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

Proceeding	92068852
Party	Plaintiff Progressive Solutions Corporation
Correspondence Address	ROBERT N WEINER ROBERT N WEINER PC 790 FRONTAGE ROAD SUITE 701 NORTHFIELD, IL 60093 UNITED STATES Primary Email: rnwlex@yahoo.com 847-441-8118
Submission	Reply in Support of Motion
Filer's Name	Robert N. Weiner
Filer's email	rnwlex@yahoo.com
Signature	/Robert N. Weiner/
Date	11/03/2020
Attachments	McMahon - Pet Reply to Reg Resp Motion for Sanctions.pdf(819740 bytes)

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

In re Petition to Cancel : CRETECLEAN
 U.S. Trademark Registration No.: 5,319,815
 Filed : June 26, 2018
 Petitioner : Progressive Solutions Corporation
 Registrant : Curecrete Chemical Company

<p style="text-align: center;">Progressive Solutions Corporation</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">Curecrete Chemical Company</p> <p style="text-align: center;">Registrant.</p>	<p>Cancellation No.: 92068852</p> <p>Filed: June 26, 2018</p> <p>Interlocutory Atty: Ashley D. Hayes</p>
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**PETITIONER’S REPLY TO REGISTRANT’S RESPONSE
TO PETITIONER’S MOTION FOR SANCTIONS**

Petitioner, Progressive Solutions Corporation, (“Petitioner”) in reply to Registrant, Curecrete Chemical Company’s (“Registrant”) Response to Petitioner’s Motion for Sanctions for its failure to comply with its discovery obligations and with the Board’s order of July 24, 2020 states as follows:

Registrant presents two arguments in response to Petitioner’s Motion for Sanctions. First, Registrant argues that it has served its responses to Petitioner’s First Set of Interrogatories and Petitioner’s Requests for Production. Second, Registrant argues that its failure to comply with the Board’s July 24, 2020 Order is due to excusable neglect. The first argument is unpersuasive inasmuch as Registrant’s responses are deficient and not in compliance with the Board’s July 24, 2020 Order. The second argument is unexplained and unsupported by any

evidence. As a result Petitioner's Motion should be granted and judgment should be entered in favor of Petitioner.

Throughout the course of this proceeding Registrant has exhibited a pattern of dilatory conduct and has unreasonably and vexatiously delayed the proceedings by failing to meaningfully participate in discovery and by violating the Board's Order of July 24, 2020. These egregious actions rise to the level of sanctionable behavior. Registrant has demonstrated bad faith with respect to the discovery process which justifies sanctions and pursuant to the Board's inherent power to sanction, Trademark Rule 2.120(g)(1) and Fed. R. Civ. P. 37(b)(2); As such, Petitioner has requested the ultimate sanction of entry of judgment against Registrant.

As more fully set forth in Petitioner's Motion for Sanctions, filed herein, Petitioner served its Requests for Production and Petitioner's First Set of Interrogatories on Registrant on October 28, 2019. See attached Exhibits A and B. Notwithstanding the service of the foregoing discovery Registrant failed to respond to the same. As a result of Registrant's failure to respond to Petitioner's discovery Petitioner filed a Motion to Compel Discovery Responses. On July 24, 2020, the Board granted the Motion to Compel. Pursuant to the Board's Order the Board ordered Registrant to serve within thirty (30) days of the mailing of the Order full responses to Petitioner's discovery without objection on the merits thereof.

On October 15, 2020, nearly a year after Petitioner's discovery was served on Registrant, and over eighty days after the Board's order was entered, the Registrant filed its responses to Petitioner's First Set of Requests for Production of Documents and its response to Petitioner's First Set of Interrogatories, copies of which are attached hereto as Exhibit C and Exhibit D. These responses are in large part deficient and violative of the Board's July 24, 2020 Order.

Specifically, twenty-eight of its responses to thirty three document production requests

indicate "...Registrant states that it will produce any such documents that may exist at a time and a place to be agreed upon by the parties." It should first be noted that in Registrant's Response to Petitioner's Motion to Compel, a copy of which is attached hereto as Exhibit E and which was filed on February 10, 2020, Registrant indicated that it "intends to provide a complete response to Petitioner's discovery requests as soon as possible and in any event within fifteen (15) days requested by Petitioner." It should be noted further that at no time did Registrant object to the Petitioner's First Set of Requests for Production and First Set of Interrogatories. Furthermore, in its response to Petitioner's Motion to Compel Registrant indicated that it is "in the process of gathering the requested information...". Notwithstanding the foregoing Registrant has failed to produce a single document to Petitioner in nearly a year's time.

Furthermore, with respect to Registrant's Response to Petitioner's First Set of Interrogatories, of the thirty-nine Interrogatories propounded on Registrant, thirteen of its responses indicate that "...Registrant will continue to gather such information to supplement its response." In light of the passage of nearly a year's time and Registrant's own virtually identical response of February 10, 2020, it is clear that Registrant did not then and does not currently have an intention of providing full responses to Petitioner's discovery per the Board's July 24, 2020 Order. This is an unequivocal demonstration that Registrant's cited responses are disingenuous and further demonstrates Registrant's bad faith.

Registrant additionally argues that its failure to comply with the Board's Order was attributable to excusable neglect. As more fully set forth below Registrant did not and cannot demonstrate its failure to respond was a result of "excusable neglect" as set forth in *Pioneer Investment Services Co. vs. Brunswick Associates Limited Partnership*, 507 U.S. 380 (1983); *Baron Philippe de Rothschild S.A. v. Style-Rite Optical Mfg. Co.*, 55 USPQ 2d 1848 (TTAB

2000).

With respect to the first *Pioneer* factor, Petitioner has been prejudiced in that it has lost valuable evidence as a result of Registrant's delay in responding to Petitioner's discovery. Specifically, as set forth above, Registrant has failed to provide a single document in response to Petitioner's Production Request and has further failed to respond to a multitude of Interrogatories propounded by Petitioner, all of which are critical to the prosecution of Petitioner's case.

Second, the length of Registrant's delay in responding to Petitioner's discovery and its potential impact on the proceedings is substantial.

As cited above it has been nearly one year since Petitioner served its discovery on Registrant. Registrant's disregard of Board deadlines and procedures has unnecessarily lengthened this proceeding without bringing it any closer to determination. To grant Registrant further time to respond would merely further and unjustifiably delay this proceeding since it is clear that due to Registrant's bad faith it has no intention of meaningfully responding to Petitioner's discovery.

With respect to the third *Pioneer* factor as to the reason for the delay and whether it was in Registrant's control, Petitioner argues that its delay was caused by a "docketing error" and the current circumstances of the coronavirus outbreak. First, Registrant's "docketing error" was fully within Registrant's control and should not excuse Registrant from fully responding to Petitioner's discovery in almost a year's time. Moreover, Registrant fails to explain how the Covid-19 pandemic impeded its ability to respond to Petitioner's discovery. Registrant provided no declarations or affidavits or documentary evidence that the Covid-19 outbreak inhibited its failure to respond to Petitioner's discovery. Without such evidence the Registrant's bald argument is without merit. Registrant also asserts that a settlement agreement has been provided

to Petitioner and that a settlement is likely. While a draft settlement proposal has been provided to Petitioner there has been no agreement as to its specific terms and it is unknown whether the parties will reach an agreement. In any event, a potential settlement agreement should have no relevance in determining whether Registrant's failure to respond to Petitioner's discovery was the result of excusable neglect.

Finally, with respect to the fourth *Pioneer* factor, as set forth above Registrant's failure to respond to Petitioner's discovery was in bad faith inasmuch as it has demonstrated that it did not have and does not have now an intention to fully respond to Petitioner's discovery.

For the foregoing reasons Petitioner's Motion for Sanctions should be granted and judgment should be entered in favor of Petitioner.

Dated this 2nd day of November, 2020.

Robert N. Weiner
ROBERT N. WEINER, P.C.
790 Frontage Road, Suite 701
Northfield, Illinois 60093
TEL: (847) 441-8118
FAX: (847) 441-4024
Email: rnwlex@yahoo.com

/s/Robert N. Weiner

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of Petitioner's Reply to Registrant's Response to Petitioner's Motion For Sanctions has been served on the following by delivering said copy on November 3, 2020, via First Class Mail and via email to counsel for Registrant at the following address:

Kurtis M. Hendricks
Thorpe North & Western, LLP
Attorneys for Registrant
175 South Main Street, Suite 900
Salt Lake City, Utah 84111
Phone: (801) 566-6633
Facsimile: (801) 566-0750
kurt.hendricks@tnw.com

/s/ Robert N. Weiner

EXHIBIT A

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

In re Petition to Cancel : CRETECLEAN
U.S. Trademark Registration No.: 5,319,815
Filed : June 26, 2018
Petitioner : Progressive Solutions Corporation
Registrant : Curecrete Chemical Company

<p>Progressive Solutions Corporation Petitioner, vs. Curecrete Chemical Company Registrant.</p>	<p>Cancellation No.: 92068852 Filed: June 26, 2018 Interlocutory Atty: Katie W. McKnight</p>
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PETITIONER’S FIRST SET OF REQUESTS FOR PRODUCTION

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Progressive Solutions Corporation. (“Petitioner”), by and through its attorneys, Robert N. Weiner, P.C. requests that Registrant, Curecrete Chemical Company (“Registrant”), respond to the Requests for Production listed below in writing and under oath within thirty (30) days after service hereof upon Registrant’s counsel of record in this proceeding. Documents and things requested shall be produced at the offices of Robert N. Weiner, P.C., 790 Frontage Road, Suite 701, Northfield, Illinois, 60093 or at a mutually agreed-upon location.

DEFINITIONS AND INSTRUCTIONS

A. Petitioner hereby incorporates herein by reference the definitions and instructions set forth in Petitioner’s First Set of Interrogatories to Registrant.

B. If you withhold any responsive Document on the basis of any claim of privilege, describe generally the substance or subject matter of the information or document withheld; state the privilege being relied upon or claimed; state the basis for that claim; identify all persons or entities who have had access to the information or document; state the date of creation for any such communication or document and the date you became aware of any such information.

C. Your obligation to respond to these Requests is of a continuing nature, so that if you acquire possession, custody or control of any additional Documents within the scope of these requests, you must produce such documents immediately to counsel for Petitioner.

REQUESTS FOR PRODUCTION

1. All Documents identified or described in response to any of Petitioner's First Set of Interrogatories.
2. Documents sufficient to identify Registrant's business entity type.
3. All Documents identifying the origins, motives and/or reasons for Registrant's selection and adoption of Registrant's Mark.
4. Documents sufficient to identify all officers, directors, principals and investors of Registrant.
5. All Documents consisting of all trademark searches, including investigations, conducted to determine the availability of Registrant's Mark or any component thereof for use and/or registration for any goods or services, and any other documents relating to such availability.
6. All Documents concerning all opinions and/or other advice received by Registrant concerning the availability of Registrant's Mark or any component thereof for use and/or registration for any goods or services.
7. All Documents sufficient to identify all persons who assisted with the creation and selection of Registrant's Mark.
8. Documents sufficient to identify the date and circumstances under which Registrant first became aware of Petitioner's Marks.
9. Documents sufficient to identify all alternate marks considered in the past or currently being considered by Registrant for use with the Registrant's Identified Goods and any other product or service that Registrant is marketing, manufacturing, distributing or selling, or intends to market, manufacture, distribute or sell, under Registrant's Mark (each, a "Product", collectively, the "Products").
10. All Documents that support Registrant's claim that it had a *bonafide* intent to use Registrant's Mark, prior to the filing date of the Opposed Application, for Registrant's Identified Goods.
11. All Documents developed and/or used by Registrant to market, advertise and/or promote the Products, including, without limitation, any television commercials, radio advertisements, print advertisements, social media content and/or Internet websites.
12. Documents sufficient to demonstrate Registrant's future plans for marketing, advertising and/or promoting the Products.

13. Documents sufficient to demonstrate Registrant's future business or marketing plans to sell the Products, including, without limitation, documents demonstrating the channels of trade in which such Products will be sold and the geographic areas inside and/or outside of the United States in which such Products will be sold, and/or any plans for expansion.

14. Documents sufficient to demonstrate Registrant's current and past activities in selling the Products, including, without limitation, documents demonstrating the channels of trade in which such Products are (or were) sold and the geographic areas inside and/or outside of the United States in which such goods are (or were) sold, and/or any current and past business plans for the Products.

15. All Documents relating or referring to the actual or intended class(es) of purchasers for the Products.

16. Representative samples of all Documents sold with, or used in carrying out sales of, the Products.

17. All Documents relating or referring to Petitioner, Petitioner's Marks and/or Petitioner's Goods.

18. Documents relating to the strength as a trademark, or public recognition, of Registrant's Mark, including, without limitation, surveys, questionnaires, reports, or market studies.

19. Documents sufficient to identify the volume of sales for each Product, if any, by dollar and unit, since inception.

20. Documents sufficient to identify the retail and wholesale prices at which each Product is currently sold and/or intended to be sold by Registrant.

21. Documents sufficient to identify the date, if any, Registrant first advertised or promoted the Products for sale in commerce.

22. Documents sufficient to identify the annual dollar amounts, if any, expended by Registrant, or proposed to be expended by Registrant, in advertising and promoting the Products, since inception.

23. Documents sufficient to identify all persons who have been, are or will be principally responsible for the advertising, promotion and sale of the Products.

24. All forms of advertisement and other promotional materials which demonstrate Registrant's use or intended use of Registrant's Mark inside and/or outside of the United States for the Products.

25. Media reports relating to, referring to, or otherwise mentioning Registrant and/or the Products.

26. All agreements of any kind, including, without limitation, trademark licenses, coexistence agreements, distribution agreements and investor agreements, relating to Registrant's Mark and/or Products.

27. All Documents consisting of or containing any allegation made by Registrant that a third party was infringing Registrant's Mark.

28. All Documents consisting of or containing any allegation made by a third party that Registrant's Mark was infringing any intellectual property right of that third party.

29. All Documents concerning all individual(s) and/or organization(s) with whom or which Registrant has consulted in connection with Petitioner's claims against Registrant and/or this Opposition.

30. All Documents concerning the financial or other involvement or participation of any individual(s) and/or organization(s) in connection with Registrant's defense of Petitioner's claims against Registrant and/or this Opposition.

31. All Documents or things Registrant intends to offer into evidence or rely upon in the course of this Opposition proceeding.

32. All Documents concerning all opinions and/or other advice received by Registrant concerning the likelihood of confusion between Registrant's Mark and Petitioner's Marks and/or the merits of Petitioner's claims against Registrant and/or this Opposition.

33. Documents sufficient to identify all marks, including slogans, adopted and/or intended to be adopted by Registrant that incorporate the term "Crete" and/or "Clean" other than Registrant's Mark.

Progressive Solutions Corporation

By: /s/Robert N. Weiner
Robert N. Weiner, P.C.
Attorney for Petitioner
Progressive Solutions Corporation

Robert N. Weiner, P.C.
Attorneys for Petitioner
790 Frontage Road, Suite 701
Northfield, Illinois 60093
Phone: (847) 441-8118
Facsimile: (847) 441-4024
Email: rnwlex@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petitioner's First Set of Requests for Production has been served on Registrant's counsel by electronic mail on the 28th day of October, 2019 as follows:

Attorney of Record for Registrant:

Kurtis M. Hendricks
Thorpe North & Western, LLP
Attorney for Registrant
175 South Main Street, Suite 900
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ROBERT N. WEINER, P.C.

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EXHIBIT B

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

In re Petition to Cancel : CRETECLEAN
U.S. Trademark Registration No.: 5,319,815
Filed : June 26, 2018
Petitioner : Progressive Solutions Corporation
Registrant : Curecrete Chemical Company

Progressive Solutions Corporation Petitioner, vs. Curecrete Chemical Company Registrant.	Cancellation No.: 92068852 Filed: June 26, 2018 Interlocutory Atty: Katie W. McKnight
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PETITIONER’S FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Progressive Solutions Corporation. (“Petitioner”), by and through its attorneys, Robert N. Weiner, P.C., requests that Registrant, Curecrete Chemical Company (“Registrant”), answer the following interrogatories in writing and under oath within thirty (30) days after service hereof upon Registrant’s counsel of record ‘in this proceeding. These interrogatories are continuing in nature and impose upon Registrant the obligations stated in Rule 26(e) of the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. “Curecrete” “Registrant,” “you,” or “your” means Curecrete Chemical Company, and any parent, subsidiaries, divisions, affiliated entities, predecessor or successor entities, and their present and former officers, directors, employees, agents, representatives, and any other persons or entities acting on their behalf.

B. “Petitioner” or “Progressive” means Progressive Solutions Corporation, and any parent, subsidiaries, divisions, affiliated entities, predecessor or successor entities, and their present and former officers, directors, employees, agents, representatives, and any other persons or entities acting on their behalf.

C. “Petitioner’s Mark” means the mark KLEEN KRETE

D. “Petitioner’s Goods” means the goods and/or services identified in or used in connection with Petitioner’s Mark.

E. The “Opposed Mark” means U.S. Trademark Serial No 5319815.

F. “Registrant’s Mark” means the trademark CRETECLEAN that is the subject of the Opposed Application.

G. “Registrant’s Identified Goods” means the goods identified in the Opposed Application, namely, concrete cleaner.

H. “Document(s)” means all documents, tangible things, and electronically stored information (stored in any medium from which information can be obtained) including, for example, but without limitation, email within the scope of Fed. R. Civ. P. 34(a).

I. “Identify,” when used in reference to a document, means to state the date, author or creator, the addressee, type of document (e.g., letter, memorandum, email, chart, tangible physical item, etc.), its present or last known location and custodian, its general subject matter(s) or content, and any other information necessary for Petitioner to identify it. Alternatively, “Identify” means to provide a document identification number (e.g., a bates number) by which Petitioner can identify the document as produced.

J. “Identify,” when used with reference to a natural person, means to state the person’s full name, present or last known address, his/her present and prior employment positions and affiliations, and the dates of each.

K. “Substantiate” means to set forth in detail and with specificity the facts upon which you rely in making a contention or allegation and to Identify the documents and persons upon which you rely.

L. If you cannot answer the following interrogatories in full after exercising due diligence to secure the information to do so, please so state and answer to the fullest extent possible, specifying your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion.

M. If you withhold any responsive information or document on the basis of any claim of privilege, describe generally the substance or subject matter of the information or document withheld; state the privilege being relied upon or claimed; state the basis for that claim; identify all persons or entities who have had access to the information or document; state the date of creation for any such communication or document and the date you became aware of any such information.

N. Your obligation to respond to these interrogatories is of a continuing nature, so that if you acquire possession, custody or control of any additional information within the scope of these requests, you must produce such information immediately to counsel for Petitioner.

INTERROGATORIES

INTERROGATORY NO. 1

State the origins, motives and/or reasons for Registrant's selection and adoption of Registrant's Mark.

INTERROGATORY NO. 2

Identify what type of business entity is Registrant.

INTERROGATORY NO. 3

Identify all trademark searches, including investigations, conducted to determine the availability of Registrant's Mark or any component thereof.

INTERROGATORY NO. 4

Identify all opinions and/or other advice received by Registrant, concerning the availability of Registrant's Mark for use and/or registration for any goods or services.

INTERROGATORY NO. 5

Identify all persons who assisted with the creation and selection of Registrant's Mark.

INTERROGATORY NO. 6

Identify all persons who assisted with the clearance and/or searching of Registrant's Mark.

INTERROGATORY NO. 7

Identify all persons who assisted with the filing of the Opposed Application.

INTERROGATORY NO. 8

Identify, by generic name, each of Registrant's Identified Goods and any other product or service that Registrant is marketing, manufacturing, distributing or selling, or intends to market, manufacture, distribute or sell, under Registrant's Mark (each, a "Product," collectively, the "Products").

INTERROGATORY NO. 9

State the date and describe in detail the circumstances concerning when Registrant first became aware of Petitioner's Marks or any of them and identify all documents concerning such awareness and such circumstances.

INTERROGATORY NO.10

Identify all alternate marks considered in the past or currently being considered by Registrant for use with the Products and/or those goods listed in the Opposed Application.

INTERROGATORY NO.11

State the date on which Registrant first offered each Product for sale or, if not yet offered for sale, the date on which Registrant intends to offer each such Product for sale.

INTERROGATORY NO.12

State the volume of sales for each Product, if any, by dollar and unit, since inception.

INTERROGATORY NO.13

State the retail and wholesale prices at which each Product is currently sold and/or is intended to be sold by Registrant.

INTERROGATORY NO.14

Identify the actual or intended class(es) of purchasers for the Products.

INTERROGATORY NO.15

Identify the means by which Registrant provides, or intends to provide, customers with information concerning the Products.

INTERROGATORY NO.16

Identify the actual or intended trade channels for the Products.

INTERROGATORY NO.17

Describe in detail Registrant's plans for expansion of the Products, including, but not limited to, any geographic, expansion.

INTERROGATORY NO.18

Identify all persons who have been or will be principally responsible for the advertising, promotion and sale of the Products.

INTERROGATORY NO.19

State the date, if any, when Registrant first advertised or promoted the Products for sale in commerce.

INTERROGATORY NO.20

State the annual dollar amounts, if any, expended by Registrant, or proposed to be expended by Registrant, in advertising and promoting the Products, since inception.

INTERROGATORY NO.21

Identify all forms of advertisements and other promotional materials which demonstrate Registrant's use or intended use of Registrant's Mark in the United States for the Products.

INTERROGATORY NO.22

Identify all agreements concerning Registrant's Mark, including all licenses and assignments.

INTERROGATORY NO.23

Identify the persons employed or retained by Registrant, including, but not limited to, any third-party independent contractors or consultants, with the most knowledge concerning the identity and nature of Products that Registrant is marketing, manufacturing, distributing or selling, or intends to market, manufacture, distribute or sell, under Registrant's Mark.

INTERROGATORY NO.24

Identify the persons, including, but not limited to, any third-party independent contractors or consultants, with the most knowledge concerning Registrant's business or marketing plans for the sale or intended sale of the Products.

INTERROGATORY NO.25

Identify the facts and circumstances concerning any market research relating to Registrant's Mark and/or each Product offered or intended to be offered under or in connection therewith.

INTERROGATORY NO.26

Identify any actual and/or intended sales representatives, dealers, distributors, retailers and/or licensees for the Products.

INTERROGATORY NO.27

Identify all officers, directors, principals and investors of Registrant.

INTERROGATORY NO.28

Identify all persons with knowledge concerning any instance, whether in person, in writing or by electronic mail, telephone or fax, in which any person or entity has inquired about or commented upon or referred to: (a) Petitioner or Petitioner's Marks; (b) any relationship between Petitioner, its products and/or services and/or Petitioner's Marks and Registrant; (c) any license, sponsorship or other association between Petitioner and Registrant.

INTERROGATORY NO.29

Identify all persons employed by or affiliated with Registrant, including, but not limited to, any third-party consultants or investigators with knowledge concerning any surveys, studies, focus groups or other market research concerning consumer perceptions of: (a) Products that bear or are intended to bear Registrant's Mark; or (b) Petitioner's Marks.

INTERROGATORY NO.30

Identify any and all third-party marks upon which Registrant intends to rely in this proceeding.

INTERROGATORY NO.31

Identify the manner in which Registrant's Mark is displayed, or proposed to be displayed including any logos, fonts or colors, on packaging or advertising for the Products.

INTERROGATORY NO.32

State all facts that support Registrant's claim that it had a *bonafide* intent to use Registrant's Mark, prior to the filing date of the Opposed Application, for Registrant's Identified Goods.

INTERROGATORY NO.33

Identify all persons whose files were searched for documents responsive to Petitioner's First Request for Production of Documents served concurrently herewith.

INTERROGATORY NO.34

Identify all persons who assisted in the preparation of responses to these interrogatories. If more than one person was involved, indicate the specific interrogatories to which each such person contributed all or part of the information comprising the answer.

INTERROGATORY NO.35

Identify all expert witnesses retained by Registrant or counsel for Registrant for the purpose of offering opinions or testimony in connection with this proceeding.

INTERROGATORY NO.36

Identify all individual(s) and/or organization(s) with whom or which Registrant has consulted in connection with Petitioner's claims against Registrant and/or this Opposition.

INTERROGATORY NO.37

Describe the financial or other involvement or participation of any individual(s) and/or organization(s) in connection with Registrant's defense of Petitioner's claims against Registrant and/or this Opposition.

INTERROGATORY NO.38

Identify all opinions and/or other advice received by Registrant concerning the likelihood of confusion between Registrant's Mark and Petitioner's Marks and/or the merits of Petitioner's claims against Registrant and/or this Opposition.

INTERROGATORY NO.39

Identify all marks, including slogans, adopted and/or intended to be adopted by Registrant that incorporate the term "Crete" and/or "Clean" other than Registrant's Mark.

Progressive Solutions Corporation

By: /s/Robert N. Weiner
Robert N. Weiner, P.C.
Attorney for Petitioner
Progressive Solutions Corporation

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Facsimile: (847) 441-4024
Email: rnwlex@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petitioner's First Set of Interrogatories has been served on Registrant's counsel by electronic mail on the 28th day of October, 2019 as follows:

Attorney of Record for Registrant:

Kurtis M. Hendricks
Thorpe North & Western, LLP
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ROBERT N. WEINER, P.C.

By: /s/Robert N. Weiner
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EXHIBIT C

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Attorney for Curecrete Chemical Company
Opposed Mark: CRETECLEAN
U.S. Trademark Application Serial No.: 5319815

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

<p>Progressive Solutions Corporation.</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>Curecrete Chemical Company</p> <p>Registrant.</p>	<p style="text-align: center;">CURECRETE'S RESPONSE TO PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS</p> <p style="text-align: center;">Cancellation No.92068852</p>
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Pursuant to Federal Rules of Civil Procedure 26 and 33, and 34 and 37 C.F.R. § 2.120, Registrant Curecrete Chemical Company (“Curecrete”) submits these objections and responses to Petitioner’s Requests for Production of Documents Set No. 1 (the “Requests”) to Curecrete served by Petitioner. (“Progressive”).

GENERAL OBJECTIONS

1. Curecrete objects to the “Introduction and Definitions” set forth in the Requests on the grounds that they attempt to impose obligations on Curecrete that are beyond those specified

by the Federal Rules of Civil Procedure. Curecrete's responses are made in compliance with the applicable rules and without reference to Progressive's "Introduction and Definitions".

2. Curecrete objects to each Request to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege. Such information will not be disclosed. Any inadvertent disclosure of such information shall not be deemed a waiver of the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege or immunity recognized by statute or state law.

3. Each of the foregoing objections are incorporated herein by reference into the responses below. To the extent a particular objection is mentioned in response to a specific Request, that objection is considered particularly relevant to that Request, and is not to be considered as excluding other objections that may be applicable.

Curecrete has not completed its investigation of the facts relating to this dispute, discovery, or its preparation for trial. Accordingly, all the responses contained herein are based solely upon information and documents that are presently available to and specifically known to Curecrete. Therefore, Curecrete responds without prejudice to its right and obligation to supplement its responses hereto. Discovery is ongoing and Curecrete reserves the right to supplement or amend the responses to these Requests in accordance with Federal Rule of Civil Procedure 26(e).

SPECIFIC OBJECTIONS AND RESPONSES

REQUEST NO. 1:

All Documents identified or described in response to any of Petitioner's First Set of Interrogatories.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 2:

Documents sufficient to identify Registrant's business entity type.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 3:

All Documents identifying the origins, motives and/or reasons for Registrant's selection and adoption of Registrant's Mark.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 4:

Documents sufficient to identify all officers, directors, principals and investors of Registrant.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 5:

All Documents consisting of all trademark searches, including investigations, conducted to determine the availability of Registrant's Mark or any component thereof for use and/or registration for any goods or services, and any other documents relating to such availability.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Specifically, Registrant objects on the basis that such Documents are covered by the attorney-client privilege.

REQUEST NO. 6:

All Documents concerning all opinions and/or other advice received by Registrant concerning the availability of Registrant's Mark or any component thereof for use and/or registration for any goods or services.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Specifically, Registrant objects on the basis that such Documents are covered by the attorney-client privilege.

REQUEST NO. 7:

All Documents sufficient to identify all persons who assisted with the creation and

selection of Registrant's Mark.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 8:

Documents sufficient to identify the date and circumstances under which Registrant first became aware of Petitioner's Marks.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 9:

Documents sufficient to identify all alternate marks considered in the past or currently being considered by Registrant for use with the Registrant's Identified Goods and any other product or service that Registrant is marketing, manufacturing, distributing or selling, or intends to market, manufacture, distribute or sell, under Registrant's Mark (each, a "Product", collectively, the "Products").

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that

may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 10:

All Documents that support Registrant's claim that it had a *bonafide* intent to use Registrant's Mark, prior to the filing date of the Opposed Application, for Registrant's Identified Goods.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 11:

All Documents developed and/or used by Registrant to market, advertise and/or promote the Products, including, without limitation, any television commercials, radio advertisements, print advertisements, social media content and/or Internet websites.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 12:

Documents sufficient to demonstrate Registrant's future plans for marketing, advertising and/or

promoting the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 13:

Documents sufficient to demonstrate Registrant's future business or marketing plans to sell the Products, including, without limitation, documents demonstrating the channels of trade in which such Products will be sold and the geographic areas inside and/or outside of the United States in which such Products will be sold, and/or any plans for expansion.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 14:

Documents sufficient to demonstrate Registrant's current and past activities in selling the Products, including, without limitation, documents demonstrating the channels of trade in which such Products are (or were) sold and the geographic areas inside and/or outside of the United States in which such goods are (or were) sold, and/or any current and past business plans for the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 15:

All Documents relating or referring to the actual or intended class(es) of purchasers for the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 16:

Representative samples of all Documents sold with, or used in carrying out sales of, the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 17:

All Documents relating or referring to Petitioner, Petitioner's Marks and/or Petitioner's Goods.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 18:

Documents relating to the strength as a trademark, or public recognition, of Registrant's Mark, including, without limitation, surveys, questionnaires, reports, or market studies.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 19:

Documents sufficient to identify the volume of sales for each Product, if any, by dollar and unit, since inception.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 20:

Documents sufficient to identify the retail and wholesale prices at which each Product is currently sold and/or intended to be sold by Registrant.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 21:

Documents sufficient to identify the date, if any, Registrant first advertised or promoted the Products for sale in commerce.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 22:

Documents sufficient to identify the annual dollar amounts, if any, expended by Registrant, or proposed to be expended by Registrant, in advertising and promoting the Products, since inception.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 23:

Documents sufficient to identify all persons who have been, are or will be principally responsible for the advertising, promotion and sale of the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 24:

All forms of advertisement and other promotional materials which demonstrate Registrant's use or intended use of Registrant's Mark inside and/or outside of the United States for the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 25:

Media reports relating to, referring to, or otherwise mentioning Registrant and/or the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and

without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 26:

All agreements of any kind, including, without limitation, trademark licenses, coexistence agreements, distribution agreements and investor agreements, relating to Registrant's Mark and/or Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 27:

All Documents consisting of or containing any allegation made by Registrant that a third party was infringing Registrant's Mark.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 28:

All Documents consisting of or containing any allegation made by a third party that Registrant's

Mark was infringing any intellectual property right of that third party.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 29:

All Documents concerning all individual(s) and/or organization(s) with whom or which Registrant has consulted in connection with Petitioner's claims against Registrant and/or this Opposition.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Specifically, Registrant objects on the basis that such Documents are covered by the attorney-client privilege.

REQUEST NO. 30:

All Documents concerning the financial or other involvement or participation of any individual(s) and/or organization(s) in connection with Registrant's defense of Petitioner's claims against Registrant and/or this Opposition.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 31:

All Documents or things Registrant intends to offer into evidence or rely upon in the course of this Opposition proceeding.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

REQUEST NO. 32:

All Documents concerning all opinions and/or other advice received by Registrant concerning the likelihood of confusion between Registrant's Mark and Petitioner's Marks and/or the merits of Petitioner's claims against Registrant and/or this Opposition.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Specifically, Registrant objects on the basis that such Documents are covered by the attorney-client privilege.

REQUEST NO. 33:

Documents sufficient to identify all marks, including slogans, adopted and/or intended to be adopted by Registrant that incorporate the term "Crete" and/or "Clean" other than Registrant's Mark.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant states that it will produce any such documents that may exist at a time and place to be agreed upon by the Parties.

DATED this 15th day of October, 2020.

THORPE NORTH & WESTERN, LLP

Kurt Hendricks

Kurt Hendricks

Attorney for Registrant, Curecrete Chemical Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
**CURECRETE CHEMICAL COMPANY’S RESPONSES TO PETITIONER’S
REQUESTS FOR PRODUCTION** was served upon the following party by the methods
indicated below:

Robert N. Weiner, P.C.
700 Frontage Rd., Ste. 701
Northfield, IL 60093
Rnwlex@yahoo.com

- Electronic Mail
- United States Mail, First Class
- Overnight Delivery
- Fax Transmission

DATED this 15th day of
October, 2020.

/s/ Kurt Hendricks
Kurt Hendricks

EXHIBIT D

Kurt Hendricks
THORPE NORTH & WESTERN, LLP
175 South Main Street, Suite 900
Salt Lake City, UT 84111
Telephone: (801) 566-6633
Facsimile: (801) 566-0750

Attorney for Curecrete Chemical Company
Opposed Mark: CRETECLEAN
U.S. Trademark Application Serial No.: 5319815

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

Progressive Solutions Corporation.

Petitioner,

v.

Curecrete Chemical Company

Registrant.

**CURECRETE’S RESPONSE TO
PETITIONER’S FIRST SET OF
INTERROGATORIES**

Cancellation No.92068852

Pursuant to Federal Rules of Civil Procedure 26 and 33 and 37 C.F.R. § 2.120, Registrant Curecrete Chemical Company (“Curecrete”) submits these objections and responses to Registrant’s Interrogatories to Registrant Set No. 1 (the “Interrogatories”) to Curecrete served by Petitioner, Progressive Solutions Corporation. (“Progressive”).

GENERAL OBJECTIONS

1. Curecrete objects to the “Introduction and Definitions” set forth in the Interrogatories on the grounds that they attempt to impose obligations on Curecrete that are beyond those specified by the Federal Rules of Civil Procedure. Curecrete’s responses are made

in compliance with the applicable rules and without reference to Progressive's "Introduction and Definitions".

2. Curecrete objects to each Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege. Such information will not be disclosed. Any inadvertent disclosure of such information shall not be deemed a waiver of the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege or immunity recognized by statute or state law.

3. Each of the foregoing objections are incorporated herein by reference into the responses below. To the extent a particular objection is mentioned in response to a specific Interrogatory, that objection is considered particularly relevant to that Interrogatory, and is not to be considered as excluding other objections that may be applicable.

Curecrete has not completed its investigation of the facts relating to this dispute, discovery, or its preparation for trial. Accordingly, all the responses contained herein are based solely upon information and documents that are presently available to and specifically known to Curecrete. Therefore, Curecrete responds without prejudice to its right and obligation to supplement its responses hereto. Discovery is ongoing and Curecrete reserves the right to supplement or amend the responses to these Interrogatories in accordance with Federal Rule of Civil Procedure 26(e).

SPECIFIC OBJECTIONS AND RESPONSES

INTERROGATORY NO. 1:

State the origins, motives and/or reasons for Registrant's selection and adoption of Registrant's Mark.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: to market Registrant's floor cleaning product.

INTERROGATORY NO. 2:

Identify what type of business entity is Registrant.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: corporation.

INTERROGATORY NO. 3:

Identify all trademark searches, including investigations, conducted to determine the availability of Registrant's Mark or any component thereof. Identify all trademark searches, including investigations, conducted to determine the availability of Registrant's Mark or any component thereof.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Specifically, Registrant states that such information is protected from disclosure by attorney-client privilege.

INTERROGATORY NO. 4:

Identify all opinions and/or other advice received by Registrant, concerning the availability of Registrant's Mark for use and/or registration for any goods or services.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Specifically, Registrant states that such information is protected from disclosure by attorney-client privilege.

INTERROGATORY NO. 5:

Identify all persons who assisted with the creation and selection of Registrant's Mark.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Specifically, Registrant states that such information is protected from disclosure by attorney-client privilege.

INTERROGATORY NO. 6:

Identify all persons who assisted with the clearance and/or searching of Registrant's Mark.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Specifically, Registrant states that such information is protected from disclosure by attorney-client privilege.

INTERROGATORY NO. 7:

Identify all persons who assisted with the filing of the Opposed Application.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Specifically, Registrant states that such information is protected from disclosure by attorney-client privilege.

INTERROGATORY NO. 8:

Identify, by generic name, each of Registrant's Identified Goods and any other product or service that Registrant is marketing, manufacturing, distributing or selling, or intends to market, manufacture, distribute or sell, under Registrant's Mark (each, a 'Product,' collectively, the "Products").

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: concrete flooring cleaner.

INTERROGATORY NO. 9:

State the date and describe in detail the circumstances concerning when Registrant first became aware of Petitioner's Marks or any of them and identify all documents concerning such awareness and such circumstances.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: July 9, 2018; Petition for Cancellation.

INTERROGATORY NO. 10:

Identify all alternate marks considered in the past or currently being considered by Registrant for use with the Products and/or those goods listed in the Opposed Application.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Specifically, Registrant states that such information is protected from disclosure by attorney-client privilege.

INTERROGATORY NO. 11:

State the date on which Registrant first offered each Product for sale or, if not yet offered for sale, the date on which Registrant intends to offer each such Product for sale.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: on or about July, 2010.

INTERROGATORY NO. 12:

State the volume of sales for each Product, if any, by dollar and unit, since inception.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant will to continue to gather such information to supplement its response.

INTERROGATORY NO. 13:

State the retail and wholesale prices at which each Product is currently sold and/or is intended to be sold by Registrant.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant will to continue to gather such information to supplement its response.

INTERROGATORY NO. 37:

Identify the actual or intended class(es) of purchasers for the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: includes at least floor cleaning professionals.

INTERROGATORY NO. 15:

Identify the means by which Registrant provides, or intends to provide, customers with information concerning the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: at least technical literature provided with the product and available through Registrant's website.

INTERROGATORY NO. 16:

Identify the actual or intended trade channels for the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: includes at Registrant's distributors and Registrant's website.

INTERROGATORY NO. 17:

Describe in detail Registrant's plans for expansion of the Products, including, but not limited to, any geographic, expansion.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: no geographic expansion.

INTERROGATORY NO. 18:

Identify all persons who have been or will be principally responsible for the advertising, promotion and sale of the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: includes at least Scott Liggett.

INTERROGATORY NO. 19:

State the date, if any, when Registrant first advertised or promoted the Products for sale in commerce.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: on or about July 2010.

INTERROGATORY NO. 20:

State the annual dollar amounts, if any, expended by Registrant, or proposed to be expended by Registrant, in advertising and promoting the Products, since inception.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant will to continue to gather such information to supplement its response.

INTERROGATORY NO. 21:

Identify all forms of advertisements and other promotional materials which demonstrate Registrant's use or intended use of Registrant's Mark in the United States for the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant will to continue to gather such information to supplement its response.

INTERROGATORY NO. 22:

Identify all agreements concerning Registrant's Mark, including all licenses and assignments.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant believes no responsive information exists, but will to continue to gather such information to supplement its response as needed.

INTERROGATORY NO. 23:

Identify the persons employed or retained by Registrant, including, but not limited to, any third-party independent 'contractors or consultants, with the most knowledge concerning the identity and nature of Products that Registrant is marketing, manufacturing, distributing or selling, or intends to market, manufacture, distribute or sell, under Registrant's Mark.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: Scott Liggett.

INTERROGATORY NO. 24:

Identify the persons, including, but not limited to, any third-party independent contractors or consultants, with the most knowledge concerning Registrant's business or marketing plans for the sale or intended sale of the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: Scott Liggett.

INTERROGATORY NO. 25:

Identify the facts and circumstances concerning any market research relating to Registrant's Mark and/or each Product offered or intended to be offered under or in connection therewith.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant will to continue to gather such information to

INTERROGATORY NO. 26:

Identify any actual and/or intended sales representatives, dealers, distributors, retailers and/or licensees for the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant will to continue to gather such information to

INTERROGATORY NO. 27:

Identify all officers, directors, principals and investors of Registrant.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant will to continue to gather such information to

INTERROGATORY NO. 28:

Identify all persons with knowledge concerning any instance, whether in person, in writing or by electronic mail, telephone or fax, in which any person or entity has inquired about or commented upon or referred to: (a) Petitioner or Petitioner's Marks; (b) any relationship between Petitioner, its products and/or services and/or Petitioner's Marks and Registrant; (c) any license, sponsorship or other association between Petitioner and Registrant.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant will to continue to gather such information to

INTERROGATORY NO. 29:

Identify all persons employed by or affiliated with Registrant, including, but not limited to, any third-party consultants or investigators with knowledge concerning any surveys, studies, focus groups or other market research concerning consumer perceptions of: (a) Products that bear or are intended to bear Registrant's Mark; or (b) Petitioner's Marks.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant will to continue to gather such information to

INTERROGATORY NO. 30:

Identify any and all third-party marks upon which Registrant intends to rely in this proceeding.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant will to continue to gather such information to

INTERROGATORY NO. 31:

Identify the manner in which Registrant's Mark is displayed, or proposed to be displayed including any logos, fonts or colors, on packaging or advertising for the Products.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows:



INTERROGATORY NO. 32:

State all facts that support Registrant's claim that it had a *bonafide* intent to use Registrant's Mark, prior to the filing date of the Opposed Application, for Registrant's Identified Goods.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: Registrant did not claim an intent to use.

INTERROGATORY NO. 33:

Identify all persons whose files were searched for documents responsive to Petitioner's First Request for Production of Documents served concurrently herewith.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant will to continue to gather such information to supplement its response.

INTERROGATORY NO. 34:

Identify all persons who assisted in the preparation of responses to these interrogatories. If more than one person was involved, indicate the specific interrogatories to which each such person contributed all or part of the information comprising the answer.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant will to continue to gather such information to supplement its response.

INTERROGATORY NO. 35:

Identify all expert witnesses retained by Registrant or counsel for Registrant for the purpose of offering opinions or testimony in connection with this proceeding.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: none.

INTERROGATORY NO. 36:

Identify all individual(s) and/or organization(s) with whom or which Registrant has consulted in connection with Petitioner's claims against Registrant and/or this Opposition.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Specifically, Registrant states that such information is protected from disclosure by attorney-client privilege.

INTERROGATORY NO. 37:

Describe the financial or other involvement or participation of any individual(s) and/or organization(s) in connection with Registrant's defense of Petitioner's claims against Registrant and/or this Opposition.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant will to continue to gather such information to supplement its response.

INTERROGATORY NO. 38:

Identify all opinions and/or other advice received by Registrant concerning the likelihood of confusion between Registrant's Mark and Petitioner's Marks and/or the merits of Petitioner's claims against Registrant and/or this Opposition.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Specifically, Registrant states that such information is protected from disclosure by attorney-client privilege.

INTERROGATORY NO. 39:

Identify all marks, including slogans, adopted and/or intended to be adopted by Registrant that incorporate the term “Crete” and/or “Clean” other than Registrant’s Mark.

RESPONSE:

Registrant incorporates herein the general objections referenced above. Subject to, and without waiving said objections, Registrant responds as follows: Concrete Solutions, CreteFill, CreteStrip.

DATED this 15th day of October, 2020.

THORPE NORTH & WESTERN, LLP

Kurt Hendricks
Kurt Hendricks
Attorney for Registrant, Curecrete Chemical Company, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
**CURECRETE CHEMICAL COMPANY’S RESPONSES TO FIRST SET OF
INTERROGATORIES** was served upon the following party by the methods indicated
below:

Robert N. Weiner, P.C.
700 Frontage Rd., Ste. 701
Northfield, IL 60093
Rnwlex@yahoo.com

- Electronic Mail
- United States Mail, First Class
- Overnight Delivery
- Fax Transmission

DATED this 15th day of
October, 2020.

/s/ Kurt Hendricks
Kurt Hendricks

EXHIBIT E

Peter M. de Jonge
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Registered Mark: CRETECLEAN
U.S. Trademark Registration No.: 5,319,815

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

<p>Progressive Solutions Corporation</p> <p>Petitioner,</p> <p>v.</p> <p>Curecrete Chemical Company</p> <p>Registrant.</p>	<p>REGISTRANT’S RESPONSE TO MOTION TO COMPEL</p> <p>Cancellation No.: 92068852 Filed: June 26, 2018 Interlocutory Atty.: Katie W. McKnight</p>
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Registrant Curecrete Chemical Company (hereinafter referred to as “Registrant” or “Curecrete”), hereby responds to Petitioner’s Motion to Compel responses to discovery requests. Registrant is in the process of gathering the requested information while it also considers the settlement proposed by Petitioner. Registrant recognizes that its counsel and counsel for Petitioner have not connected, despite counsel for Registrant’s efforts to reach counsel for Petitioner by telephone. Registrant intends to immediately

provide a complete response to Petitioner's discovery requests as soon as possible, and in any event within the fifteen (15) days requested by Petitioner.

Registrant consents to resetting of the disclosure of experts, close of discovery and subsequent deadlines.

DATED this 10th day of February, 2020. Respectfully submitted,

THORPE NORTH & WESTERN, LLP

/s/Kurtis M Hendricks/

Peter M. de Jonge

Kurtis M. Hendricks

*Attorneys for Registrant,
Curecrete Chemical Company*

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing **REGISTRANT'S RESPONSE TO MOTION TO COMPEL** was served upon the following party by the methods indicated below:

Robert N. Weiner
701 Frontage Road, Suite 701
Northfield, Illinois 60093
rwnlex@yahoo.com

Electronic Mail

Dated this 10th day of February, 2020.

/s/ Kurtis Hendricks
Kurtis Hendricks