

ESTTA Tracking number: **ESTTA1307813**Filing date: **09/01/2023**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	92073698
Party	Plaintiff Ahmed Reda Jeriouda, a/k/a Ahmed Jeriouda, Mohamed Amine Belyamani, a/ k/a Amino Belyamani, Lhoussaine Bouhamidy, a/k/a Maalem Hassan Benjaafar
Correspondence address	SHANA FRIED THE FRIED FIRM PLLC 231 FRONT STREET SUITE 207 BROOKLYN, NY 11201 UNITED STATES Primary email: everybody@thefriedfirm.com Secondary email(s): silvia@thefriedfirm.com, shana@thefriedfirm.com 718-422-0500
Submission	Motion to Compel Discovery or Disclosure
Filer's name	Shana Fried
Filer's email	shana@thefriedfirm.com, raphael@thefriedfirm.com, admin@thefriedfirm.com
Signature	/Shana Fried, Esq./
Date	09/01/2023
Attachments	Motion to Compel Discovery or Disclosure.pdf(1283189 bytes)

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

In the Matter of Registration No. 5942614
For the mark: INNOV GNAWA
Registered: December 24, 2019

-----X		
BELYAMANI, BOUHAMIDY,	:	
AND JERIOUNDA	:	Cancellation No.
Petitioners,	:	92073698
	:	
v.	:	
	:	
SAMIR BIQINE,	:	
	:	
Respondent.	:	
-----X		

PETITIONERS' MOTION TO COMPEL

Petitioners, and pursuant to TBMP § 411.01 and Rule 37 of the Federal Rules of Civil Procedure, move to compel Respondent to comply with its discovery obligations. In support of this Motion, Petitioners state as follows:

FACTUAL BACKGROUND

On March 27, 2022, Petitioner served "Petitioners' First Set of Interrogatories." See Exhibit A. As further described in the attached Exhibit A, Petitioners' discovery requests were never answered by Respondent.

On July 24, 2023, shortly after speaking with Respondent's new counsel for the first time since its appearance in this matter, Petitioners served "Petitioner's First Set of Document Request," "Petitioner's First Request for Admissions" and "Petitioner's First Set of Interrogatories" on Respondent's new counsel. See Exhibits B, C, D and E.

Despite recurrent reminders send to Respondent's counsel on August 3, 2023, August 15, 2023 and August 22, 2023, Petitioners' discovery requests remain unanswered to this date. See Exhibit F.

ARGUMENT

Petitioners cannot reasonably conduct depositions, issue follow up discovery requests, or prepare for trial until Respondent has completely complied with its outstanding discovery obligations. Respondent has ignored Petitioners' attempts to resolve these discovery disputes without requiring the Board's intervention.

Because Respondent changed counsel twice, filed numerous motions to extend time and more generally has showed a genuine lack of interest in prosecuting this case, little progress has been made in this matter despite Petitioners' repeated efforts to bring this matter to a conclusion. Given the intricate history between Petitioners and Respondent, Petitioners genuinely trust it is in the parties' best interest to have this case prosecuted.

Petitioners commenced this proceeding by filing a Petition to Cancel on March 18, 2020. Now, almost three and half years later, Respondent has failed to sufficiently answer Petitioners' discovery requests pursuant to Fed. R. Civ. Pr. 26 and Rule 37, and TBMP § 411 and 523.

Respondent has failed to address Petitioners' efforts regarding Respondent's failure to respond to Petitioners' discovery. Petitioners attach a statement from counsel regarding their good

faith effort to resolve this discovery dispute without interference from the Board pursuant to 37 C.F.R. § 2.120(e) and TBMP § 523.02.

REQUEST FOR RELIEF

Petitioners move this Board for an Order compelling Respondent, within thirty (30) days from the date of the Order, to fully and completely respond to all of Petitioners' July 24, 2023, Interrogatories and Requests.

Petitioners move this Board to direct Respondent to serve, within thirty (30) days from the date of the Order, hard or electronic copies of all responsive documents and things to counsel from Petitioners at the expense of respondent, or be prevented from introducing any evidence.

Petitioners move this Board to reset the close of discovery and subsequent deadlines to allow Respondent time to conduct follow up discovery after the time allocated for Respondent to provide complete and full responses to the discovery detailed herein.

Petitioners further move this Board for any relief it deems appropriate.

WHEREFORE, Petitioners respectfully request that the Trademark Trial and Appeal Board grant its Motion to Compel and grant all other appropriate relief.

Dated: September 1, 2023



SHANA FRIED, ESQ
The Fried Firm, PLLC
231 Front Street, Suite 216
Brooklyn, NY 11201
office: 718.422.0500
fax: 718.228.7603
everybody@thefriedfirm.com

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

In the Matter of Registration No. 5942614
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	:	
v.	:	
	:	
SAMIR BIQINE,	:	
	:	
Respondent.	:	
-----X		

DECLARATION OF SHANA FRIED, ESQ.

I, Shana Fried, Esq., declare as follows:

1. I represent Petitioners Ahmed Reda Jeriouda, a/k/a Ahmed Jeriouda, Mohamed Amine Belyamani, a/k/a Amino Belyamani, Lhoussaine Bouhamidy, a/k/a Maalem Hassan Benjaafar in this matter.
2. I have the knowledge of the facts set forth herein and in Petitioners' Motion to Compel.
3. Petitioners' First Set of Interrogatories were served on Respondent on March 27, 2022.

4. On June 16, 2022, we emailed counsel for Respondent to determine the status of the matter.

5. July 24, 2023, shortly after speaking with Respondent's new counsel for the first time since its appearance in this matter, I served "Petitioner's First Set of Document Request," "Petitioner's First Request for Admissions" and "Petitioner's First Set of Interrogatories" on Respondent's new counsel. See Exhibits B, C, D and E.

6. As of September 1, 2023, Respondent has not produced any documents nor has responded to our interrogatories.

7. Pursuant to 37 C.F.R. § 2.120(e) and TBMP § 523.02, I have made a good faith effort to resolve the issues presented by Respondent's lack of response to our discovery requests.

8. Additional details regarding the nature and dates of these good faith efforts are contained in the Motion to Compel filed herewith and in Exhibits F.

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

Dated: September 1, 2023



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The Fried Firm, PLLC
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Brooklyn, NY 11201
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EXHIBIT A

is strictly prohibited. If you have received this communication in error, please contact the sender by reply email and destroy all copies of the original message. Thank you.

Emeka Madubuogo <emeka@thefriedfirm.com>

Thu, Jun 16, 2022 at 5:28 PM

To: "Anthony M. Verna III" <anthony@vernalaw.com>, Admin The Fried Firm <Myriam@thefriedfirm.com>

Good Afternoon Counsel,

You have yet to respond to our discovery request, please respond by Monday or will be have to file a motion for failure to respond to discovery. If you have any questions please let me know.

Best,

Emeka

On Mon, Mar 28, 2022 at 11:45 PM Emeka Madubuogo <emeka@thefriedfirm.com> wrote:

Good Evening Anthony,

I truly hope you feel better soon, and you have a swift recovery. Rooting for you. When you feel better lets hop on a call and discuss this moving forward. I will also file the papers to extend this week.

In addition, attached is our notice to produce documents. If you have any questions, please let me know.

Best,

Emeka

On Mon, Mar 28, 2022 at 9:21 AM Anthony M. Verna III <anthony@vernalaw.com> wrote:

Extending by 60 days sounds like a good idea, especially since I was in the hospital recently and am still only putting in limited hours at work while I recover.

Thank you.

Anthony M. Verna III, Esq.

Verna Law, P.C.

VERNA LAW

80 Theodore Fremd Ave.

Phone: 914-908-6757

NJ Satellite Office:

45 N. Broad St.

Ridgewood, NJ 07540

anthony@vernalaw.com

<http://vernalaw.com>

<https://www.linkedin.com/in/anthonyverna>

<http://facebook.com/anthonyvernalaw>

<http://twitter.com/avernalaw>

From: Emeka Madubuogo <emeka@thefriedfirm.com>
Sent: Sunday, March 27, 2022 6:15 PM
To: Anthony M. Verna III <anthony@vernalaw.com>
Subject: Re: Extend Discovery - INNOV GNAWA #92073698

Good Afternoon Anthony,

I hope all is well. Please see the attached interrogatories attached to this email. Notice to produce to follow at the end of the week.

Also we would like to extend discovery for 60 days. Do we have your permission?

On Thu, Dec 16, 2021 at 9:34 AM Emeka Madubuogo <emeka@thefriedfirm.com> wrote:

Good Morning,

I hope all is well. I am emailing you today in regard to the pending Cancellation of the trademark INNOV GNAWA.

As you know discovery is currently scheduled to end January 27, 2022. We would like consent to extend discovery 120 days from its current date, order to conduct depositions, send interrogatories, notice to produces, and potential file motions. The proposed new discovery end date would be May 27, 2022.

Please advise,

Best,

Emeka

--

Emeka Madubuogo, Esq.

The Fried Firm, PLLC

[231 Front Street, Suite 207](#)

[Brooklyn, NY 11201](#)

[office: 718.422.0500](#)

[fax: 718.228.7603](#)

myriam@thefriedfirm.com

WWW.THEFRIEDFIRM.COM

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Emeka Madubuogo

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--

Emeka Madubuogo

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--

Emeka Madubuogo

EXHIBIT B

From: Shana Fried shana@thefriedfirm.com 
Subject: Innov Gnawa
Date: July 24, 2023 at 9:01 PM
To: contact@twlegal.com
Cc: The Fried Firm everybody@thefriedfirm.com

Dear Counsel,

As you may know, this case has been chaotic to say the least. Between repeated motions to extend time, defendant representing himself, and the two counsels who have preceded you, very little progress has been made so far. Interrogatories have been served to a previous counsel, but have remained unanswered to this day. Based on our previous conversation, you were entirely unaware of this discovery demand, and perhaps the extent of this drawn out litigation. However, given the complicated history between our respective clients, I genuinely trust it is in the parties' best interest to have their day in court. For this reason, we are respectfully requesting the filing of a joint motion to restart the litigation calendar. I have also attached the following discovery documents:

1. Petitioner's First Set of Document Request
2. Petitioner's First Request for Admissions
3. Petitioner's First Set of Interrogatories
4. Mutual Consent Motion to Extend Deadlines

I remain available at any time to discuss the state of this case.

Sincerely,
Shana Fried

—

Sincerely,
--
Shana Fried
Principal & Founder

The Fried Firm PLLC
[231 Front Street, Suite 216](#)
[Brooklyn, NY 11201](#)
[Office: 718.422.0500](#)
[Mobile: 415.819.5161](#)

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SHANA FRIED, ESQ.
Founder & Principal

THE FRIED FIRM

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Consent Motion
to Exte...AB.pdf



Petitioner's First
Reques...AB.pdf



Petitioner's First
Set of...AB.pdf



Petitioner's First
Set of I...AB.pdf

EXHIBIT C

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

In the Matter of Registration No. 5942614
For the mark: INNOV GNAWA
Registered: December 24, 2019

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BELYAMANI, BOUHAMIDY, :
AND JERIOUNDA : Cancellation No.
Petitioners, : 92073698
:
v. :
:
SAMIR BIQINE, :
:
Respondent. :
-----X

PETITIONER’S FIRST REQUEST FOR ADMISSIONS

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Petitioners Ahmed Reda Jeriouada, a/k/a Ahmed Jeriouada, Mohamed Amine Belyamani, a/k/a Amino Belyamani, Lhoussaine Bouhamidy, a/k/a Maalem Hassan Benjaafar (collectively “Petitioners”), by and through their attorney, Shana Fried, request that Respondent Samir Biquine (“Respondent”) serve upon the undersigned attorney, admit to the truth of the following, separately, fully, in writing, and under oath, and deliver its admissions to the offices of The Fried Firm PLLC, 231 Front Street, Suite 216 Brooklyn, NY 11201, within thirty (30) days of service of this request.

DEFINITIONS

1. This document incorporates by reference the uniform definitions and rules set forth in the Federal Rules of Civil Procedure.

2. “Respondent,” “you” or “your” means Respondent Samir Bique, its subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party, and/or each of its employees, agents, officers, directors, representatives, consultants, accountants, and attorneys, including any person who served in any such capacity at any time during the relevant time period specified herein.

3. “Petitioners” means Ahmed Reda Jeriouda, a/k/a Ahmed Jeriouda, Mohamed Amine Belyamani, a/k/a Amino Belyamani, Lhoussaine Bouhamidy, a/k/a Maalem Hassan Benjaafar, the Petitioners in the above-captioned action.

4. “Petitioners’ Marks” means the marks or mark identified as Serial Number #88691571, and the mark filed by Petitioners references in the Petitioners’ complaint in the above-captioned action.

5. “Challenged Mark” means the registered mark Number #5942614 identified in the Petitioners’ Complaint in the above-captioned action and any word, name, symbol, or device (including any key words or metatags) incorporating, based on, or derived from that mark, in whole or in part, that Respondent has used or caused or authorized to be used at any time in connection with the advertising, promotion, marketing, or sale of any goods or services under the terms INNOV GNAWA.

6. “Document” is synonymous in meaning and equal in scope to its usage in FRCP 34(a)(1)(A). The term “document” refers to any document now or at any time in Respondent’s possession, custody, or control. A person is deemed in control of a document if the person has any ownership, possession, or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.

7. “Communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

8. “Concerning” means consisting of, referring to, relating to, reflecting, or being in any way logically or factually connected with the matter discussed.

9. “Mark” means any word, name, symbol, or device or any combination thereof.

10. A reference to a “person” includes an individual, corporation, partnership, joint venture, limited liability company, governmental authority, unincorporated organization, trust, association, or other entity and includes all of that person’s principals, employees, agents, attorneys, consultants, and other representatives.

11. The terms “and” and “or” shall be construed either conjunctively or disjunctively as necessary to bring within the scope of the request all responses that might otherwise fall outside the scope of this request.

12. The terms “all,” “any,” or “each” encompass any and all of the matter discussed.

13. The use of singular form includes plural, and vice versa.

14. The use of present tense includes past tense, and vice versa.

INSTRUCTIONS

1. Unless you properly object to a request, you must admit, specifically deny, or state in detail why you cannot truthfully admit or deny each of the following requests based on knowledge and information in your possession, custody, or control, or in the possession, custody, or control of your representatives, agents, or attorneys. If you do not respond to each of these

requests within thirty (30) days, the requests will be deemed admitted, as described in Federal Rule of Civil Procedure 36 and TBMP § 407.03.

2. You may not give lack of information or knowledge as a reason for failure to admit or deny a requested admission unless you in good faith state that you have made a reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny the requested admission.

3. If you object to any request or any portion of a request on the ground that the answer would reveal the substance of any privileged information, set forth in detail the basis for your claim of privilege and any other objection you may have. If your objection is on the ground that the answer would reveal the substance of a privileged communication, include an identification of:

- (a) the nature of the privilege or protection claimed;
- (b) the person who made the communication, whether oral or in writing;
- (c) if the communication was oral, all persons present while the communication was made;
- (d) if the communication was written, the author, addressees, and any other recipients;
- (e) the date and place of the communication; and
- (f) the general subject matter of the communication.

4. Unless otherwise stated herein, all requests apply to activities in or in connection with the Universe.

5. These requests are continuing in nature. If you receive or otherwise become aware of information responsive to any request after you have served your responses to these requests, you must promptly supplement your responses to these requests to provide such information, as required by Federal Rule of Civil Procedure 26(e) and TBMP § 408.03.

6. For the convenience of the Board and the parties, each request should be quoted in full immediately preceding your response.

REQUESTS FOR ADMISSION

REQUEST NO. 1: Admit that Petitioner's rights in Petitioner's Mark precede any rights Respondent claims in the Challenged Mark.

REQUEST NO. 2: Admit that the Challenged Mark was first used in commerce on December 18, 2013.

REQUEST NO. 3: Admit that you did not sell, offer and provide any goods and/or services under the Challenged Mark before December 18, 2013.

REQUEST NO. 4: Admit that Petitioner's Mark was used in commerce prior to May 18, 2019.

REQUEST NO. 5: Admit that at least before May 18, 2019, you had knowledge of the use of Petitioner's Mark.

REQUEST NO. 6: Admit that at least before May 18, 2019, you were aware of the use of Petitioner's Mark in connection with audio and video recordings and entertainment services.

REQUEST NO. 7: Admit that you are aware of no facts or evidence that contravenes Petitioner's claim that it commenced use of Petitioner's Mark on or about December 18, 2013.

REQUEST NO. 8: Admit that you are aware of no facts or evidence that contravenes Petitioner's claim that it commenced use of Petitioner's Mark at least before May 18, 2019.

REQUEST NO. 9: Admit that you are of aware of no facts or evidence that contravenes Petitioner's claim that it used Petitioner's Mark continuously in commerce since before May 18, 2019 through the date the Petition for Cancellation in this matter was filed.

REQUEST NO. 10: Admit that audio and video recordings and entertainment services under the Challenged Mark were not offered to U.S. consumers before December 18, 2013.

REQUEST NO. 11: Admit that audio and video recordings and entertainment services under the Challenged Mark were not advertised to U.S. consumers before December 18, 2013.

REQUEST NO. 12: Admit that Petitioner's Mark and the Challenged Mark are identical in appearance.

REQUEST NO. 13: Admit that Petitioner's Mark and the Challenged Mark are phonetically similar.

REQUEST NO. 14: Admit that you have sold, offered and provided audio and video recordings and entertainment services under the Challenged Mark.

REQUEST NO. 15: Admit that you use the Challenged Mark in connection with the sale, offer and provision of audio and video recordings and entertainment services.

REQUEST NO. 16: Admit that you have plans to offer audio and video recordings and entertainment services under the Challenged Mark.

REQUEST NO. 17: Admit that the audio and video recordings and entertainment services are identical to Petitioner's good and services, which are audio and video recordings and entertainment services.

REQUEST NO. 18: Admit that the audio and video recordings and entertainment services are competitive to Petitioner's good and services, which are audio and video recordings and entertainment services.

REQUEST NO. 19: Admit that audio and video recordings and entertainment services have been sold, offered or provided under the Challenged Mark in the Universe.

REQUEST NO. 20: Admit that Petitioner's Mark is famous, as that term is defined in the Lanham Act (15 U.S.C. § 1125(c)(2)(A)).

REQUEST NO. 21: Admit that Petitioner's Mark has been famous, as that term is defined in the Lanham Act (15 U.S.C. § 1125(c)(2)(A)), since at least before May 18, 2019.

REQUEST NO. 22: Admit that you have no documents or other evidence to refute Petitioner's claim of dilution of Petitioner's Mark as a result of the use/registration/application to register Respondent's Challenged Mark.

REQUEST NO. 23: Admit that you spent less than hundred USD dollars (USD\$100.00) in four (4) years to advertise audio and video recordings and entertainment services under the Challenged Mark.

REQUEST NO. 24: Admit that you have no current plans to use the Challenged Mark in connection with any audio and video recordings and entertainment services in the future.

REQUEST NO. 25: Admit that you have no documents showing any plans to use the Challenged Mark in connection with any audio and video recordings and entertainment services in the future.

REQUEST NO. 26: Admit that you are aware of no facts or evidence showing any plans to use the Challenged Mark in connection with any audio and video recordings and entertainment services in the future.

REQUEST NO. 27: Admit that you do not own or operate any website that advertises or promotes any audio and video recordings and entertainment services under the Challenged Mark.

RESPECTUFYLLY SUBMITTED BY:



SHANA FRIED, ESQ
The Fried Firm, PLLC
231 Front Street, Suite 216
Brooklyn, NY 11201
office: 718.422.0500
fax: 718.228.7603
everybody@thefriedfirm.com

Date: July 24, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this day, July 24, 2023, I caused a true and correct copy of Petitioners' First Set of Interrogatories to Respondent/Responding Party to be served via Email on Defense Counsel:

Todd Wengrovsky
Law Offices of Todd Wengrovsky, PLLC
285 Southfield Rd
Calverton, NY 11933
UNITED STATES
contact@twlegal.com



Shana Fried, Esq.

Dated: July 24, 2023

EXHIBIT D

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

In the Matter of Registration No. 5942614
For the mark: INNOV GNAWA
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AND JERIOUNDA	:	Cancellation No.
Petitioners,	:	92073698
	:	
v.	:	
	:	
SAMIR BIQINE,	:	
	:	
Respondent.	:	
-----X		

PETITIONER’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Petitioners Ahmed Reda Jeriouda, a/k/a Ahmed Jeriouda, Mohamed Amine Belyamani, a/k/a Amino Belyamani, Lhoussaine Bouhamidy, a/k/a Maalem Hassan Benjaafar (collectively, “Petitioners”), by and through their attorney, Shana Fried, request that Respondent Samir Biquine (“Respondent”) respond to the following requests for the production of documents and things by providing written responses thereto and producing for inspection and copying the documents and things requested herein to the offices of Petitioner’s attorney, The Fried Firm PLLC, 231 Front Street, Suite 216 Brooklyn, NY 11201, Attn: Shana Fried, within thirty (30) days of service of this request.

DEFINITIONS

1. This document incorporates by reference the uniform definitions and rules set forth in the Federal Rules of Civil Procedure.

2. “Respondent,” “you” or “your” means Respondent Samir Bique, its subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party, and/or each of its employees, agents, officers, directors, representatives, consultants, accountants, and attorneys, including any person who served in any such capacity at any time during the relevant time period specified herein.

3. “Petitioners” means Ahmed Reda Jeriouda, a/k/a Ahmed Jeriouda, Mohamed Amine Belyamani, a/k/a Amino Belyamani, Lhoussaine Bouhamidy, a/k/a Maalem Hassan Benjaafar, the Petitioners in the above-captioned action.

4. “Petitioners’ Marks” means the marks or mark identified as Serial Number #88691571, and the mark filed by Petitioners references in the Petitioners’ complaint in the above-captioned action.

5. “Challenged Mark” means the registered mark Number #5942614 identified in the Petitioners’ Complaint in the above-captioned action and any word, name, symbol, or device (including any key words or metatags) incorporating, based on, or derived from that mark, in whole or in part, that Respondent has used or caused or authorized to be used at any time in connection with the advertising, promotion, marketing, or sale of any goods or services under the terms INNOV GNAWA.

6. “Document” is synonymous in meaning and equal in scope to its usage in FRCP 34(a)(1)(A). The term “document” refers to any document now or at any time in Respondent’s

possession, custody, or control. A person is deemed in control of a document if the person has any ownership, possession, or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.

7. “Communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

8. “Concerning” means consisting of, referring to, relating to, reflecting, or being in any way logically or factually connected with the matter discussed.

9. “Mark” means any word, name, symbol, or device or any combination thereof.

10. A reference to a “person” includes an individual, corporation, partnership, joint venture, limited liability company, governmental authority, unincorporated organization, trust, association, or other entity and includes all of that person’s principals, employees, agents, attorneys, consultants, and other representatives.

11. The terms “and” and “or” shall be construed either conjunctively or disjunctively as necessary to bring within the scope of the request all responses that might otherwise fall outside the scope of this request.

12. The terms “all,” “any,” or “each” encompass any and all of the matter discussed.

13. The use of singular form includes plural, and vice versa.

14. The use of present tense includes past tense, and vice versa.

INSTRUCTIONS

1. All documents are to be produced as they are kept in the usual course of business with any identifying labels, file markings, or similar identifying features, or shall be organized and labeled to correspond to the categories requested herein. If there are no documents in response to a particular request or if you withhold any responsive documents or categories of documents based on any objections, you shall state so in writing.

2. Electronically stored information (ESI) must be produced in PDF format with corresponding load files containing the document's text and all available metadata.

3. These requests call for the production of all responsive documents in your possession, custody, or control, or in the possession, custody, or control of your employees, predecessors, successors, parents, subsidiaries, divisions, affiliates, partners, joint venturers, brokers, accountants, financial advisors, representatives, and agents or other persons acting on your behalf, without regard to the physical location of such documents.

4. In responding to these requests, include documents obtained on your behalf by your counsel, employees, agents, or any other persons acting on your behalf. If your response is that the documents are not within your possession or custody, describe in detail the unsuccessful efforts you made to locate each such document. If your response is that documents are not under your control, identify who has the control and the location of the documents.

5. If any document was, but no longer is, in your possession, subject to your control, or in existence, include a statement:

- (a) identifying the document;

- (b) describing where the document is now;
- (c) identifying who has control of the document;
- (d) describing how the document became lost or destroyed or was transferred;

and

(e) identifying each of those persons responsible for or having knowledge of the loss, destruction, or transfer of this document from your possession, custody, or control.

6. Each request contemplates production of all documents in their entirety. If a portion of a document is responsive to one or more requests, the document shall be produced in its entirety.

7. If any document is withheld in whole or in part for any reason including, without limitation, a claim of privilege or other protection from disclosure, such as the work product doctrine, business confidentiality, or trade secret protection, set forth separately with respect to each such document:

- (a) the ground of privilege or protection claimed;
- (b) each and every basis under which the document is withheld;
- (c) the type of document;
- (d) its general subject matter;
- (e) the document's date; and
- (f) other information sufficient to enable a full assessment of the applicability of the privilege or protection claims, as required by FRCP 26(b)(5) and TBMP § 406.04(c).

8. To the extent you assert that a document contains information that should be protected from disclosure (based on the attorney-client privilege, work product doctrine, or another protection) and non-privileged information, the non-privileged portions of the document must be produced. For each such document, indicate the portion of the document withheld by stamping the words “MATERIAL REDACTED” on the document in an appropriate location that does not obscure the remaining text.

9. Unless otherwise stated herein, all documents requested are for the period from 2010 up to and including 2023 and the present.

10. Unless otherwise stated herein, all document requests apply to activities in or in connection with the Universe.

11. These requests are continuing, and your response to these requests must be promptly supplemented when appropriate or necessary in accordance with Federal Rule of Civil Procedure 26(e) and TBMP § 408.03.

DOCUMENTS REQUESTED

DOCUMENT REQUEST NO. 1: All Documents identified in response to Petitioner’s First Set of Interrogatories, dated July 24, 2023.

DOCUMENT REQUEST NO. 2: All Documents referred to or quoted in the answer.

DOCUMENT REQUEST NO. 3: All Documents relied upon by Respondent in drafting the answer.

DOCUMENT REQUEST NO. 4: All Documents concerning Respondent's consideration, selection, conception, creation, or adoption of the Challenged Mark for use on or in connection with any goods or services.

DOCUMENT REQUEST NO. 5: Documents sufficient to identify all persons who were responsible for, participated in, or have information or were consulted concerning the consideration, selection, conception, creation, or adoption of the Challenged Mark for use on or in connection with any of Respondent's goods or services.

DOCUMENT REQUEST NO. 6: Documents sufficient to show the circumstances of Respondent's first use of the Challenged Mark anywhere in the Universe.

DOCUMENT REQUEST NO. 7: Documents sufficient to show the circumstances of Respondent's first use of the Challenged Mark in United States commerce, including, but not limited to, the time, place, and manner of such use.

DOCUMENT REQUEST NO. 8: All Documents concerning the application filed by Respondent for the Challenged Mark, including, but not limited to, all Documents concerning the decision to file the application and copies of all documents submitted to or received from the United States Patent and Trademark Office in connection with the application.

DOCUMENT REQUEST NO. 9: All Documents concerning the registration obtained by Respondent for the Challenged Mark, including, but not limited to, copies of all documents submitted to or received from the United States Patent and Trademark Office in connection with the registration.

DOCUMENT REQUEST NO. 10: All Documents concerning any state trademark registrations sought or obtained by Respondent for the Challenged Mark, including, but not limited to, copies of all documents submitted to or received from any state trademark registration agency.

DOCUMENT REQUEST NO. 11: Documents sufficient to identify all goods and services actually or planned or intended to be sold, offered, or licensed by Respondent under or in connection with any Challenged Mark.

DOCUMENT REQUEST NO. 12: Documents sufficient to identify all words, terms, phrases, and other designations used by Respondent to categorize, describe, or define the goods and services actually or intended to be sold, offered, or licensed by Respondent under or in connection with the Challenged Mark.

DOCUMENT REQUEST NO. 13: All Documents concerning any assessment, evaluation, or consideration by Respondent of how to categorize, describe, or define the goods and services actually or planned or intended to be sold, offered, provided, or licensed under or in connection with the Challenged Mark.

DOCUMENT REQUEST NO. 14: Documents sufficient to show any plans for development or expansion of the goods or services that are offered, sold, provided, or licensed in connection with the Challenged Mark.

DOCUMENT REQUEST NO. 15: Documents sufficient to identify all channels of trade through which Respondent advertises, promotes, distributes, sells, offers, or licenses, or plans to advertise, promote, distribute, sell, offer, or license, any goods or services under or in connection with the Challenged Mark, including, but not limited to, documents identifying the

distributors, retail, or other business outlets that offer or will offer Respondent's goods or services in connection with the Challenged Mark.

DOCUMENT REQUEST NO. 16: Documents sufficient to identify the geographic regions in the Universe in which Respondent has or has caused to be advertised, promoted, distributed, sold, offered, or licensed, or plans or intends to advertise, promote, distribute, sell, offer, or license, any goods or services under or in connection with the Challenged Mark.

DOCUMENT REQUEST NO. 17: Documents sufficient to show each visual, oral, and other manner in which Respondent has presented or authorized the presentation of the Challenged Mark, including, but not limited to, all pronunciations of and typestyles, fonts, typefaces, designs, shapes, graphics, and colors used for or in connection with the Challenged Mark.

DOCUMENT REQUEST NO. 18: Representative samples of each type of advertisement and promotional material (e.g., print, radio, television, brochures, catalogues, flyers, press releases, website pages, website banners, in-store displays, point-of-sale promotional items) that has displayed or that will display the Challenged Mark, including documents sufficient to show every manner of presentation of the Challenged Mark in each type of advertisement or promotional material.

DOCUMENT REQUEST NO. 19: Representative samples of all tags, labels, signs, and packaging that have displayed or that will display the Challenged Mark, including documents sufficient to show every manner of presentation of the Challenged Mark in such materials.

DOCUMENT REQUEST NO. 20: All newspaper, magazine, newsletter, trade journal, website, and other media coverage, in any form or medium (print, electronic, or other), concerning any Challenged Mark, whether or not authored by any official member of the press.

DOCUMENT REQUEST NO. 21: Documents sufficient to identify all persons actually or intended to be employed, retained, or engaged by Respondent to advertise or promote the Challenged Mark or any goods or services under or in connection with the Challenged Mark.

DOCUMENT REQUEST NO. 22: Documents sufficient to identify the target purchasers or potential purchasers of goods or services actually or planned or intended to be sold, offered, distributed, or licensed by Respondent under or in connection with the Challenged Mark.

DOCUMENT REQUEST NO. 23: All Documents concerning or identifying any person to or with whom Respondent has marketed, sold, offered, distributed, or licensed, or intends to market, sell, offer, distribute, or license any goods or services under or in connection with any Challenged Mark.

DOCUMENT REQUEST NO. 24: Documents sufficient to identify each price at which Respondent has marketed, sold, offered, distributed, or licensed, or intends to market, sell, offer, distribute, or license, any goods or services in connection with the Challenged Mark.

DOCUMENT REQUEST NO. 25: Documents sufficient to identify any graphic, package, product, or other designers contacted or engaged by Respondent with respect to the preparation of any materials bearing or otherwise using the Challenged Mark, and all Documents concerning Communications between Respondent and each designer.

DOCUMENT REQUEST NO. 26: All Documents concerning Respondent's knowledge of Petitioner or Petitioner's Mark, including, but not limited to, all Documents concerning Communications about or with Petitioner or about Respondent's awareness of Petitioner's use of any of Petitioner's Marks.

DOCUMENT REQUEST NO. 27: All Documents concerning any trademark searches, trademark clearances, internet print-outs, and other inquiries conducted by or on behalf of Respondent concerning the availability to use or register the Challenged Mark.

DOCUMENT REQUEST NO. 28: All Documents concerning any opinion letter, analysis, or other Communication concerning whether Respondent has the freedom, right, or ability to use or register the Challenged Mark as a trademark, service mark, domain name, or other designation of origin, including the opinion Document and Documents sufficient to show the identity of the individual or entity that requested the opinion, when the opinion was requested, and who prepared the opinion.

DOCUMENT REQUEST NO. 29: Documents sufficient to show any complaint, petition, demand, objection, administrative proceeding, or civil action made or brought by or against Respondent in which any trademark, trade dress, dilution, unfair competition, copyright, or domain name claims were asserted.

DOCUMENT REQUEST NO. 30: All Documents concerning any complaint, petition, demand, objection, administrative proceeding, or civil action concerning the Challenged Mark.

DOCUMENT REQUEST NO. 31: All Documents concerning any observations, perceptions, impressions, or inquiries of any person as to whether the goods or services actually or planned to be sold, offered, provided, or licensed by or on behalf of Respondent under or in connection with the Challenged Mark are produced, sponsored, or endorsed by, or in any manner associated or affiliated with, Petitioner or any goods or services offered under or in connection with any of Petitioner's Marks.

DOCUMENT REQUEST NO. 32: All Documents concerning any Communications in which any person inquired about, commented on, or mentioned Petitioner, Petitioner's Challenged Mark, or Petitioner's goods or services in any way.

DOCUMENT REQUEST NO. 33: All Documents concerning any consumer, governmental, or other complaints or investigations concerning the goods or services sold, offered, distributed, or licensed by Respondent under or in connection with the Challenged Mark.

DOCUMENT REQUEST NO. 34: Documents sufficient to show the volume (in dollars and units) of annual sales of all goods or services sold or licensed under or in connection with the Challenged Mark for each of the last four (4) years.

DOCUMENT REQUEST NO. 35: Documents sufficient to show, for each of the last four (4) years, all costs and amounts expended by Respondent and its licensees to promote, market, and advertise goods or services actually or planned or intended to be sold, offered, distributed, provided, or licensed under or in connection with the Challenged Mark.

DOCUMENT REQUEST NO. 36: All agreements between or among Respondent and any other person concerning the Challenged Mark, or the actual or planned manufacture, advertisement, promotion, marketing, distribution, sale, offer, or licensing of any goods or services under or in connection with the Challenged Mark.

DOCUMENT REQUEST NO. 37: Documents sufficient to identify all third parties that did, do, or will manufacture, sell, offer, distribute, or license goods or services under or in connection with the Challenged Mark.

DOCUMENT REQUEST NO. 38: Documents sufficient to show Respondent's registration, licensing, current or previous ownership, or transfer of any domain name that incorporates the Challenged Mark, in whole or in part.

DOCUMENT REQUEST NO. 39: All Documents concerning Petitioner or any goods or services sold, offered, or licensed, directly or indirectly, by or on behalf of Petitioner under or in connection with any of Petitioner's Challenged Mark that are not responsive to or that you are not otherwise producing in response to any other request contained herein.

DOCUMENT REQUEST NO. 40: To the extent not produced in response to the foregoing requests, all Documents that support or refute Respondent's defense of this proceeding, including, but not limited to, any Documents that support or refute any factual allegations or legal theories or conclusions Respondent has presented or relied on or intends to present or rely on in connection with such defense.

RESPECTUFYLLY SUBMITTED BY:



SHANA FRIED, ESQ
The Fried Firm, PLLC
231 Front Street, Suite 216
Brooklyn, NY 11201
office: 718.422.0500
fax: 718.228.7603
everybody@thefriedfirm.com

Date: July 24, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this day, July 24, 2023, I caused a true and correct copy of Petitioners' First Set of Interrogatories to Opposer/Responding Party to be served via Email on Defense Counsel:

Todd Wengrovsky
Law Offices of Todd Wengrovsky, PLLC
285 Southfield Rd
Calverton, NY 11933
UNITED STATES
contact@twlegal.com



Shana Fried, Esq.

Dated: July 24, 2023

EXHIBIT E

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

In the Matter of Registration No. 5942614
For the mark: INNOV GNAWA
Registered: December 24, 2019

-----X	:	
BELYAMANI, BOUHAMIDY,	:	
AND JERIOUNDA	:	Cancellation No.
Petitioners,	:	92073698
	:	
v.	:	
	:	
SAMIR BIQINE,	:	
	:	
Respondent.	:	
-----X	:	

PETITIONER’S FIRST SET OF INTERROGATORIES TO RESPONDENT

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Petitioners Ahmed Reda Jeriouda, a/k/a Ahmed Jeriouda, Mohamed Amine Belyamani, a/k/a Amino Belyamani, Lhoussaine Bouhamidy, a/k/a Maalem Hassan Benjaafar (collectively, “Petitioners”), by and through their attorney, Shana Fried, request that Respondent Samir Biquine (“Respondent”) serve upon the undersigned attorney at 231 Front Street, Suite 216 Brooklyn, NY 11201, The Fried Firm PLLC, answers, under oath, to each of the following interrogatories within thirty (30) days of service of these interrogatories.

DEFINITIONS

1. This document incorporates by reference the uniform definitions and rules set forth in the Federal Rules of Civil Procedure.

2. “Document(s)” means all materials within the scope of FRCP 34, including, without limitation, all writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations, including electronically-stored information (ESI), that are stored in any medium whatsoever from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form, as well as any tangible things. Documents include, but are not limited to, electronic mail or email, text messages, post cards, post-it notes, reports, logs, message slips, invoices, checks, paystubs, letters, memoranda, agreements, contracts, tax returns, bank statements, video and audio recordings (including recordings of conference calls or video conferences), social media or other online content, computer programs, data generated and stored by devices connected to the Internet of Things (IoT), communications generated and stored in workplace collaboration tools or ephemeral messaging applications, and all other written, graphic, or electronic materials of any nature whatsoever. A draft or non-identical copy of a document is a separate document within the meaning of the term “document.” A document includes all appendices, schedules, exhibits, and other attachments. The term “document” refers to any document now or at any time in Respondent’s possession, custody, or control. A person is deemed in control of a document if the person has any ownership, possession, or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.

3. “Respondent,” “you” or “your” means Respondent Samir Bique, its subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party, and/or each of its employees, agents, officers, directors, representatives,

consultants, accountants, and attorneys, including any person who served in any such capacity at any time during the relevant time period specified herein.

4. “Petitioners” means Ahmed Reda Jeriouda, a/k/a Ahmed Jeriouda, Mohamed Amine Belyamani, a/k/a Amino Belyamani, Lhoussaine Bouhamidy, a/k/a Maalem Hassan Benjaafar, the Petitioners in the above-captioned action.

5. The term “mark” means any word, name, symbol, brand, or device (including any key word or metatag) or any combination thereof.

6. “Petitioners’ Marks” means the marks or mark identified as Serial Number #88691571, and the mark filed by Petitioners references in the Petitioners’ complaint in the above-captioned action.

7. “Challenged Mark” means the registered mark Number #5942614 identified in the Petitioners’ Complaint in the above-captioned action and any word, name, symbol, or device (including any key words or metatags) incorporating, based on, or derived from that mark, in whole or in part, that Respondent has used or caused or authorized to be used at any time in connection with the advertising, promotion, marketing, or sale of any goods or services under the terms INNOV GNAWA

8. “Communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise), including, without limitation, written, oral, or electronic transmissions.

9. “Concerning” means consisting of, referring to, relating to, reflecting, concerning, or being in any way logically or factually connected with the matter discussed.

10. “Date” means the exact day, month, and year if ascertainable, or, if not, the best available approximation (including relationship to other events).

11. “Describe” means set forth fully and unambiguously every fact relevant to the subject of the Interrogatory, of which you (including your agents and representatives) have knowledge or information.

12. “Identify” with respect to a person who is an individual means to state the person’s (a) full name, (b) present or last known address, and (c) current or last known place of employment.

13. “Identify” with respect to a person that is an entity such as those listed in Definition No. 16, below, means to state its: full name, legal form, date of organization, state of incorporation or organization or other business or license authority, present or last known address and telephone number, and the identity of its chief executive officer, partners, or persons in equivalent positions.

14. “Identify” with respect to a document means to give, to the extent known, the (a) type of document; (b) general subject matter; (c) date of the document; and (d) author(s), addressee(s), and recipient(s). In the alternative, the responding party may produce the document, together with identifying information sufficient to satisfy Rule 33 of the Federal Rules of Civil Procedure.

15. “Identify” with respect to communications means to give, to the extent known, (a) a description of the substance of the communication; (b) the form of the communication (e.g., telephone, facsimile, email, etc.); (c) the identity of each person that was a party to and/or present at the time of the communication, as well as the full name, present or last known address, and the current or last known place of employment of each person; (d) the identity of the person whom you contend initiated the communication; and (e) the time, date, and place of the communication.

16. “Person” means any natural person or any legal entity, including, but not limited to, any business or governmental entity, organization, or association.

17. The terms “and” and “or” shall be construed either conjunctively or disjunctively as necessary to bring within the scope of the interrogatory all responses that might otherwise fall outside the scope of this interrogatory.

18. The terms “all,” “any,” or “each” encompass any and all of the matter discussed.

19. The use of singular form includes plural, and vice versa.

20. The use of present tense includes past tense, and vice versa.

21. The masculine form shall also be construed to include the feminine and vice versa.

INSTRUCTIONS

1. Answers to these interrogatories shall be served upon the undersigned attorney at Petitioners’ Counsel’s firms address within thirty (30) days of service of these interrogatories.

2. Each interrogatory is to be answered fully based on information in your possession, custody, or control, or in the possession, custody, or control of your representatives, agents, or attorneys.

3. If you object to any interrogatory, in whole or in part, on the grounds of privilege, provide all information required by Federal Rule of Civil Procedure 26(b)(5).

4. Unless otherwise stated herein, these interrogatories cover the time period from 2010 up to and including 2023 and the present.

5. Unless otherwise stated herein, these interrogatories apply to activities in or in connection with the Universe.

6. If you respond to an interrogatory by reference to documents pursuant to Federal Rule of Civil Procedure 33(d), identify the documents with specificity, including by identifying

the applicable Bates Number range to the extent the documents are produced in response to Respondent's document requests in this action.

7. For the convenience of the Court and the parties, each interrogatory should be quoted in full immediately preceding the response.

8. These interrogatories are continuing in nature. If you receive or otherwise become aware of information responsive to any interrogatory after you have served your answers to these interrogatories, you must promptly supplement your answers to these interrogatories to provide such information, as required by Federal Rule of Civil Procedure 26(e) and TBMP § 408.03.

INTERROGATORIES

INTERROGATORY NO. 1: Describe in detail the facts and circumstances concerning the conception, creation, selection, and adoption of the Challenged Mark, including by identifying the origin and meaning of the Challenged Mark.

INTERROGATORY NO. 2: Identify all persons who were or are, responsible for or participating in, the conception, creation, selection, or adoption of the Challenged Mark.

INTERROGATORY NO. 3: Identify each trademark search, investigation, or any other inquiry conducted by or for Respondent concerning the availability to use or register any Challenged Mark and identify the persons involved in the review of any such trademark search, investigation, or other inquiry.

INTERROGATORY NO. 4: Identify any and all federal and state trademark registration(s) and current pending application(s) for the Challenged Mark by registration or serial number.

INTERROGATORY NO. 5: Identify all goods and services offered for sale, sold, provided or intended to be offered for sale, sold, or provided by or for Respondent in the United States under or in connection with any Challenged Mark.

INTERROGATORY NO. 6: For each good or service required to be identified in response to Interrogatory No. 5, state the inclusive dates of actual and planned use of the Challenged Mark in connection with the good or service, including the specific date of first use of each mark for each good or service.

INTERROGATORY NO. 7: For each good or service required to be identified in response to Interrogatory No. 5, state the suggested or expected retail price of the good or service you provide using the mark, and if that price has changed since you began using the Challenged Mark.

INTERROGATORY NO. 8: Describe the nature of any advertisements, promotional materials, and marketing materials (for example, newspaper advertisements, magazine advertisements, Internet websites, television commercials, brochures, social media, physical flyers, tv promotion, or contractual obligations), including by identifying specific media (for example, *The New York Times*, *Time* magazine, Google.com, CBS network television, music websites, music outlets, the Grammys, etc.) in which Respondent is using, has used, or plans to use any of the Challenged Mark.

INTERROGATORY NO. 9: Identify all Persons who were or are, responsible for or participating in, the marketing or advertising of any goods and services offered for sale, sold, or intended to be offered for sale or sold by or for Respondent under or in connection with any Challenged Mark.

INTERROGATORY NO. 10: Identify all websites displaying any of the Challenged Mark that are owned, operated, or controlled by Respondent, and all persons who were or are, responsible for or participating in, the creation and development of each website.

INTERROGATORY NO. 11: Describe all market research conducted by or on behalf of Respondent concerning any Challenged Mark or any goods or services marketed or proposed to be marketed under any Challenged Mark, including the results of such research, and identify the persons most familiar with such research.

INTERROGATORY NO. 12: Describe all channels of trade in the United States through which Respondent has offered for sale, sold, or provided or intends to offer for sale, sell, or provide goods or services under or in connection with any Challenged Mark.

INTERROGATORY NO. 13: Describe all classes and/or types of customers (for example, age, gender, socioeconomic group) that comprise the intended market for goods or services offered for sale, sold, or provided or intended to be offered for sale, sold, or provided under or in connection with any Challenged Mark.

INTERROGATORY NO. 14: Identify the geographic regions in the United States in which Respondent has or has caused to be advertised, promoted, displayed, distributed, offered for sale, sold, or provided, or plans or intends to advertise, promote, display, distribute, offer for sale, sell, or provide, either directly or through others, any goods or services under or in connection with any Challenged Mark.

INTERROGATORY NO. 15: Identify by name and location all trade shows, concerts, musical shows, performances, venues, shows, television networks, stores, shops, malls, places of business, public, and private institutions in the United States where goods or services involving the

Challenged Mark under or in connection with any of the Challenged Mark goods and services have been displayed, promoted, or sold, or used in commerce.

INTERROGATORY NO. 16: State the profits derived from the sales of products or services bearing the Challenged Mark and an explanation of how such profits were calculated since the Challenged Mark's creation involving the Respondent's use.

INTERROGATORY NO. 17: Describe the date and circumstances of Respondent first becoming aware of Petitioners' use, involvement, creation, or registration of any of Petitioners' Marks, or Challenged Mark.

INTERROGATORY NO. 18: Identify all surveys conducted by or on behalf of Respondent concerning any Challenged Mark by date, title, the entity conducting the survey, and the person requesting the survey.

INTERROGATORY NO. 19: Identify all agreements, contract obligations, duties, and persons of interest with contractual duties with or concerning the Challenged Mark up to date, the parties to the agreement, and the subject matter of the agreement.

INTERROGATORY NO. 20: Describe in detail any communications between Respondent and any third party concerning Petitioners or Petitioners' Marks, and any actions taken by Respondent as a result of such communications.

INTERROGATORY NO. 21: Describe each and every instance of which Respondent is aware in which any person has been in any way confused, mistaken, or deceived as to the origin or sponsorship of any goods or services sold, provided, or offered for sale under or in connection with any Challenged Mark.

INTERROGATORY NO. 22: Identify all marks and names of which you are aware that are used or registered by third parties in connection with: entertainment, namely, live performances by a musical band; class 41, class 009, or the terms music, band, and entertainment.

INTERROGATORY NO. 23: Identify and describe in detail any administrative proceeding or any litigation involving any Challenged Mark or allegation that Respondent violated the trademark rights of any third party, other than this suit.

INTERROGATORY NO. 24: Identify all persons that furnished information for the response to these interrogatories, designating the number of each interrogatory for which such persons furnished information.

INTERROGATORY NO. 25: Identify all persons responsible for the creation, adaption, facilitation, or design of the Challenged mark.

INTERROGATORY NO. 26: Identify all persons who helped, facilitated, or were in use of the mark since its creation.

INTERROGATORY NO. 27: If Respondent contends that he is the only true user of the Challenged mark, Petitioners' Mark, or any other mark relatively similar, alike, or common confused with the term/words INNOV GNAWA, state why Respondent believes this to be true and provide proofs thereof.

INTERROGATORY NO. 28: When Respondent filed his application for the registration of INNOV GNAWA, was Petitioners using the mark and have interest in its intellectual property?

INTERROGATORY NO. 29: Is Respondent a member of the band INNOV GNAWA currently?

INTERROGATORY NO. 30: Identify the last time Respondent performed, released music, was paid, sold, advertised, or used mark in commerce since being removed/ or leaving the band INNOV GNAWA.

INTERROGATORY NO. 31: If Petitioners contends that Respondent fraudulently filed an application in attempt to deceive the USPTO, and Respondent disagrees, state why Respondent disagrees and provide proofs.

INTERROGATORY NO. 32: Identify whether Respondent receives any royalties, benefits, monies, or accolades associated with the Challenged Mark.

INTERROGATORY NO. 33: Identify all persons who were involved with the filing of Trademark Registration number #5942614.

INTERROGATORY NO. 34: Describe in detail the makeup of the band INNOV GNAWA since its creation and Respondents involvement in the Band up to date.

INTERROGATORY NO. 35: Identify all specimens used in the filing of the Challenged Mark.

If you require any assistance or clarification from any of the statements above, please do not hesitate to contact me.

RESPECTUFYLLY SUBMITTED BY:



SHANA FRIED, ESQ
The Fried Firm, PLLC
231 Front Street, Suite 216
Brooklyn, NY 11201
office: 718.422.0500
fax: 718.228.7603
everybody@thefriedfirm.com

Date: July 24, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this day, July 24, 2023, I caused a true and correct copy of Petitioners' First Set of Interrogatories to Respondent/Responding Party to be served via Email on Defense Counsel:


Todd Wengrovsky
Law Offices of Todd Wengrovsky, PLLC
285 Southfield Rd
Calverton, NY 11933
UNITED STATES
contact@twlegal.com



Shana Fried, Esq.

Dated: July 24, 2023

EXHIBIT F

From: Todd Wengrovsky <contact@twlegal.com> 
Subject: RE: Innov Gnawa
Date: August 23, 2023 at 6:40 AM
To: Shana Fried <shana@thefriedfirm.com>, Raphael Cola <raphael@thefriedfirm.com>
Cc: The Fried Firm <everybody@thefriedfirm.com>

Shana-

I represent Biqine in this matter. We request that you withdraw the case, otherwise we will need to file a Motion to Dismiss for Failure to Prosecute-

Todd Wengrovsky

From: Shana Fried <shana@thefriedfirm.com>
Sent: Tuesday, August 22, 2023 9:17 PM
To: Raphael Cola <raphael@thefriedfirm.com>
Cc: The Fried Firm <everybody@thefriedfirm.com>; contact@twlegal.com
Subject: Re: Innov Gnawa

Hello,
Please confirm whether or not you still represent Mr. Biqine in this matter and if you are able to respond to our discovery requests.
Thank you,
Shana Fried

On Tue, Aug 15, 2023 at 13:10 Raphael Cola <raphael@thefriedfirm.com> wrote:

Counsel:

Following up on our discovery requests. Please let us know if you still represent Mr. Biqine in this matter. Thank you.

Sincerely,

--

Raphaël Cola, Esq.
Associate Attorney

The Fried Firm PLLC
[231 Front Street, Suite 216](#)
[Brooklyn, NY 11201](#)
Office: 718.422.0500
Mobile: 415.819.5161

WWW.THEFRIEDFIRM.COM

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On Aug 3, 2023, at 9:56 AM, Raphael Cola <raphael@thefriedfirm.com>
wrote:

wrote.

Dear Counsel,

Following up on this. Thank you.

Sincerely,

--

Raphaël Cola, Esq.
Associate Attorney

The Fried Firm PLLC

[231 Front Street, Suite 216](#)

[Brooklyn, NY 11201](#)

[Office: \(718\) 422-0500](#)

[Mobile: \(415\) 819-5161](#)

WWW.THEFRIEDFIRM.COM

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On Jul 24, 2023, at 9:00 PM, Shana Fried
<shana@thefriedfirm.com> wrote:

Dear Counsel,

As you may know, this case has been chaotic to say the least. Between repeated motions to extend time, defendant representing himself, and the two counsels who have preceded you, very little progress has been made so far. Interrogatories have been served to a previous counsel, but have remained unanswered to this day. Based on our previous conversation, you were entirely unaware of this discovery demand, and perhaps the extent of this drawn out litigation. However, given the complicated history between our respective clients, I genuinely trust it is in the parties' best interest to have their day in court. For this reason, we are respectfully requesting the filing of a joint motion to restart the litigation calendar. I have also attached the following discovery documents:

1. Petitioner's First Set of Document Request
2. Petitioner's First Request for Admissions
3. Petitioner's First Set of Interrogatories
4. Mutual Consent Motion to Extend Deadlines

I remain available at any time to discuss the state of this case.

Sincerely,
Shana Fried

Sincerely,
--
Shana Fried
Principal & Founder

The Fried Firm PLLC
[231 Front Street, Suite 216](#)
[Brooklyn, NY 11201](#)
[Office: 718.422.0500](#)
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<Consent Motion to Extend the Discovery Deadlines_INNOV

GNAWA_5942614_TTAB.pdf><Petitioner's First Request for Admissions_INNOV GNAWA_5942614_TTAB.pdf>
<Petitioner's First Set of Document Request_INNOV GNAWA_5942614_TTAB.pdf><Petitioner's First Set of Interrogatories_INNOV GNAWA_5942614_TTAB.pdf>

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CERTIFICATE OF SERVICE

I hereby certify that on this day, September 1, 2023, I caused a true and correct copy of
Petitioners' Motion to Compel to be served via Email on Respondent's counsel:

TODD WENGROVSKY
Law Offices of Todd Wengrovsky PLLC
285 Southfield Road Box 585
Calverton, NY 11933
contact@twlegal.com
Phone: 631-727-3400

Shana Fried Esq. /S/
Shana Fried, Esq.

Dated: September 1, 2023