these General Objections.

REQUEST NO. 1.

Admit that Registrant acquired the "Program Brands", namely "FOURSQUARE"; "FORUM"; and "SPECIAL BLEND", on or about July 15, 2004.

EXHIBIT A

RESPONSE TO REQUEST NO. 1.

Admitted.

REQUEST NO. 2.

Admit that Registrant published a statement on or about October 23, 2012 related to, inter alia, Registrant's intent to "transition out of the Program Brands (FOURSQUARE, FORUM, and SPECIAL BLEND)" (hereinafter, the "October 23, 2012 Statement").

RESPONSE TO REQUEST NO. 2.

Admitted that Registrant issued a press release dated October 12, 2012 titled "Burton Realigns its Family of Brands for Long-Term Success," and that Burton also provided a document titled "2012 Burton Restructure: Key Facts by Brand" to help answer follow up questions from the press. Denied except as expressly admitted.

REQUEST NO. 3.

Admit, after diligent inquiry, that Transworld Snowboarding published a copy of the Registrant's October 23, 2012 Statement as identified in item 2, above, and that a copy of the Registrant's October 23, 2012 Statement is publicly available at:

<https://snowboarding.transworld.net/news/burton-realigns-its-family-of-brands-for-long-term-success/8/31>.

RESPONSE TO REQUEST NO. 3.

Denied.

REQUEST NO. 4.

Admit that Petitioner's evidence labeled as SCH-000001-SCH000005 is a true and correct copy of the Registrant's October 23, 2012 Statement available at:

EXHIBIT A

<https://snowboarding.transworld.net/news/burton-realigns-its-family-of-brands-for-long-term-success/8/31>.

RESPONSE TO REQUEST NO. 4.

Denied.

REQUEST NO. 5.

Admit, after diligent inquiry, that ESPN published an article related to Registrant's October 23, 2012 Statement, and that a copy of ESPN's article is publicly available at:

http://www.espn.com/action/snowboarding/story/_/id/8545120/burton-announces-brand-restructuring-forum-close-analog-surf-skate.

RESPONSE TO REQUEST NO. 5.

Admitted.

REQUEST NO. 6.

Admit that Petitioner's evidence labeled as SCH-000006-SCH-000012 is a true and correct copy of ESPN's article available at:

http://www.espn.com/action/snowboarding/story/_/id/8545120/burton-announces-brand-restructuring-forum-close-analog-surf-skate.

RESPONSE TO REQUEST NO. 6.

Admitted.

REQUEST NO. 7.

Admit, after diligent inquiry, that on or about October 23, 2012, the Adventure Sports Network interviewed Registrant's CEO, Jake Burton Carpenter, about the facts related to the Registrant's October 23, 2012 Statement, and that the Adventure Sports Network published an article quoting portions of the interview with Mr. Burton, which article is publicly available at:

EXHIBIT A

<https://www.adventuresportsnetwork.com/transworld-business/burton-overhauls-corporate-structure-pulling-out-of-the-program/>.

RESPONSE TO REQUEST NO. 7.

Admitted that Adventure Sports Network published an article relating to Burton's October 12, 2012 press release, available at the URL provided. Denied except as expressly admitted.

REQUEST NO. 8.

Admit that Petitioner's evidence labeled as SCH-000013-SCH-000038 is a true and correct copy of Adventure Sports Network's article available at:

<https://www.adventuresportsnetwork.com/transworld-business/burton-overhauls-corporate-structure-pulling-out-of-the-program/>.

RESPONSE TO REQUEST NO. 8.

Admitted.

REQUEST NO. 9.

Admit, after diligent inquiry, that the Adventure Sports Network published an article related to the snowboarding industry's reaction related to the facts within the Registrant's October 23, 2012 Statement, which article is publicly available at:

<https://www.adventuresportsnetwork.com/sport/snowboarding/snow-industry-reacts-to-burton-snowboards-dropping-legendary-brands/>.

RESPONSE TO REQUEST NO. 9.

Admitted that Adventure Sports Network published an article relating to Burton's October 12, 2012 press release, available at the URL provided. Denied except as expressly admitted.

EXHIBIT A

REQUEST NO. 10.

Admit that Petitioner's evidence labeled as SCH-000039-SCH-000042 is a true and correct copy of Adventure Sports Network's article available at:

<https://www.adventuresportsnetwork.com/transworld-business/burton-overhauls-corporate-structure-pulling-out-of-the-program/>.

RESPONSE TO REQUEST NO. 10.

Denied.

REQUEST NO. 11.

Admit, after diligent inquiry, that The Angry Snowboarder published an article related to the Registrant's October 23, 2012 Statement, which article is publicly available at:

<http://www.angrysnowboarder.com/forum-four-square-and-special-blend-no-more/>.

RESPONSE TO REQUEST NO. 11.

Admitted.

REQUEST NO. 12.

Admit that Petitioner's evidence labeled as SCH-000043-SCH-000055 is a true and correct copy of The Angry Snowboarder's article available at:

<http://www.angrysnowboarder.com/forum-four-square-and-special-blend-no-more/>.

RESPONSE TO REQUEST NO. 12.

Admitted.

REQUEST NO. 13.

Admit that Registrant, or one of its affiliated companies, owns now or owned at any time, an account on FACEBOOK (www.facebook.com) under the handle "@forumsnowboards", and

EXHIBIT A

that the @forumsnowboards FACEBOOK page was used in connection with marketing goods associated with the FORUM mark.

RESPONSE TO REQUEST NO. 13.

Admitted.

REQUEST NO. 14.

Admit, after diligent inquiry, that the @forumsnowboards FACEBOOK page is inactive and that the most recent post on the @forumsnowboards FACEBOOK page is dated November 16, 2012.

RESPONSE TO REQUEST NO. 14.

Admitted.

REQUEST NO. 15.

Admit that Petitioner's evidence labeled as SCH-000056-SCH-000058 is a true and correct copy of the @forumsnowboards FACEBOOK page which is publicly available at: <https://www.facebook.com/forumsnowboards/>.

RESPONSE TO REQUEST NO. 15.

Admitted.

REQUEST NO. 16.

Admit that Registrant, or one of its affiliated companies, owns now or owned at any time, an account on TWITTER (www.twitter.com) under the handle "@forumsnowboards", and that the @forumsnowboards TWITTER page was used in connection with marketing goods associated with the FORUM mark.

RESPONSE TO REQUEST NO. 16.

Admitted.

EXHIBIT A

REQUEST NO. 17.

Admit, after diligent inquiry, that the @forumsnowboards TWITTER page is inactive and that the most recent post on the @forumsnowboards TWITTER page is dated October 18, 2012.

RESPONSE TO REQUEST NO. 17.

Admitted.

REQUEST NO. 18.

Admit that Petitioner's evidence labeled as SCH-000059-SCH-000061 is a true and correct copy of the @forumsnowboards TWITTER page which is publicly available at:

<https://twitter.com/forumsnowboards?lang=en>.

RESPONSE TO REQUEST NO. 18.

Admitted.

REQUEST NO. 19.

Admit that Registrant, or one of its affiliated companies, owns now or owned at any time, an account on INSTAGRAM (www.instagram.com) under the handle "@forumsnowboards", and that the @forumsnowboards INSTAGRAM page was used in connection with marketing goods associated with the FORUM mark.

RESPONSE TO REQUEST NO. 19.

Admitted.

REQUEST NO. 20.

Admit, after diligent inquiry, that the @forumsnowboards INSTAGRAM page is inactive and that the most recent post on the @forumsnowboards INSTAGRAM page is dated September 27, 2012.

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RESPONSE TO REQUEST NO. 20.

Admitted.

REQUEST NO. 21.

Admit that Petitioner's evidence labeled as SCH-000062-SCH-000064 is a true and correct copy of the @forumsnowboards INSTAGRAM page which is publicly available at: <https://www.instagram.com/forumsnowboards/>.

RESPONSE TO REQUEST NO. 21.

Admitted.

REQUEST NO. 22.

Admit that Registrant has not marketed any goods connected with the FORUM mark on social media since November 16, 2012.

RESPONSE TO REQUEST NO. 22.

Denied.

REQUEST NO. 23.

Admit that between January 26, 2014 and January 26, 2017, Registrant has not sold goods bearing the FORUM mark.

RESPONSE TO REQUEST NO. 23.

Denied.

REQUEST NO. 24.

Admit that at the time of the Registrant's October 23, 2012 Statement, Registrant intended to "put to bed" the Program Brands (FOURSQUARE, FORUM, SPECIAL BLEND) and no longer sell goods under these marks.

EXHIBIT A

RESPONSE TO REQUEST NO. 24.

Denied.

REQUEST NO. 25.

Admit that Registrant sponsored athletes under the FORUM mark prior to the Registrant's October 23, 2012 Statement.

RESPONSE TO REQUEST NO. 25.

Admitted.

REQUEST NO. 26.

Admit that Registrant sponsored an athlete by the name of JP Walker under the FORUM mark prior to Registrant's October 23, 2012 Statement.

RESPONSE TO REQUEST NO. 26.

Admitted.

REQUEST NO. 27.

Admit that Registrant has sponsored no athletes under the FORUM mark since January 26, 2014.

RESPONSE TO REQUEST NO. 27.

Admitted.

REQUEST NO. 28.

Admit that, at the time of Registrant's October 23, 2012 Statement, it was the Registrant's intent to restructure its company, to stop making and selling goods under the FORUM mark in order to focus resources on its BURTON mark.

RESPONSE TO REQUEST NO. 28.

Denied.

EXHIBIT A

REQUEST NO. 29.

Admit that, at the time the Petition to Cancel was filed, namely January 26, 2017, Registrant was not selling goods bearing the FORUM mark.

RESPONSE TO REQUEST NO. 29.

Denied.

REQUEST NO. 30.

Admit that Registrant did not exhibited [sic] goods, related in any way to the FORUM mark, at any trade show in years 2013 thru 2017.

RESPONSE TO REQUEST NO. 30.

Admitted.

REQUEST NO. 31.

Admit that Registrant benefitted from one or more business or tax write-offs related to the goodwill associated to the FORUM mark.

RESPONSE TO REQUEST NO. 31.

Admitted.

REQUEST NO. 32.

Admit that Registrant did not market, or offer for sale, any goods that in any way relate to the FORUM mark, on any websites owned or managed by Registrant in the years 2013 thru 2017.


RESPONSE TO REQUEST NO. 32.

Denied.

EXHIBIT A

Date: September 27, 2018

DOWNS RACHLIN MARTIN PLLC

By: 

Cathleen E. Stadecker
Attorney for Registrant
The Burton Corporation
199 Main Street, P.O. Box 190
Burlington, VT 05402-0190
Phone: (802) 863-2375
Fax: (802) 862-7512

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document entitled **REGISTRANT'S RESPONSE TO PETITIONER'S FIRST AND SECOND REQUESTS FOR ADMISSIONS**, was served on Petitioner at the following email address on September 27, 2018: LawGroup@CoastalPatent.com



Jennifer Parent

18600332.1

EXHIBIT B

EXHIBIT B

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

In the Matter of Reg. No. 2,207,535 issued on December 1, 1998
and Reg. No. 3,598,502 issued on March 31, 1999

-----X

Joshua S. Schoonover,	:	
	:	
Petitioner,	:	Cancellation No. 92067794 (parent)
	:	Cancellation No. 92069499
-against-	:	
	:	
The Burton Corporation	:	
	:	
Registrant.	:	

-----X

**REGISTRANT’S RESPONSE TO PETITIONER’S THIRD REQUESTS FOR
ADMISSIONS**

Registrant, The Burton Corporation, responds to Petitioner’s Third Requests for Admissions as follows:

GENERAL OBJECTIONS

Registrant objects to Petitioner’s requests to the extent they call for or encompass information outside the scope of that required under the Federal Rules of Civil Procedure or other applicable law, or to the extent that, as worded, they call for the disclosure or production of information protected by the attorney-client privilege and/or work product doctrine. All responses set forth herein are made without waiver of these General Objections.

EXHIBIT B

REQUEST NO. 33. Admit that Registrant did not manufacture shirts, sweatshirts, hats, beanies, caps, socks, gloves, and belts bearing the FORUM mark in year 2013.

RESPONSE TO REQUEST NO. 33. Denied as to sweatshirts, but admitted to shirts, hats, beanies, caps, socks, gloves and belts.

REQUEST NO. 34. Admit that Registrant did not manufacture shirts, sweatshirts, hats, beanies, caps, socks, gloves, and belts bearing the FORUM mark in year 2014.

RESPONSE TO REQUEST NO. 34. Admitted.

REQUEST NO. 35. Admit that Registrant did not manufacture shirts, sweatshirts, hats, beanies, caps, socks, gloves, and belts bearing the FORUM mark in year 2015.

RESPONSE TO REQUEST NO. 35. Admitted.

REQUEST NO. 36. Admit that Registrant did not manufacture shirts, sweatshirts, hats, beanies, caps, socks, gloves, and belts bearing the FORUM mark in year 2016.

RESPONSE TO REQUEST NO. 36. Admitted.

REQUEST NO. 37. Admit that Registrant did not manufacture shirts, sweatshirts, hats, beanies, caps, socks, gloves, and belts bearing the FORUM mark in year 2017.

RESPONSE TO REQUEST NO. 37. Admitted.

REQUEST NO. 38. Admit that Registrant did not manufacture shirts, sweatshirts, hats, beanies, caps, socks, gloves, and belts bearing the FORUM mark in year 2018.

RESPONSE TO REQUEST NO. 38. Admitted.

EXHIBIT B

REQUEST NO. 39. Admit that Registrant has not sold any shirts, sweatshirts, hats, beanies, caps, socks, gloves, and belts bearing the FORUM mark and which were manufactured after year 2013 and prior to year 2018 (i.e. 2014, 2015, 2016, and 2017).

RESPONSE TO REQUEST NO. 39. Admitted.

REQUEST NO. 40. Admit that Registrant's sales, if any, of shirts, sweatshirts, hats, beanies, caps, socks, gloves, and belts bearing the FORUM mark after year 2013 and prior to year 2018 (i.e. 2014, 2015, 2016, and 2017) were directed to liquidation of existing inventory and/or winding down of the FORUM brand.

RESPONSE TO REQUEST NO. 40. Registrant objects to this request to the extent the phrase "directed to liquidation of existing inventory and/or winding down of the FORUM brand" is vague and ambiguous, and to the extent the phrase "FORUM brand" is not defined. Notwithstanding the foregoing objections and without waiver thereof, denied.

REQUEST NO. 41. Admit that Registrant did not manufacture snowboards, snowboard bindings, and snowboard leashes and accessories therefor bearing the FORUM mark in year 2013.

RESPONSE TO REQUEST NO. 41. Denied as to snowboards, but admitted as to snowboard bindings, and snowboard leashes and accessories.

REQUEST NO. 42. Admit that Registrant did not manufacture snowboards, snowboard bindings, and snowboard leashes and accessories therefor bearing the FORUM mark in year 2014.

RESPONSE TO REQUEST NO. 42. Admitted.

REQUEST NO. 43. Admit that Registrant did not manufacture snowboards, snowboard bindings, and snowboard leashes and accessories therefor bearing the FORUM mark in year 2015.

RESPONSE TO REQUEST NO. 43. Admitted.

EXHIBIT B

REQUEST NO. 44. Admit that Registrant did not manufacture snowboards, snowboard bindings, and snowboard leashes and accessories therefor bearing the FORUM mark in year 2016.

RESPONSE TO REQUEST NO. 44. Admitted.

REQUEST NO. 45. Admit that Registrant did not manufacture snowboards, snowboard bindings, and snowboard leashes and accessories therefor bearing the FORUM mark in year 2017.

RESPONSE TO REQUEST NO. 45. Admitted.

REQUEST NO. 46. Admit that Registrant did not manufacture snowboards, snowboard bindings, and snowboard leashes and accessories therefor bearing the FORUM mark in year 2018.

RESPONSE TO REQUEST NO. 46. Admitted as to snowboard bindings, snowboard leashes and accessories. Denied except as expressly admitted.

REQUEST NO. 47. Admit that Registrant has not sold any snowboards, snowboard bindings, and snowboard leashes and accessories therefor bearing the FORUM mark and which were manufactured after year 2013 and prior to year 2018 (i.e. 2014, 2015, 2016, and 2017).

RESPONSE TO REQUEST NO. 47. Admitted.

REQUEST NO. 48. Admit that Registrant's sales, if any, of snowboards, snowboard bindings, and snowboard leashes and accessories therefor bearing the FORUM mark after year 2013 and prior to year 2018 (i.e. 2014, 2015, 2016, and 2017) were directed to liquidation of existing inventory and/or winding down of the FORUM brand.

RESPONSE TO REQUEST NO. 48. Registrant objects to this request to the extent the phrase "directed to liquidation of existing inventory and/or winding down of the FORUM brand" is vague and ambiguous, and to the extent the phrase "FORUM brand" is not defined. Notwithstanding the foregoing objections and without waiver thereof, denied.

EXHIBIT B

REQUEST NO. 49. Admit that in year 2012 Registrant intended and/or manifested its intent to exit out of the FORUM brand.

RESPONSE TO REQUEST NO. 49. Registrant objects to this request to the extent it calls for a legal conclusion, for which no response is required. Notwithstanding the foregoing objections and without waiver thereof, and to the extent a response may be required, denied.

REQUEST NO. 50. Admit that any use by the Registrant in remarks made in 2012 concerning “Exit out of” or “Exiting out of” in connection with the FORUM brand was intended to mean stop selling goods bearing the FORUM mark.

RESPONSE TO REQUEST NO. 50. Registrant objects to this request to the extent it calls for a legal conclusion, for which no response is required. Notwithstanding the foregoing objections and without waiver thereof, and to the extent a response may be required, denied.

REQUEST NO. 51. Admit that any use by the Registrant in remarks made in 2012 concerning “put them to bed” in connection with the FORUM brand was intended to mean stop selling goods bearing the FORUM mark.

RESPONSE TO REQUEST NO. 51. Registrant objects to this request to the extent it calls for a legal conclusion, for which no response is required. Notwithstanding the foregoing objections and without waiver thereof, and to the extent a response may be required, denied.

REQUEST NO. 52. Admit that in year 2012 Registrant formed and/or manifested an intent to cease manufacture of goods bearing the FORUM mark.

RESPONSE TO REQUEST NO. 52. Registrant objects to this request to the extent it calls for a legal conclusion, for which no response is required. Notwithstanding the foregoing objections and without waiver thereof, and to the extent a response may be required, denied.

EXHIBIT B

REQUEST NO. 53. Admit that in year 2012 Registrant formed and/or manifested an intent to stop selling goods bearing the FORUM mark.

RESPONSE TO REQUEST NO. 53. Registrant objects to this request to the extent it calls for a legal conclusion, for which no response is required. Notwithstanding the foregoing objections and without waiver thereof, and to the extent a response may be required, denied.

REQUEST NO. 54. Admit that on October 23, 2012 Registrant formed and/or manifested an intent to stop selling goods bearing the FORUM mark and merely to maintain the trademarks on the register to preserve rights should anything ever develop in the future.

RESPONSE TO REQUEST NO. 54. Registrant objects to this request to the extent it calls for a legal conclusion, for which no response is required. Further objecting, the phrase “should anything ever develop in the future” is vague and ambiguous. Notwithstanding the foregoing objections and without waiver thereof, and to the extent a response may be required, denied.

REQUEST NO. 55. Admit that prior to, or in response to, the Petitioner’s Third Discovery Requests (Interrogatories, Req. for Admissions, Req. for Production of Documents), Registrant has disclosed, or will timely disclose, to Petitioner, all documents concerning manufacture and sale of goods bearing the FORUM mark that are in Registrant’s possession and no documents have been, or will be, knowingly withheld.

RESPONSE TO REQUEST NO. 55. Registrant objects to this request insofar as it is not an appropriate Request for Admission. Registrant has heretofore complied with its discovery obligations and will continue to do so, as required by law.

EXHIBIT B

Date: May 17, 2019.

DOWNS RACHLIN MARTIN PLLC



By: _____

Cathleen E. Stadecker
Attorney for Registrant
The Burton Corporation
199 Main Street, P.O. Box 190
Burlington, VT 05402-0190
Phone: (802) 863-2375
Fax: (802) 862-7512

EXHIBIT B

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document entitled **REGISTRANT'S RESPONSE TO PETITIONER'S THIRD REQUESTS FOR ADMISSIONS**, was served on Petitioner at the following email address on May 17, 2019:
LawGroup@CoastalPatent.com



Jennifer W. Parent