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

Proceeding no.	92078240
Party	Plaintiff Dreams to Reality
Correspondence address	ANNETTE P HELLER HELLER & ASSOCIATES 400 CHESTERFIELD CENTER SUITE 400 CHESTERFIELD, MO 63017 UNITED STATES Primary email: TMAAttorneyHeller@aol.com Secondary email(s): TMAAttorneyPTO@aol.com 314-469-2610
Submission	Testimony For Plaintiff
Filer's name	Annette P Heller
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Signature	/aph76/
Date	05/19/2023
Attachments	Notice of Reliance with Exhibits_FINAL.pdf(443490 bytes)

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

Dreams to Reality,

Petitioner

v.

Dreams to Reality Foundation,

Respondent.

Cancellation No. 92078240

**PETITIONER’S NOTICE OF RELIANCE ON REGISTRANT’S DISCOVERY
RESPONSES UNDER 37 C.F.R. §2.120(k)**

(Trial Exhibit E)

Pursuant to Rule 2.120(k) of the Trademark Rules of Practice, 37 C.F.R. §2.120(k) and TMBP §§704.10/704.11, Petitioner hereby makes of record and notifies Registrant of its reliance on the following discovery responses and documents of Registrant:

1. A true and accurate copy of Registrant’s Objections and Responses to Petitioner’s First Requests for Production served on Petitioner in this proceeding are attached hereto as Exhibit E-1. Petitioner submits these responses to show the following:
 - a. Response No. 3 – Registrant’s statement that to the extent documents exist evidencing Registrant’s earliest priority date that it intends to claim in this proceeding, Registrant will produce responsive documents is relevant to show that Registrant is limited to the documents it produced (or failed to produce) in this proceeding in order to prove priority.
 - b. Response No. 5 – Registrant’s statement that to the extent documents exist evidencing Registrant’s use of any mark that includes DREAMS TO REALITY prior to 1999, Registrant will produce samples of responsive documents is relevant to show that Registrant is limited to the documents it produced (or failed to produce) in this proceeding in order to prove priority, including continuous use.
 - c. Response No. 6 – Registrant’s statement that to the extent documents exist evidencing Registrant’s use of any mark that includes DREAMS TO REALITY

prior to 2011, Registrant will produce samples of responsive documents is relevant to show that Registrant is limited to the documents it produced (or failed to produce) in this proceeding in order to prove priority, including continuous use.

- d. Response No. 7 – Registrant’s statement that to the extent documents exist evidencing Registrant’s use of any mark that includes DREAMS TO REALITY prior to 2001, Registrant will produce samples of responsive documents is relevant to show that Registrant is limited to the documents it produced (or failed to produce) in this proceeding in order to prove priority, including continuing use.
 - e. Response No. 11 – Registrant’s statement that to the extent documents exist evidencing Registrant’s use in commerce of any mark that includes DREAMS TO REALITY, Registrant will produce samples of responsive documents is relevant to show that Registrant is limited to the documents it produced (or failed to produce) in this proceeding in order to prove priority, including continuous use.
 - f. Response No. 12 – Registrant’s statement that it will produce documents sufficient to identify all websites, including social media pages, on which Registrant has promoted any mark that includes DREAMS TO REALITY, as well as the links to Registrant’s Facebook pages, is relevant to show that Registrant is limited to the documents it produced (or failed to produce) in this proceeding in order to prove priority, including continuous use.
 - g. Response No. 14 – Registrant’s statement that it will not produce any documents showing the total revenues of Registrant on an annual basis under any mark including DREAMS TO REALITY is relevant to prove priority, including continuous use.
 - h. Response No. 15 – Registrant’s statement that it will not produce any documents showing the total advertising expenses of Registrant on an annual basis under any mark including DREAMS TO REALITY is relevant to prove priority, including continuous use.
2. A true and accurate copy of Registrant’s Objections and Responses to Petitioner’s First Set of Interrogatories served on Petitioner in this proceeding are attached hereto as Exhibit E-2. Petitioner submits these responses to show the following:

- a. Response No. 13(sic) – Registrant’s statement that it does not hold annual fundraising events is relevant to prove priority, including continuous use.
 - b. Response No. 19(sic) – Registrant’s statement that its consumer demographics cover all ages and all genders is relevant to likelihood of confusion.
 - c. Response No. 20(sic) – Registrant’s statement that its target market is all consumers within the United States is relevant to likelihood of confusion.
 - d. Response No. 21(sic) – Registrant’s statement that its geographic market is throughout the United States is relevant to likelihood of confusion.
3. A true and accurate copy of Registrant’s Objections and Responses to Petitioner’s First Requests for Admission served on Petitioner in this proceeding are attached hereto as Exhibit E-3. Petitioner submits these responses to show the following:
- a. Response No. 2 – Registrant’s statement that it does not claim likelihood of confusion between its Mark and Petitioner’s Mark in this proceeding is relevant to likelihood of confusion.
 - b. Response No. 4 – Registrant’s statement that it sent a takedown notice to Petitioner’s hosting company is relevant to likelihood of confusion.
 - c. Response No. 10 – Registrant’s statement that its Facebook Page, Dreams to Reality Foundation, was created in 2011 is relevant to priority, including continuous use.
4. A true and accurate copy of Registrant’s Objections and Responses to Petitioner’s Second Set of Interrogatories served on Petitioner in this proceeding are attached hereto as Exhibit E-4. Petitioner submits these responses to show the following:
- a. Response No. 3 – Registrant’s production of documents from the IRS for the period of 2016 through 2020 in response to a request for all organizations Registrant supports under Registrant’s Mark for each year is relevant to priority, including continuous use.
 - b. Response No. 4 – Registrant’s statement that Registrant believes that consumers familiar with Registrant and its services could be confused if they saw the Petitioner’s Mark in association with its service is relevant to likelihood of confusion.

Respectfully submitted,

/aph76/

Annette P. Heller, Missouri Bar No 26748

Attorney for Petitioner

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TMAAttorneyHeller@aol.com

CERTIFICATE OF SERVICE

I, Annette P. Heller, attorney for Petitioner, hereby certify that a copy of this document was served on counsel of record, Molly Buck Richard, via email to molly@richardlawgroup.com this 12th day of May, 2023.

/aph76/

Annette P. Heller, Attorney for Petitioner

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

DREAMS TO REALITY,	§	
	§	
Petitioner,	§	Cancellation No. 92078240
	§	
v.	§	
	§	
DREAMS TO REALITY FOUNDATION,	§	
	§	
Registrant.	§	

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

Pursuant to Rule 2.120 of the Trademark Rules of Practice and Rule 34 of the Federal Rules of Civil Procedure, Registrant Dreams to Reality Foundation (“Registrant”) serves the following Objections and Responses upon Petitioner Dreams to Reality’s (“Petitioner”) First Request for Production.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

The following Objections to Definitions and Instructions apply to each and every Request for Production (“Request”) and are incorporated as if fully stated in each and every response:

1. The Objections to Definitions and Instructions contained in Registrant’s Objections and Responses to Petitioner’s First Set of Interrogatories are incorporated as if fully stated herein.

2. Registrant objects to all definitions and instructions accompanying Petitioner’s Requests to the extent they seek to expand or modify any requirement imposed by the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure, and to the extent they are inconsistent with or seek to increase any duties or obligations under such Manual and Rules. Registrant will answer Petitioner’s Requests in accordance with the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure.

3. Registrant objects to all definitions to the extent they attempt to define terms inconsistently with the requirements of the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure. Registrant will interpret all words not otherwise defined in the instructions and definitions to Petitioner's Requests and the pleadings filed to date in this proceeding in accordance with the definitions in the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

The following General Objections apply to each and every Request and are incorporated as if fully stated in each and every response:

1. Registrant objects to Petitioner's Requests to the extent they seek information protected by any applicable privilege and/or exemption from discovery, including, but not limited to, the attorney-client privilege, attorney work product doctrine, or any other applicable privileges.

2. Registrant objects to Petitioner's Requests to the extent they seek publicly available information; information not in Registrant's possession, custody, or control; information not reasonably available to Registrant; or information that is available from other, more convenient sources. Specific to this objection, Registrant hereby states that certain information and documents are known to not be in Registrant's possession, custody, or control due to the fact that Registrant adopted its trademark almost thirty (30) years ago and it is unreasonable to expect Registrant to maintain documents for that period of time.

3. Registrant objects to Petitioner's Requests to the extent they are duplicative or unreasonably cumulative.

4. Registrant objects to Petitioner's Requests to the extent they seek information that is not relevant to the parties' claims or defenses or is not proportional to the needs of this proceeding.

5. Registrant objects to Petitioner's Requests to the extent they are overly broad, unduly burdensome, or vague and ambiguous.

6. Registrant objects to Petitioner's Requests to the extent they seek information that is protected from disclosure by agreements to which Registrant is a party, if any, or by obligations that Registrant has with another entity, if any.

7. Registrant objects to Petitioner's Requests as overly broad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses or is not proportional to the needs of this proceeding, specifically to the extent that Petitioner's Requests seek information relating to territories and jurisdictions outside of the United States. Registrant will construe the scope of Petitioner's Requests as limited to the United States and its territories.

8. Registrant objects to Petitioner's Request to the extent Petitioner claims that Registrant is to produce documents within 30 days of the date of service of the Requests. Registrant's collection and review of documents is continuing, and Registrant will produce responsive, non-privileged documents per its responses to Petitioner's Requests stated herein within a reasonable time mutually agreeable to the parties.

9. Registrant's responses and objections are without waiver of or prejudice to any evidentiary objections Registrant may raise.

10. Registrant reserves the right to supplement and amend these objections and responses upon, among other circumstances, further investigation, discovery of additional information or documents, discovery of additional persons with knowledge of relevant

information or documents, developments in this proceeding or any other proceedings, and the rebuttal of any of Petitioner's evidence in this action.

OBJECTIONS AND RESPONSES TO SPECIFIC REQUESTS FOR PRODUCTION

Subject to the Objections stated above, Registrant provides its Responses as follows:

REQUEST NO. 1:

All Documents referred to, identified in, relied upon, or supporting Registrant's responses to Interrogatories propounded by Petitioner in this proceeding.

RESPONSE:

To the extent that such documents exist, Registrant will produce responsive documents that are in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 2:

All Documents relating to the selection and/or adoption of any mark that includes DREAMS TO REALITY by Registrant, including, but not limited to, surveys, studies, and trademark searches.

RESPONSE:

Registrant does not have documents related to the selection or adoption of its mark in 1993.

REQUEST FOR PRODUCTION NO. 3:

All Documents evidencing Registrant's earliest priority date that it intends to claim in this proceeding.

RESPONSE:

To the extent that such documents exist, Registrant will produce responsive documents that are in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 4:

All Documents relating to Registrant's first knowledge of Registrant (sic) or Registrant's Mark (sic).

RESPONSE:

Registrant does not have documents responsive to this request.

REQUEST FOR PRODUCTION NO. 5:

All Documents showing use of any mark that includes DREAMS TO REALITY prior to 1999.

RESPONSE:

Registrant objects to Request For Production No. 5 as unduly burdensome and constituting harassment. Registrant has used its mark for almost 30 years and this request is overly broad and requesting documents existing over 20 years ago. As a result, to the extent that such documents exist, Registrant will produce samples of responsive documents that are in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 6:

All Documents showing use of any mark that includes DREAMS TO REALITY prior to 2011.

RESPONSE:

Registrant objects to Request For Production No. 6 as unduly burdensome and constituting harassment. Registrant has used its mark for almost 30 years and this request is overly broad and requesting documents existing over 10 years ago. As a result, to the extent that such documents exist, Registrant will produce samples of responsive documents that are in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 7:

All Documents showing use of any mark that includes DREAMS TO REALITY prior to 2001.

RESPONSE:

Registrant objects to Request For Production No. 7 as unduly burdensome and constituting harassment. Registrant has used its mark for almost 30 years and this request is overly broad and requesting documents existing over 20 years ago. As a result, to the extent that such documents exist, Registrant will produce samples of responsive documents that are in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 8:

All Documents evidencing any actual confusion between Petitioner and Petitioner's services.

RESPONSE:

Registrant has no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 9:

All Documents mentioning Petitioner prior to 2016.

RESPONSE:

Registrant has no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 10:

All Documents showing any services provided by Registrant outside the state of California.

RESPONSE:

Registrant objects to Request For Production No. 10 as unduly burdensome and constituting harassment. Registrant has used its mark for almost 30 years and this request is overly broad and

unlimited in time. As a result, to the extent that such documents exist, Registrant will produce samples of responsive documents that are in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 11:

All Documents showing any Use in Commerce of any mark that includes DREAMS TO REALITY by Registrant.

RESPONSE:

Registrant objects to Request For Production No. 11 as unduly burdensome and constituting harassment. Registrant has used its mark for almost 30 years and this request is overly broad and unlimited in time. As a result, to the extent that such documents exist, Registrant will produce samples of responsive documents that are in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 12:

Documents sufficient to identify all websites, including social media pages, on which Registrant has promoted any mark that includes DREAMS TO REALITY.

RESPONSE:

Registrant will produce documents responsive to this request. See also,

<https://www.facebook.com/dreamstorealityfoundation>

<https://www.facebook.com/thedreamstores>

REQUEST FOR PRODUCTION NO. 13

All Documents relating to consumer complaints, consumer returns, negative consumer reviews, or product defects relating to Petitioner or its services.

RESPONSE:

Any such documents would be in Petitioner's possession. Registrant does not have any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 14

All Documents showing the total revenues of Registrant on an annual basis under any mark including DREAMS TO REALITY.

RESPONSE:

Based on the fact that Petitioner refuses to produce such documents, Registrant will not produce such documents.

REQUEST FOR PRODUCTION NO. 15

All Documents showing the total advertising expenses of Registrant on an annual basis under any mark including DREAMS TO REALITY.

RESPONSE:

Based on the fact that Petitioner refuses to produce such documents, Registrant will not produce such documents.

REQUEST FOR PRODUCTION NO. 16:

Copies of all advertisements or promotional materials for Petitioner.

RESPONSE:

Registrant objects to Request For Production No. 16 as unduly burdensome and constituting harassment. Registrant has used its mark for almost 30 years and this request is unlimited as to

time. As a result, to the extent that such documents exist, Registrant will produce samples of responsive documents that are in its possession, custody or control.

RICHARD LAW GROUP, INC.

By: /Molly Buck Richard/
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molly@richardlawgroup.com

*Attorneys for Registrant Dreams to Reality
Foundation*

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2022 a true and complete copy of Registrant's Objections and Responses to Petitioner's First Request for Production has been served on Petitioner through its counsel of record, by email addressed to Annette Heller, via email to tmattorneyheller@aol.com.

/Molly Buck Richard/
Molly Buck Richard

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

Dreams to Reality)	
)	
Petitioner)	
)	
v.)	Cancellation No. 92078240
Dreams to Reality Foundation)	
)	
Registrant)	

**REGISTRANT’S OBJECTIONS AND ANSWERS TO
PETITIONERS FIRST SET OF INTERROGATORIES**

Pursuant to Rule 2.120 of the Trademark Rules of Practice, Trademark Trial and Appeal Board Manual of Procedure § 405, and Rule 33 of the Federal Rules of Civil Procedure, Registrant, Dreams to Reality Foundation (“Registrant”) serves the following Objections and Responses to Petitioner Dreams to Reality’s (“Petitioner”) First Set of Interrogatories.

OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

The following Objections to Instructions and Definitions apply to each and every Interrogatory and are incorporated as if fully stated in each and every response:

1. Registrant objects to all instructions and definitions accompanying Petitioner’s Interrogatories to the extent they seek to expand or modify any requirement imposed by the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure, and to the extent they are inconsistent with or seek to increase any duties or obligations under such Manual and Rules. Registrant will answer Petitioner’s Interrogatories in accordance with the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure.

2. Registrant objects to all definitions to the extent they attempt to define terms inconsistently with the requirements of the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure. Registrant will interpret all words not otherwise defined in the instructions and definitions to Petitioner's Interrogatories and the pleadings filed to date in this proceeding in accordance with the definitions in the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

The following General Objections apply to each and every Interrogatory and are incorporated as if fully stated in each and every response:

1. Registrant objects to Petitioner's Interrogatories to the extent they seek information or documents protected by any applicable privilege and/or exemption from discovery, including, but not limited to, the attorney-client privilege, attorney work product doctrine, or any other applicable privileges.

2. Registrant objects to Petitioner's Interrogatories to the extent they seek publicly available information or documents; information or documents not in Registrant's possession, custody, or control; information or documents not reasonably available to Registrant; or information or documents that are available from other, more convenient sources.

3. Registrant objects to Petitioner's Interrogatories to the extent they are duplicative or unreasonably cumulative.

4. Registrant objects to Petitioner's Interrogatories to the extent they seek information or documents that are not relevant to the parties' claims or defenses or are not proportional to the needs of this proceeding, considering the factors set forth in FED. R. CIV. P. 26(b)(1).

5. Registrant objects to Petitioner's Interrogatories to the extent they are overly broad, unduly burdensome, or vague and ambiguous.

6. Registrant objects to Petitioner's Interrogatories to the extent they seek information or documents that are protected from disclosure by agreements to which Registrant is a party, if any, or by obligations that Registrant has with another entity, if any.

7. Registrant reserves the right to supplement and amend these objections and responses upon, among other circumstances, further investigation and discovery.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1:

Identify each individual involved in the selection of the mark DREAMS TO REALITY used by Registrant.

ANSWER:

Registrant's mark is DREAMS TO REALITY FOUNDATION and not DREAMS TO REALITY alone. Thus, this Interrogatory does not require a response.

INTERROGATORY NO. 2:

For each individual identified in response to Interrogatory No. 1, describe the individual's involvement in the selection of the mark.

ANSWER:

See response to Interrogatory No. 1.

INTERROGATORY NO. 3:

Identify the date on which any mark using DREAMS TO REALITY by Registrant was selected.

ANSWER:

At least as early as May 25, 1993.

INTERROGATORY NO. 4:

Identify all trademark searches or other searches conducted by Registrant or on Registrant's behalf in connection with the selection of the mark DREAMS TO REALITY.

ANSWER:

Registrant's mark is DREAMS TO REALITY FOUNDATION and not DREAMS TO REALITY alone. Thus, this Interrogatory does not require a response.

INTERROGATORY NO. 5:

Identify the date and describe the circumstances under which Registrant first became aware of Petitioner or Petitioner's Mark.

ANSWER:

On or about March 26, 2016. The DREAMS TO REALITY FOUNDATION intellectual property team began an examination of internet infringement.

INTERROGATORY NO. 6:

Identify all the organizations that Registrant supports under the mark DREAMS TO REALITY for each year.

ANSWER:

Registrant's mark is DREAMS TO REALITY FOUNDATION and not DREAMS TO REALITY along. Thus, this Interrogatory does not require a response.

INTERROGATORY NO. 12(sic):

Describe any instances of actual or possible confusion between Petitioner's Mark or the services offered thereunder, on the one hand, and Registrant's mark DREAMS TO REALITY an (sic) the goods or services offered thereunder, on the other.

ANSWER:

Registrant's mark is DREAMS TO REALITY FOUNDATION and not DREAMS TO REALITY along. Thus, this Interrogatory does not require a response.

INTERROGATORY NO. 13(sic):

Does Registrant hold annual fundraising events? If so, list the date and place of each event for each year an event was held.

ANSWER:

Registrant objects to Interrogatory No. 13 on the basis that it is unduly burdensome and constitutes harassment. Registrant's mark has been in use for almost thirty years. Subject to this objection, Registrant responds that it does not hold annual fundraising events.

INTERROGATORY NO. 14(sic):

If the answer to No. 13 is in the negative, then identify how Registrant raises funds to support its charitable giving.

ANSWER:

With rare exception, DREAMS TO REALITY FOUNDATION raises funds by reselling donated items online and advertises to at least 195 markets round the world including buyers in Missouri. DREAMS TO REALITY FOUNDATION sells on eBay and advertises to a potential 147 million active eBay buyers. DREAMS TO REALITY FOUNDATION sells on Etsy a potential 39.4 million active Etsy buyers including buyers in Missouri. DREAMS TO REALITY FOUNDATION also markets and sells products on Facebook (2.9 billion users), Craigslist (60 million users), Reddit (430 million users), and other online marketplaces.

INTERROGATORY NO. 15(sic):

Does Petitioner claim that there is a likelihood of confusion between Petitioner's Mark and any mark used by Registrant that includes DREAMS TO REALITY?

ANSWER:

This cancellation action was brought by Petitioner claiming that there is a likelihood of confusion. Registrant is not making any claims of likelihood of confusion in this proceeding.

INTERROGATORY NO. 16(sic):

If Petitioner answered Interrogatory 15 in the affirmative, please identify all facts supporting that claim.

ANSWER:

Not applicable.

INTERROGATORY NO. 17(sic):

If Petitioner answered Interrogatory 13 in the affirmative, please identify all facts supporting that claim.

ANSWER:

Interrogatory No. 13 does not relate to any claims and thus, this Interrogatory does not require a response.

INTERROGATORY NO. 18 (sic):

If Petitioner answered Interrogatory 15 in the affirmative, please identify all facts supporting that claim.

ANSWER:

Not applicable.

INTERROGATORY NO. 19(sic):

Describe the consumer demographics (such as age and gender) for Registrant's services under any mark that includes DREAMS TO REALITY.

ANSWER:

The Registrant's mark is DREAMS TO REALITY FOUNDATION not DREAMS TO REALITY. The consumer demographics cover all ages and all genders.

INTERROGATORY NO. 20(sic):

Describe the target market for Registrant's services under any mark that includes DREAMS TO REALITY.

ANSWER:

The Registrant's mark is DREAMS TO REALITY FOUNDATION not DREAMS TO REALITY. The target market is all consumers within the United States.

INTERROGATORY NO. 21(sic):

Define the geographic market for Registrant's services under any mark that includes DREAMS TO REALITY as of March 16, 2016.

ANSWER:

The Registrant's mark is DREAMS TO REALITY FOUNDATION not DREAMS TO REALITY. The geographic market is throughout the United States.

INTERROGATORY NO. 22(sic):

Identify the earliest date that Registrant will rely upon for its first use of any mark that includes DREAMS TO REALITY.

ANSWER:

May 25, 1993

INTERROGATORY NO. 23(sic):

Identify the earliest date that Registrant will rely upon for its first Use in Commerce of any mark that includes DREAMS TO REALITY.

ANSWER:

May 25, 1993

INTERROGATORY NO. 24(sic):

Explain why Registrant applied for its 501(c)(3) tax exemption in 2011 and not before.

ANSWER:

Registrant applied for exemption under section 501(c)(3) of the Internal Revenue Code in 1993. Exemption was granted in November 1993.

INTERROGATORY NO. 25(sic):

Identify all individuals answering, supplying information for, or in any way assisting with the preparation of the answers to the Interrogatories propounded by Registrant in this proceeding, and separately describe the substance of each identified individual's contribution or assistance.

ANSWER:

Registrant is not aware of those persons that assisted in the answers to the Interrogatories propounded by Registrant, other than those persons identified by Petition in response to those Interrogatories.

VERIFICATION

The undersigned states that he has read the above responses; that the responses were prepared with the assistance and information of one or more other individuals upon whom he has relied; that the responses, subject to inadvertent or undiscovered errors, are based on and are therefore necessarily limited by the records and information still in existence; that the responses present information recollected and thus far discovered in the course of the preparation of the responses; and that subject to those limitations, the undersigned declares under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing responses are true and correct to the best of his knowledge, information, and belief.

Executed on the 5th of May, 2022.



Christopher Matthew Spencer, Executive Director

RICHARD LAW GROUP, INC.

/Molly Buck Richard/
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molly@richardlawgroup.com

*Attorneys for Registrant Dreams to
Reality Foundation*

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2022, the foregoing document was served upon Petitioner through its counsel of record, Annette Heller, via email to tmattorneyheller@aol.com.

/Molly Buck Richard/
Molly Buck Richard

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

Dreams to Reality)	
)	
Petitioner)	
)	
v.)	Cancellation No. 92078240
Dreams to Reality Foundation)	
)	
Registrant)	

**REGISTRANT’S OBJECTIONS AND RESPONSES TO
PETITIONER’S FIRST SET OF REQUESTS FOR AMISSION**

Pursuant to Rule 2.120 of the Trademark Rules of Practice, Trademark Trial and Appeal Board Manual of Procedure § 407, and Rule 36 of the Federal Rules of Civil Procedure, Registrant, Dreams to Reality Foundation (“Registrant”) serves the following Objections and Responses to Dreams to Reality’s (“Petitioner”) First Set of Requests for Admission.

OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

The following Objections to Instructions and Definitions apply to each and every Request for Admission (“Request”) and are incorporated as if fully stated in each and every response:

1. Registrant objects to all instructions and definitions accompanying Petitioner’s Requests to the extent they seek to expand or modify any requirement imposed by the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure, and to the extent they are inconsistent with or seek to increase any duties or obligations under such Manual and Rules. Registrant will answer Petitioner’s Requests in accordance with the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure.

2. Registrant objects to all definitions to the extent they attempt to define terms inconsistently with the requirements of the Trademark Trial and Appeal Board Manual of

Procedure and the Federal Rules of Civil Procedure. Registrant will interpret all words not otherwise defined in the instructions and definitions to Petitioner's Requests and the pleadings filed to date in this proceeding in accordance with the definitions in the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure.

3. Registrant objects to Petitioner's Requests on the grounds that they are overly broad, unduly burdensome, and seek information that is not relevant to the parties' claims or defenses or are not proportional to the needs of this proceeding, specifically to the extent that Petitioner's Requests seek information relating to territories and jurisdictions outside of the United States. Registrant will construe the scope of Petitioner's Requests as limited to the United States and its territories and limited to a reasonable time period.

GENERAL OBJECTIONS

The following General Objections apply to each and every Request and are incorporated as if fully stated in each and every response:

1. Registrant objects to Petitioner's Requests to the extent they seek information protected by any applicable privilege and/or exemption from discovery, including, but not limited to, the attorney-client privilege, attorney work product doctrine, or any other applicable privileges.

2. Registrant objects to Petitioner's Requests to the extent they seek publicly available information; information not in Registrant's possession, custody, or control; information not reasonably available to Registrant; or information or documents that are available from other, more convenient sources.

3. Registrant objects to Petitioner's Requests to the extent they are duplicative or unreasonably cumulative.

4. Registrant objects to Petitioner's Requests to the extent they seek information that is not relevant to the parties' claims or defenses or are not proportional to the needs of this proceeding.

5. Registrant objects to Petitioner's Requests to the extent they are overly broad, unduly burdensome, or vague and ambiguous.

6. Registrant objects to Petitioner's Requests to the extent they seek information that are protected from disclosure by agreements to which Registrant is a party, if any, or by obligations that Registrant has with another entity, if any.

7. Registrant objects to Petitioner's Requests as overly broad, unduly burdensome, and seeking information that is not relevant to the parties' claims or defenses or are not proportional to the needs of this proceeding, specifically to the extent that Petitioner's Requests are not limited in time.

8. Registrant reserves the right to supplement and amend these objections and responses upon, among other circumstances, further investigation, discovery of additional information or documents, discovery of additional persons with knowledge of relevant information or documents, developments in this proceeding or any other proceedings, and the rebuttal of any of Petitioner's evidence in this proceeding.

RESPONSE TO REQUEST FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

There is no likelihood of confusion between Registrant's Mark for Registrant's services and Petitioner's Mark for Petitioner's services.

RESPONSE:

Registrant is unable to admit or deny Request for Admission No. 1 because Registrant has priority of use and thus, if there is a likelihood of confusion, it is resulting from the use of Petitioner's Mark for Petitioner's services and not the other way around.

REQUEST FOR ADMISSION NO. 2:

Registrant does not claim that there is a likelihood of confusion between Registrant's Mark and Petitioner's Mark.

RESPONSE:

In connection with this proceeding, this is admitted.

REQUEST FOR ADMISSION NO. 3:

There is no likelihood of confusion between the marks DREAM TO REALITY FOUNDATION and DREAMS TO REALITY AND RESALE BOUTIQUE.

RESPONSE:

Registrant is unable to admit or deny Request for Admission No. 3 because Registrant has priority of use and thus, if there is a likelihood of confusion, it is resulting from the use of Petitioner's Mark for Petitioner's services and not the other way around.

REQUEST FOR ADMISSION NO. 4:

Registrant used its Registration Number 5067798 for Registrant's Mark to shut down Petitioner's website.

RESPONSE:

Registrant is unable to admit or deny Request for Admission No. 4 because Registrant sent a takedown notice to Petitioner's hosting company and is unaware of what action the hosting company took.

REQUEST FOR ADMISSION NO. 5:

Registrant was unaware of Petitioner's Mark usage until on or about March, 2016.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 6:

Registrant filed its Petitioner (sic) for Registrant's Mark on March 16, 2016.

RESPONSE:

Admitted.

REQUEST ADMISSION NO. 7:

Registrant was aware that Petitioner was using Petitioner's Mark prior to the Registrant's Mark's registration date of October 25, 2016.

RESPONSE:

Admitted.

REQUEST ADMISSION NO. 8:

Registrant was granted EIN 95-4449259 on May 5, 2014.

RESPONSE:

Denied.

REQUEST ADMISSION NO. 9:

The attached document [Exhibit A] from the Internal Revenue Service was received by Registrant.

RESPONSE:

Registrant is unable to admit or deny Request for Admission No. 9 as no Exhibit A was attached to the Requests for Admission.

REQUEST ADMISSION NO. 10:

Registrant's Facebook page, Dreams to Reality Foundation, was created in 2011.

RESPONSE:

Admitted.

REQUEST ADMISSION NO. 11:

Registrant's web site URL, DreamstoRealityFoundation.com, was created on April 4, 2006.

RESPONSE:

Admitted

Respectfully submitted,

/Molly Buck Richard/

Molly Buck Richard

molly@richardlawgroup.com

RICHARD LAW GROUP, INC.

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ATTORNEYS FOR REGISTRANT

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2022, the foregoing document was served upon Petitioner through its counsel of record, Annette Heller, via email to tmattorneyheller@aol.com.

/Molly Buck Richard/

Molly Buck Richard

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

Dreams to Reality,		
Petitioner		Cancellation No. 92078240
v.		
Dreams to Reality Foundation,		
Registrant		

**REGISTRANT’S OBJECTIONS AND ANSWERS TO
PETITIONER’S SECOND SET OF INTERROGATORIES**

Pursuant to Rule 2.120 of the Trademark Rules of Practice, Trademark Trial and Appeal Board Manual of Procedure § 405, and Rule 33 of the Federal Rules of Civil Procedure, Registrant, Dreams to Reality Foundation (“Registrant”) serves the following Objections and Responses to Petitioner Dreams to Reality’s (“Petitioner”) Second Set of Interrogatories.

OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

The following Objections to Instructions and Definitions apply to each and every Interrogatory and are incorporated as if fully stated in each and every response:

1. Registrant objects to all instructions and definitions accompanying Petitioner’s Interrogatories to the extent they seek to expand or modify any requirement imposed by the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure, and to the extent they are inconsistent with or seek to increase any duties or obligations under such Manual and Rules. Registrant will answer Petitioner’s Interrogatories in accordance with the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure.

2. Registrant objects to all definitions to the extent they attempt to define terms inconsistently with the requirements of the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure. Registrant will interpret all words not otherwise defined in the instructions and definitions to Petitioner's Interrogatories and the pleadings filed to date in this proceeding in accordance with the definitions in the Trademark Trial and Appeal Board Manual of Procedure and the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

The following General Objections apply to each and every Interrogatory and are incorporated as if fully stated in each and every response:

1. Registrant objects to Petitioner's Interrogatories to the extent they seek information or documents protected by any applicable privilege and/or exemption from discovery, including, but not limited to, the attorney-client privilege, attorney work product doctrine, or any other applicable privileges.

2. Registrant objects to Petitioner's Interrogatories to the extent they seek publicly available information or documents; information or documents not in Registrant's possession, custody, or control; information or documents not reasonably available to Registrant; or information or documents that are available from other, more convenient sources.

3. Registrant objects to Petitioner's Interrogatories to the extent they are duplicative or unreasonably cumulative.

4. Registrant objects to Petitioner's Interrogatories to the extent they seek information or documents that are not relevant to the parties' claims or defenses or are not proportional to the needs of this proceeding, considering the factors set forth in FED. R. CIV. P. 26(b)(1).

5. Registrant objects to Petitioner's Interrogatories to the extent they are overly broad, unduly burdensome, or vague and ambiguous.

6. Registrant objects to Petitioner's Interrogatories to the extent they seek information or documents that are protected from disclosure by agreements to which Registrant is a party, if any, or by obligations that Registrant has with another entity, if any.

7. Registrant reserves the right to supplement and amend these objections and responses upon, among other circumstances, further investigation and discovery.

ANSWERS TO INTERROGATORIES

1. Identify each individual involved in the selection of the Registrant's Mark used by Registrant.

RESPONSE:

Christopher Matthew Spencer and Dean Butler c/o Molly Buck Richard, Richard Law Group, Inc. 13355 Noel Road, Suite 1350, Dallas, Texas 75240.

2. For each individual identified in response to Interrogatory No. 1, describe the individual's involvement in the selection of the mark.

RESPONSE:

Both individuals identified in the Response to Interrogatory 1. discussed the mark and decided that it was the right name for the organization.

3. Identify all the organizations and their location that Registrant supports under the Registrant's Mark for each year.

RESPONSE:

Registrant objects to Interrogatory No. 3 as overly broad and burdensome as Registrant's Mark has been in use for almost 30 years. As a result, it is impossible for Registrant to answer this Interrogatory for an unlimited period of time. Registrant produces documents from the IRS responsive to this request for the period of 2016 – 2020.

4. Describe any instances of actual or possible confusion between Petitioner's Mark or the goods or services offered thereunder and Registrant's Mark or the goods or services offered thereunder.

RESPONSE:

Registrant is not aware of any actual confusion at this time, however, Registrant believes that consumers familiar with Registrant and its services could be confused if they saw the Petitioner's mark in association with its services.

5. Explain why Registrant applied for a new EIN number in 2014 which resulted in the current EIN 95-4449259.

RESPONSE:

Registrant did not apply for a new EIN number in 2014 as it has had the same EIN number since 1993.

6. Ebay's (sic) charity web site started in 2003 so explain how Registrant was able to sell items as a charity organization before 2003.

RESPONSE:

eBay's charity website, known as "eBay for Charity" started in 2003, however, since at least as early as 1999, eBay has had a charity fund raising page. See the document produced with these responses. Registrant has sold on eBay since June of 1999 and prior to that time, eBay has always allowed nonprofit organizations to sell on eBay.

VERIFICATION

The undersigned states that he has read the above responses; that the responses were prepared with the assistance and information of one or more other individuals upon whom he has relied; that the responses, subject to inadvertent or undiscovered errors, are based on and are therefore necessarily limited by the records and information still in existence; that the responses present information recollected and thus far discovered in the course of the preparation of the responses; and that subject to those limitations, the undersigned declares under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing responses are true and correct to the best of his knowledge, information, and belief.

Executed on the 11th of October, 2022.



Christopher Matthew Spencer, Executive
Director

RICHARD LAW GROUP, INC.

/Molly Buck Richard/
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molly@richardlawgroup.com

*Attorneys for Registrant Dreams to
Reality Foundation*

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2022, the foregoing document was served upon Petitioner through its counsel of record, Annette Heller, via email to tmattorneyheller@aol.com.

/Molly Buck Richard/
Molly Buck Richard