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Filing date: **07/14/2019**

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

Proceeding	92068979
Party	Defendant Villa Gomez Perez and Alberto Ivan
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Submission	Motion to Compel Discovery or Disclosure
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Date	07/14/2019
Attachments	Seven Eleven_Memo Motion to Compel_7-13-2019.pdf(814931 bytes )

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

In the Matter of U.S. Registration No. 4863928  
Registered: December 01, 2015

-----X	:	
7-ELEVEN, INC.	:	
Petitioner,	:	
v.	:	
VILLAGOMEZ PEREZ, ALBERTO IVAN	:	Cancellation No. 92068979
Registrant.	:	
-----X	:	

**MEMORANDUM IN OPPOSITION TO MOTION TO COMPEL**

VILLAGOMEZ PEREZ, ALBERTO IVAN ("Registrant"), by and through his counsel, hereby submits this motion to oppose 7-ELEVEN, INC.'s ("Petitioner") motion to compel discovery, as follows:

**INTRODUCTION**

Registrant is an individual residing in Mexico and running a small business with limited economic and operative resources. For nearly a year, Registrant has tried to address and respond to Petitioner's exceptionally burdensome and costly approach to this proceeding. Since the early stages, Registrant has attempted to resolve this matter amicably, hoping to minimize expense and avoid unnecessary litigation. Registrant has even agreed to settle this cancellation proceeding on Petitioner's terms twice, only to have Petitioner reneged on its own commitment every single

time. At issue is the mark, “SEVEN ELEVEN” and design which Registrant registered since December 01, 2015 for belts for clothing; blouses; coats; dress suits; dresses; hats; headwear; hooded clothing, namely, jackets and sweaters; jackets; Leggings; jeans; outer clothing, namely, jackets, coats, sweaters; pants; shirts; shoes; skirts; slippers; socks; stockings; short-sleeve shirts; shorts; sweaters; undershirts; underclothing; and, vests in international class 025.

### **ARGUMENTS**

Registrant is making diligent efforts to resolve this dispute and respond to the extensive and unduly burdensome discovery. Although, Registrant has limited resources and time due to his geographic location and the nature of his business, Registrant hereby provides Petitioner with responses and objections to the over-reaching discovery. Please see Exhibits A and B.

The fact that Registrant is hereby responding to discovery moots Petitioner’s motion to compel –which was based solely on Petitioner’s attempt to have Registrant renegotiate an otherwise previously agreed settlement with terms that greatly exceed counsel for Registrant’s mandate and this Board’s jurisdiction. The parties began to engage in settlement discussions from the beginning of this procedure, and although the discussions moved slowly, they moved nonetheless and the proceedings were suspended while the settlement discussions continued. On March 20, 2019, the parties have finally agreed on settlement terms. However, on May 3, 2019 counsel for Petitioner emailed the undersigned a settlement agreement draft that included terms which were never negotiated or discussed between the parties. Furthermore, the facts surrounding these unexpected terms were completely unknown to Registrant’s counsel and greatly exceeded the subject matter of this proceeding. On the same day, the undersigned replied to Petitioner’s counsel alerting that the parties “*did not discuss any terms outside the current*

*cancelation proceeding before the TTAB, nor did we [the parties] agree to thereof.”* By May 17, 2019, counsel for Petitioner replied, *“while we appreciate that we hadn’t previously discussed a global settlement with you, those other proceedings are pending in Mexico and our client would prefer to resolve all the issues together.”* Petitioner is effectively acknowledging that it failed to honor its settlement commitment. As far as the undersigned is concerned, the parties had negotiated and ultimately Petitioner made an offer that Registrant accepted. As a matter of law, a deal was done, requiring dismissal of the instant action. Either way, the discovery has already closed. Reopening these deadlines would effectively and unjustly be rewarding Petitioner for the foregoing conduct.

Notably, Petitioner has not complied Trademark Rule 2.120(e)(1) which requires the movant on a motion to compel to attest that a “good faith effort” to resolve the discovery dispute. Here, Petitioner requested that Registrant be physically present for a deposition in the United States with a mere 30 days prior notice. It is well known to Petitioner that Registrant is an individual residing in a foreign country and that deposition should be taken upon written questions as provided by Trademark Rule 2.124. Also, Petitioner sent only one email to Registrant which was duly responded. Nearly two months later, Petitioner made contact with Registrant’s counsel via a hasty telephone call just a few hours before filing the present motion to compel, not giving Registrant an opportunity to understand and address Petitioner’s discovery requests. On such conversation, Registrant pointed out the previously agreed deal between the parties—a point that Petitioner simply ignored. Petitioner approach to this dispute does not rise to the level of a “good faith effort” to resolve the discovery dispute. For this reason, the present motion should be denied.

**PRAYER FOR RELIEF**

WHEREFORE, Registrant respectfully requests that the Board deny Petitioner's Motion to Compel Disclosure or Discovery.

Dated: July 14, 2018

Respectfully submitted,

By:     /Miguel Munoz/      
Miguel Muñoz, Esq.  
Attorney for Registrant

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 14, 2019, the foregoing memorandum was served on Stephen P. Meleen, Steven M. Espenshade, and Danae T. Robinson, Counsel for Petitioner by email at [smeleen@pirkeybarber.com](mailto:smeleen@pirkeybarber.com) [sespenshade@pirkeybarber.com](mailto:sespenshade@pirkeybarber.com), and [drobinson@pirkeybarber.com](mailto:drobinson@pirkeybarber.com)

/Miguel Munoz/  
Miguel Muñoz, Esq.  
Attorney for Registrant

# EXHIBIT A

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

In the Matter of U.S. Registration No. 4863928  
Registered: December 01, 2015

-----X	:	
7-ELEVEN, INC.	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	
VILLAGOMEZ PEREZ, ALBERTO IVAN	:	Cancellation No. 92068979
	:	
Registrant.	:	
-----X	:	

**REGISTRANT’S RESPONSES AND OBJECTIONS TO PETITIONER’S  
INTERROGATORIES**

VILLAGOMEZ PEREZ, ALBERTO IVAN ("Registrant"), pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedures and the Trademark Rules of Practice, responds to Petitioner 7-Eleven, Inc.’s (“Petitioner”) interrogatories, as follows:

**GENERAL OBJECTIONS**

The following General Objections and statements shall be applicable to, and shall be included in, Registrant's response to each interrogatory and request, whether or not mentioned expressly in any particular response. Registrant does not waive any of its General Objections by stating specific objections to any particular interrogatory or request. Registrant's responses are based solely on Registrant's current knowledge and belief. Registrant reserves the right to modify and supplement any of its responses and to assert additional objections as it deems necessary and appropriate.



1. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure, or to the extent that it contravenes orders of this Board, or to the extent that it assumes facts not in evidence or not otherwise accepted or conceded by Registrant.
2. Registrant objects to each request to the extent that it is not a single request, but multiple requests in subparts, and therefore violates Fed. R. Civ. P. 33(a)(1).
3. Registrant objects to each interrogatory to the extent that it seeks information not reasonably available to, or not within the possession, custody or control of Registrant. Such demands are beyond the scope of the Federal Rules of Civil Procedure. Any response given will therefore be based upon information within Registrant's possession, custody or control as of the date of the response.
4. Registrant objects to each interrogatory to the extent that it uses language incorporating or calling for a legal conclusion or making an erroneous statement of law. Registrant's responses herein shall be as to matters of fact only, and shall not be construed as stating or implying any conclusions of law concerning the matters referenced in any discovery request or interrogatory.
5. Registrant objects to each interrogatory to the extent it seeks information that is not relevant to any claim or defense in this action, and is not reasonably calculated to lead to the discovery of admissible evidence.
6. Registrant objects to each interrogatory to the extent that it calls for the disclosure of information protected by any privilege, including without limitation the attorney client privilege, and any other available and valid grounds for withholding information. Such information will not be produced. Any inadvertent release of privileged information shall not constitute a waiver of any applicable privilege. Registrant will comply with the Federal Rules of Civil Procedure in identifying privileged material.
7. Registrant objects to each interrogatory to the extent that it seeks information prepared by Registrant or its representatives in anticipation of litigation and/or for trial ("work product"). Such information will not be produced. Any inadvertent production of information comprising work product shall not constitute a waiver of any applicable work product immunity. Registrant

will comply with the Federal Rules of Civil Procedure in identifying work product immune material.

8. Registrant objects to each interrogatory to the extent that it is vexatious and/or unduly burdensome, including without limitation due to the lack of a specific and/or reasonable time period for which the interrogatory seeks information so as to render it impossible or unduly burdensome to respond in any reasonable manner, or to the extent that it is repetitive, duplicative or redundant of other interrogatories.

9. Registrant objects to each interrogatory to the extent that it seeks information containing private, confidential, secret, proprietary, trade secret, and/or sensitive business information of Registrant and/or third parties (hereinafter referred to as "confidential information"). Registrant will not produce any such third party information to the extent that Registrant is under any obligation to maintain it in confidence and not disclose it, without the consent of such third party, and Registrant will only produce such other private, confidential, trade secret, proprietary or sensitive business information in accordance with the Protective Order covering these proceedings. Any confidential information produced by Registrant will be produced on a confidential, highly confidential, or trade secret/commercial sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order.

10. Registrant objects to each request to the extent it seeks information beyond what is available to Registrant at present from a reasonable search, and to the extent it seeks information that would require Registrant to conduct an unreasonable search for responsive information. Registrant need not, for example, provide discovery of electronically stored information not reasonably accessible because of undue burden of cost.

11. Registrant objects to Petitioner's request, including its instructions and definitions, to the extent that they attempt to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. *See, e.g.,* Fed. R. Civ. P. 33.

12. Registrant expressly reserves the right to supplement these General Objections, as well as its Specific Responses and Objections to Petitioner's interrogatories.

13. Registrant specifically incorporates each of these General Objections into its responses whether or not express reference is made therein to these General Objections.

## **RESPONSES AND OBJECTIONS**

These responses and the objections and limitations contained herein are subject to and without waiver of the right to make additional or supplemental objections to these or other requests, and the right to revise, correct, amend, or modify this response upon, among other things, the discovery of additional facts and materials, further investigation and other developments in this proceeding.

### **INTERROGATORY NO. 1:**

Identify and describe each product sold by Registrant since December 31, 2014 in which the SEVEN ELEVEN & Design mark was used on, or in connection with Registrant's Goods in the United States.

### **RESPONSE TO INTERROGATORY NO. 1:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Registrant is still investigating Petitioner's request, and when further information becomes available, Registrant will supplement this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

### **INTERROGATORY NO. 2:**

Specify and describe each sale of products sold by Registrant since December 31, 2014 in which the mark SEVEN ELEVEN & Design was used on, or in connection with, Registrant's Goods in the United States.

**RESPONSE TO INTERROGATORY NO. 2:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Registrant is still investigating Petitioner's request, and when further information becomes available, Registrant will supplement this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

**INTERROGATORY NO. 3:**

Identify all documents, purchase orders, invoices, labels, or any writing whatsoever which evidences each sale of products sold by Registrant since December 31, 2014 in which Registrant's Mark was used on, or in connection with, Registrant's Goods in the United States.

**RESPONSE TO INTERROGATORY NO. 3:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates

Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action. Registrant objects to this interrogatory to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Registrant is still investigating Petitioner's request, and when further information becomes available, Registrant will supplement this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

**INTERROGATORY NO. 4:**

Identify by name and address all person(s) or organization(s) who has/have been responsible for and/or involved with advertising each product sold by Registrant since December 31, 2014 in which Registrant's Mark was used on, or in connection with, Registrant's Goods in the United States.

**RESPONSE TO INTERROGATORY NO. 4:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action. Registrant objects to this interrogatory to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a

confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Registrant is still investigating Petitioner's request, and when further information becomes available, Registrant will supplement this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

**INTERROGATORY NO. 5:**

Describe in reasonable detail your creation, design, selection, and adoption of Registrant's Mark, including all steps taken to clear the mark, all research conducted, all opinions regarding your right to use or register the mark, an explanation of how and why you chose the mark, and the date of first use in commerce of the mark, and identify all documents concerning your creation, design, selection, or adoption of the mark.

**RESPONSE TO INTERROGATORY NO. 5:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action. Registrant objects to this interrogatory to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Registrant is still investigating Petitioner's request, and when further information becomes available, Registrant will supplement this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

**INTERROGATORY NO. 6:**

Identify all persons who participated in your creation, design, selection, and adoption of Registrant's Mark.

**RESPONSE TO INTERROGATORY NO. 6:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action. Registrant objects to this interrogatory to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Mr. Alberto Ivan Villagomez Perez, participated in the creation, design, selection, and adoption of Registrant's Mark. Registrant is still investigating Petitioner's request, and when further information becomes available, Registrant will supplement this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

**INTERROGATORY NO. 7:**

Explain when and how you first became aware of Petitioner's Marks, and identify the individuals involved and documents concerning such initial awareness

**RESPONSE TO INTERROGATORY NO. 7:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action. Registrant objects to this interrogatory to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Registrant is still investigating Petitioner's request, and when further information becomes available, Registrant will supplement this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

**INTERROGATORY NO. 8:**

State whether Registrant is aware of any incident(s) of actual or possible confusion between the parties and/or the marks in this case, including but not limited to any incident in which or inquiry as to whether Registrant, Registrant's Mark, or any products offered or planned to be offered for sale under the SEVEN ELEVEN & Design mark, were associated with, sponsored



by, or in any manner connected with Petitioner, Petitioner's Marks, and/or any products or services offered by Petitioner. If the answer is anything other than a categorical, unqualified negative: (a) identify each person involved in each incident or in making or responding to each inquiry; (b) identify each person with knowledge of the incident or inquiry; (c) state the date of each incident or inquiry; and (d) describe in reasonable detail the nature of each incident or inquiry and what was said, written, or otherwise expressed by each person involved.

**RESPONSE TO INTERROGATORY NO. 8:**

No

**INTERROGATORY NO. 9:**

State whether Registrant is aware of or has received any comments comparing in any way Registrant's Mark with Petitioner's Marks, or regarding any similarity between Registrant's Mark and Petitioner's Marks. If the answer is anything other than a categorical, unqualified negative: (a) identify each person who made a comment; (b) state the date of each comment; (c) describe in reasonable detail the content of each comment; and (d) identify any documents concerning each comment.

**RESPONSE TO INTERROGATORY NO. 9:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action. Registrant objects to this interrogatory to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Registrant is still investigating Petitioner's request, and when further information becomes available, Registrant will supplement this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

**INTERROGATORY NO. 10:**

Identify all instances in which you have objected to any third party use of marks, terms, logos, names, slogans, taglines, or other designations based on rights you claim in Registrant's Mark, and for each instance, identify: (1) the name of the company, entity, or person using the mark, term, logo, name, slogan, tagline, or designation; (2) the date of the objection; and (3) the resolution or status of the objection.

**RESPONSE TO INTERROGATORY NO. 10:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action. Registrant objects to this interrogatory to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Registrant is still investigating Petitioner's request, and when further information becomes available, Registrant will supplement

this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

**INTERROGATORY NO. 11:**

Describe all goods sold or provided by Registrant under Registrant's Mark and state the date on which each good was first offered in the United States.

**RESPONSE TO INTERROGATORY NO. 11:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action. Registrant objects to this interrogatory to the extent it seeks the disclosure of confidential information.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Registrant is still investigating Petitioner's request, and when further information becomes available, Registrant will supplement this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

**INTERROGATORY NO. 12:**

Describe in reasonable detail the channels of trade through which you have sold or provided products in the United States under Registrant's Mark, including the type of customer, for each product.

**RESPONSE TO INTERROGATORY NO. 12:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad,

vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action. Registrant objects to this interrogatory to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Registrant is still investigating Petitioner's request, and when further information becomes available, Registrant will supplement this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

**INTERROGATORY NO. 13:**

Identify the geographic area in which you sell or provide Registrant's Goods under Registrant's Mark.

**RESPONSE TO INTERROGATORY NO. 13:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action. Registrant objects to this interrogatory to the extent it seeks the disclosure of confidential

information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Registrant is still investigating Petitioner's request, and when further information becomes available, Registrant will supplement this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

**INTERROGATORY NO. 14:**

Identify each geographic area in which you advertise or promote, have advertised or promoted, or intend to advertise or promote, goods under Registrant's Mark.

**RESPONSE TO INTERROGATORY NO. 14:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action. Registrant objects to this interrogatory to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Registrant is still investigating

Petitioner's request, and when further information becomes available, Registrant will supplement this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

**INTERROGATORY NO. 15:**

Describe how you advertise and promote each good sold or provided by Registrant in the United States under Registrant's Mark, including identification of the media used, if any, to advertise such goods.

**RESPONSE TO INTERROGATORY NO. 15:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action. Registrant objects to this interrogatory to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Registrant is still investigating Petitioner's request, and when further information becomes available, Registrant will supplement this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

**INTERROGATORY NO. 16:**

State, by month and by product, your total past sales in dollars of goods offered under Registrant's Mark in the United States and identify all documents concerning such sales.

**RESPONSE TO INTERROGATORY NO. 16:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections. Registrant objects to each interrogatory to the extent that the interrogatory, the instructions and/or the definitions contained or incorporated therein are unduly burdensome, overly broad, vague, ambiguous and/or to the extent that they are inconsistent with and/or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. Registrant objects to this request as not being a single request, but multiple requests in subparts and therefore violates Fed. R. Civ. P. 33(a)(1). Registrant further objects to this interrogatory on the grounds that, depending on its interpretation, it is not calculated to lead to the discovery of admissible evidence and encompasses documents and things not relevant to any claim or defense in this action. Registrant objects to this interrogatory to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order.

Subject to and without waiving Registrant's objections and to the extent the information is within Registrant's possession, custody, or control, and based on the best information currently available, Registrant provides the following information: Registrant is still investigating Petitioner's request, and when further information becomes available, Registrant will supplement this interrogatory. Registrant reserves the right to amend or supplement this response in response to Petitioner's contentions.

**INTERROGATORY NO. 17:**

Explain in reasonable detail the basis for your denial of paragraph 8 of the Petition for Cancellation.

**RESPONSE TO INTERROGATORY NO. 17:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections.

**INTERROGATORY NO. 18:**

Explain in reasonable detail the basis for your denial of paragraph 9 of the Petition for Cancellation.

**RESPONSE TO INTERROGATORY NO. 18:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections.

**INTERROGATORY NO. 19:**

Explain in reasonable detail the basis for your denial of paragraph 11 of the Petition for Cancellation.

**RESPONSE TO INTERROGATORY NO. 19:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections.

**INTERROGATORY NO. 20:**

Explain in reasonable detail the basis for your denial of paragraph 13 of the Petition for Cancellation.

**RESPONSE TO INTERROGATORY NO. 20:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections.

**INTERROGATORY NO. 21:**

State all facts that support the Second Affirmative Defense asserted in your answer.

**RESPONSE TO INTERROGATORY NO. 21:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections.

**INTERROGATORY NO. 22:**

State all facts that support the Third Affirmative Defense asserted in your answer.

**RESPONSE TO INTERROGATORY NO. 22:**

Registrant objects to this interrogatory upon the grounds stated in its General Objections.

Dated: July 14, 2018

Respectfully submitted,

By:           /Miguel Munoz/            
Miguel Muñoz, Esq.  
Attorney for Registrant

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New York, NY 10005  
Tel. 646-512-5847  
Fax. 646-512-5603  
Email: miguel@munoz-lopez.com



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 14, 2019, the foregoing responses and objections were served on Stephen P. Meleen, Steven M. Espenshade, and Danae T. Robinson, Counsel for Petitioner by email at [smeleen@pirkeybarber.com](mailto:smeleen@pirkeybarber.com) [sespenshade@pirkeybarber.com](mailto:sespenshade@pirkeybarber.com), and [drobinson@pirkeybarber.com](mailto:drobinson@pirkeybarber.com)

/Miguel Munoz/  
Miguel Muñoz, Esq.  
Attorney for Registrant

# EXHIBIT B

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

In the Matter of U.S. Registration No. 4863928  
Registered: December 01, 2015

-----X	:	
7-ELEVEN, INC.	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	Cancellation No. 92068979
VILLAGOMEZ PEREZ, ALBERTO IVAN	:	
	:	
Registrant.	:	
-----X	:	

**REGISTRANT’S RESPONSES AND OBJECTIONS TO PETITIONER’S  
REQUEST FOR PRODUCTION**

VILLAGOMEZ PEREZ, ALBERTO IVAN ("Registrant"), pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedures and the Trademark Rules of Practice, responds to Petitioner 7-Eleven, Inc.’s (“Petitioner”) request for production, as follows:

**GENERAL OBJECTIONS**

The following General Objections and statements shall be applicable to, and shall be included in, Registrant's response to each request, whether or not mentioned expressly in any particular response. Registrant does not waive any of its General Objections by stating specific objections to any particular request. Registrant's responses are based solely on Registrant's current knowledge and belief. Registrant reserves the right to modify and supplement any of its responses and to assert additional objections as it deems necessary and appropriate.

1. Registrant objects to Petitioner's requests, including its instructions and definitions, to the extent that they attempt to impose obligations beyond those imposed by the Federal Rules of Civil Procedure. See, e.g., Fed. R. Civ. P. 34.
2. Registrant objects to Petitioner's requests to the extent they seek information or disclosure of documents that are subject to the attorney-client privilege or any other applicable privilege, constitute attorney work-product, or are otherwise immune from discovery under the Federal Rules of Civil Procedure. Registrant reserves the right to withhold, redact or delete materials that are protected by the attorney-client privilege and/or the work product doctrine, or are otherwise immune from discovery. Inadvertent disclosure of such material shall not constitute a waiver of any privilege or other basis for objecting to discovery, nor shall it constitute a waiver of the right of Registrant to object to the use of, and/or seek the return of, any such material that may be inadvertently disclosed.
3. Registrant objects to the request to the extent it seeks information containing private, confidential, secret, proprietary and/or sensitive business information of Registrant and/or third parties (hereinafter referred to as "confidential information"). Registrant will not produce any such third party information to the extent that Registrant is under any obligation to maintain it in confidence and not disclose it, without the consent of such third party, and Registrant will only produce such other private, confidential, trade secret, proprietary or sensitive business information in accordance with the Protective Order covering these proceedings. Any confidential information produced by Registrant will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order.
4. Registrant objects to Petitioner's requests to the extent they seek discovery that is unreasonably cumulative or duplicative, or that is obtainable from some other source more convenient, less expensive, or less unduly burdensome or that Petitioner has had an opportunity to seek from another source, or where the burden or expense to Registrant of the proposed discovery outweighs its likely benefit to Registrant, taking into account the needs of the case, the parties' resources, the importance of the issues at stake in the case, the importance of the proposed discovery in resolving the issues, and the availability of the information to Registrant from other sources.

5. Registrant objects to the disclosure of information and documents irrelevant to the parties' claims and defenses and/or not likely to lead to the discovery of admissible evidence.
6. Registrant objects to each request to the extent it seeks the production of documents and things that are not within the possession, custody or control of Registrant.
7. Registrant objects to each request to the extent it seeks the production of documents and things beyond what is available to Registrant at present from a reasonable search of its files, and to the extent it seeks the production and things that would require Registrant to conduct an unreasonable search for responsive information. Registrant need not, for example, provide discovery of electronically stored information ("ESI") not reasonably accessible because of undue burden of cost.
8. Registrant's responses indicating that documents will be produced should not be construed as a representation that such documents exist. Such responses indicate only that documents responsive to the Request, subject to the applicable objections, will be produced if any such documents are located after a reasonable search.
9. Discovery and investigation in this case are on-going. Registrant reserves the right to supplement or amend its responses to these requests, if and when more information becomes available.
10. In responding to these requests for production, Registrant does not waive and specifically reserves all general and specific objections. Additionally, Registrant does not concede by responding that the information sought or provided is relevant to the subject matter of this action or is calculated to lead to the discovery of admissible evidence. Nor shall the production of any information be construed as an admission by Registrant that said information is relevant, material, authentic, or otherwise admissible as evidence. Registrant expressly reserves the right to object to further discovery and to the subject matter of these requests, as well as to the introduction into evidence of any responses to these requests.
11. Registrant expressly reserves the right to supplement these General Objections, as well as its Specific Responses and Objections to Petitioner's Requests for Production.
12. Registrant specifically incorporates each of these General Objections into its responses whether or not express reference is made therein to these General Objections.

### **RESPONSES AND OBJECTIONS**

This response and the objections and limitations contained herein are subject to and without waiver of the right to make additional or supplemental objections to these or other requests, and the right to revise, correct, amend, or modify this response upon, among other things, the discovery of additional facts and materials, further investigation and other developments in this proceeding.

**REQUEST FOR PRODUCTION NO. 1:**

All documents concerning your creation, selection, and adoption of Registrant's Mark, including documents relating to each step taken to clear the mark, research conducted, alternative marks considered, how and why the mark was chosen, and persons who participated in the conception, selection, and/or adoption of the mark.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 2:**

All trademark search reports, watching service reports, studies, investigations, or analyses performed by or for Registrant, concerning, in whole or in part, Registrant's Mark.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 3:**

All opinions of counsel that Registrant intends to rely on during this action, and all documents concerning such opinions.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

Registrant objects to Petitioner's requests to the extent they seek information or disclosure of documents that are subject to the attorney-client privilege or any other applicable privilege, constitute attorney work-product, or are otherwise immune from discovery under the Federal Rules of Civil Procedure. Registrant further objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential

information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 4:**

Each survey, pilot test, focus group, or other form of consumer or market research conducted by or on behalf of Registrant relating to Registrant's Mark or Petitioner's Marks.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 5:**



Documents sufficient to establish when you became aware of Petitioner and/or Petitioner's use or registration of Petitioner Marks.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 6:**

Documents concerning Petitioner or Petitioner's Marks.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 7:**

Documents concerning any trademark application or registration (live or dead) owned by Registrant for any mark that consists of or includes "SEVEN ELEVEN," including but not limited to the Registration.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 8:**

Documents sufficient to establish the date you first used Registrant's Mark on or in connection with each of the goods offered under Registrant's Mark in the United States.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things

that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 9:**

Representative samples of all actual uses of Registrant's Mark in the United States, including advertisements, brochures, and other promotional materials, and representative samples from any website, including social media pages, using Registrant's Mark. Photographs or color copies may be produced where the production of a sample is impractical under the circumstances.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 10:**

Documents regarding business or marketing plans concerning Registrant's Mark or the goods Registrant sells under Registrant's Mark in the United States.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 11:**

Documents concerning Registrant's online marketing and/or advertising efforts for goods sold in the United States in connection with Registrant's Mark, including but not limited to agreements with search engines and online retailers.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the

extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 12:**

Documents sufficient to show the channels of trade through which you sell or provide, or have sold or provided, goods under Registrant's Mark in the United States.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 13:**

Documents sufficient to show the class or type of consumer for each good offered by Registrant under Registrant's Mark in the United States.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 14:**

Documents sufficient to show the profiles or characteristics of actual or prospective customers of the goods offered by Registrant under Registrant's Mark in the United States.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody,

or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 15:**

Documents sufficient to show the geographic area in the United States in which Registrant uses Registrant's Mark.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 16:**

Documents sufficient to show your actual and anticipated advertising and promotional expenditures, by month, for all goods you sell or offer in connection with Registrant's Mark in the United States.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 17:**

Documents sufficient to show your total monthly sales, by unit and dollar volume, for each of Registrant's goods sold or offered for sale in the United States in connection with Registrant's Mark.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the



extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 18:**

Documents concerning any media or press coverage, commentary, or articles in the United States mentioning Registrant or Registrant's Mark.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 19:**

A copy of each television, radio, internet, and printed advertisement Registrant has run in the United States using Registrant's Mark, and all documents concerning each such advertisement, including documents sufficient to show where and when each such ad was broadcast, and the geographic reach of such broadcasts.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 20:**

Documents concerning any awareness that consumers have of Petitioner's Marks.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody,

or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 21:**

Documents concerning any agreement, assignment, consent, authorization, permission, or license by you or to you to use or register Registrant's Mark.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 22:**

Documents relating to any instance in which you have objected in any way to a third party's use, registration, or application for registration of a mark, product name, or designation you claimed was confusingly similar to Registrant's Mark.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 23:**

Documents concerning communications to or from third parties regarding Registrant's Mark, or the goods that are or may be offered under Registrant's Mark.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody,

or control. Registrant further objects to this request upon the grounds stated in its General Objections. Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 24:**

All documents concerning any instances of actual or possible confusion or mistake of third persons in the public as to a possible association, sponsorship, or relationship between Registrant, Registrant's Mark, or the products offered or planned to be offered under Registrant's Mark on the one hand, and Petitioner, Petitioner's Marks, or the products and services offered under Petitioner's Marks on the other hand.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 25:**

All documents concerning any incidents involving persons inquiring or commenting about any possible association, sponsorship, or relationship between 7-Eleven and Registrant's Mark or Registrant.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 26:**

All documents concerning any exposure consumers in the United States have to any use by you of Registrant's Mark.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be

produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 27:**

All documents that Registrant intends to offer as exhibits during this proceeding.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

**REQUEST FOR PRODUCTION NO. 28:**

Produce all documents and things referring or relating to this Cancellation proceeding.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

Registrant objects to the request on the grounds that it is overbroad and unduly burdensome and encompasses documents that are cumulative and not relevant to the parties' claims and defenses, and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to this request to the extent it seeks the production of documents and things protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity. Registrant objects to this request to the extent it seeks the disclosure of confidential information. To the extent Registrant produces confidential information, it will be produced on a confidential, highly confidential, or trade secret/commercially sensitive basis, and based on Petitioner's representation that it will maintain any such information produced pursuant to the Protective Order covering these proceedings. Registrant objects to this request to the extent it seeks the production of documents and things that are not within its possession, custody, or control. Registrant further objects to this request upon the grounds stated in its General Objections.

Subject to Registrant's objections and to the extent within Registrant's possession, custody, or control, if such documents or things exist, Registrant will conduct a reasonable search and produce non-privileged and non-work product documents related to this discovery request.

Dated: July 14, 2018

Respectfully submitted,

By:     /Miguel Munoz/      
Miguel Muñoz, Esq.  
Attorney for Registrant

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 14, 2019, the foregoing responses and objections were served on Stephen P. Meleen, Steven M. Espenshade, and Danae T. Robinson, Counsel for Petitioner by email at [smeleen@pirkeybarber.com](mailto:smeleen@pirkeybarber.com) [sespenshade@pirkeybarber.com](mailto:sespenshade@pirkeybarber.com), and [drobinson@pirkeybarber.com](mailto:drobinson@pirkeybarber.com)

/Miguel Munoz/  
Miguel Muñoz, Esq.  
Attorney for Registrant