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

Proceeding no.	92082534
Party	Defendant Nomad Grills LLC
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Attachments	Registrant Nomad Grills Motion to Compel.pdf(2737238 bytes )

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

NOMAD GOODS, INC.

Petitioner,

v.

NOMAD GRILLS LLC

Registrant.

Cancellation No. 92082534

Mark: NOMAD GRILLS

Registration. No. 6,175,521

**REGISTRANT NOMAD GRILLS LLC'S MOTION TO COMPEL COMPLETE  
DISCOVERY RESPONSES AND TO TEST THE SUFFICIENCY OF RESPONSES TO  
REQUESTS FOR ADMISSION**

Registrant Nomad Grills LLC (“Registrant”), hereby moves to compel full and complete discovery responses from Petitioner Nomad Goods, Inc. (“Petitioner”) pursuant to Rules 2.120(e) and 2.121(i) of the Trademark Rules of Practice and to test the sufficiency of Petitioner’s responses to Registrant’s Requests for Admission. Petitioner’s responses to Registrant’s discovery requests have been evasive, incomplete, and intentionally deceptive, and have prevented Registrant from obtaining meaningful discovery in this matter. Registrant has pursued this discovery from Petitioner for months with little more than token supplementation. Petitioner’s refusal to provide discovery on the numerous topics listed below is improper and Registrant is seeking the assistance of the Board to guarantee further discovery. For the Board’s convenience, Registrant has grouped both the Motion to Compel and Motion to Test the Sufficiency issues into one motion, as set forth below.

**BACKGROUND**

On February 29, 2024, Registrant served its first requests for Interrogatories (attached as Exhibit 1), Document Requests (attached as Exhibit 2), and Requests for Admission (attached as

Exhibit 3). On March 28, 2024, Petitioner served its written responses to Registrant's Interrogatories (attached as Exhibit 4), Document Requests (attached as Exhibit 5), and Requests for Admission (attached as Exhibit 6). On April 9, 2024, Registrant sent an initial discovery deficiency email to Petitioner, outlining the extreme deficiencies in Petitioner's responses and requesting supplementation of those responses. (attached as Exhibit 7 at pages 8–9). Having received no response for almost a week, Registrant sent a follow-up email on April 15, 2024. (Ex. 7 at 7–8).

On April 16, 2024, Petitioner responded by disagreeing that any of its requests were deficient and requesting clarification on what information Registrant sought. Petitioner's counsel also indicated that he was going on vacation and proposed having a meet and confer the following week. (Ex. 7 at 7). On April 17, 2024, Registrant pointed out that it had received almost no proper discovery responses and provided specific examples of some of the major issues, including the lack of any document production. (Ex. 7 at 6). Petitioner responded on April 18, 2024, agreeing to provide supplemental responses the following week, with a document production to follow the week after. (Ex. 7 at 6).

On April 26, 2024, Petitioner served its supplemental responses to Registrant's Requests for Production (attached as Exhibit 8), and Requests for Admission (attached as Exhibit 9). Unfortunately, Petitioner's supplementation consisted only of additional objections and refusals to provide information. (Ex. 8, 9). Petitioner did not provide any supplemental responses to Registrant's Interrogatories, claiming that it did not see any issues with Petitioner's interrogatory responses. (Ex. 7 at 5).

Registrant followed up on April 26, 2024 with an itemized list of all of the deficiencies in Petitioner's responses to Registrant's Interrogatories. (Ex. 7 at 2–4). The detailed list addressed

the exact same issues that Registrant identified in its April 9, 2024 discovery deficiency email. Petitioner did not respond to this second deficiency email, nor did it supplement its interrogatory responses.

On April 29, 2024, Registrant sent another deficiency email to Petitioner, noting that the supplemental responses were still grossly deficient and requesting a telephone meeting. (Ex. 7 at 1). In the email, Registrant once again cited case law to explain why Petitioner's responses were deficient. (*Id.*).

On May 3, 2024, Petitioner finally produced its first set of documents. The production in response to Registrant's thirty (30) document requests consisted of twelve pages. Notably, Petitioner did not provide a privilege log despite alluding to being in possession of privileged documents that were responsive to Registrant's request for production. Having received no response to its second and third deficiency letters, Registrant followed up with an email on May 8, 2024. (attached as Exhibit 10 at 3). Petitioner's counsel responded on May 9, 2024, and stated that he had another week of vacation and would be back on May 23. (Ex. 10 at 3). On May 10, 2024, Registrant once again requested that Petitioner provide a position on the discovery disputes and let Registrant know whether Petitioner intended to supplement its discovery responses. (Ex. 10 at 2). Following a back and forth on May 13, 2024, in which Petitioner refused to provide a position on whether it would supplement its discovery responses, the parties set a call for May 23, 2024. Ex. 10 at 1–2.

The parties held their telephonic meet-and-confer on May 23, 2024. On that call, counsel for Petitioner maintained all of the objections in Petitioner's discovery responses. Of the fifty-five (55) total deficient discovery responses, Petitioner agreed to supplement only five (5) responses,

refusing to supplement any others. Those five (5) responses are not included in this motion, although they include the same improper objections covered in this motion. This motion followed.

## **ARGUMENT**

### **1. MOTION TO COMPEL**

If a party fails to answer any interrogatory, or fails to produce and permit the inspection and copying of any document or thing, the party seeking discovery may file a motion to compel disclosure and production. 37 C.F.R. § 2.120(e). In this case, Petitioner’s boilerplate and frivolous objections and half-responses thwart the purposes of discovery. Far from a good faith effort to respond to Registrant’s discovery requests, Petitioner’s responses and objections demonstrate an attempt to evade providing responsive and meaningful discovery in a case that was brought by Petitioner. Registrant has made a good faith effort over several months to resolve this dispute by correspondence and by a telephone meet-and-confer. Petitioner has refused to supplement or revise the responses addressed in this motion and Registrant is forced to seek the assistance of the Board.

The list of discovery responses on which Petitioner is deficient is extensive, covering most of Petitioner’s responses. Because of the page limitations required for this motion, Petitioner has grouped these deficiencies by their common issues and identified each of the responses in which they appear.

#### **A. All of Petitioner’s Boilerplate Objections are Improper.**

At their most basic level, almost all of Petitioner’s responses contain improper boilerplate objections. (Exh. 4 at responses 2, 9, 10, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24; and Exh. 8 at responses 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28). As the Board has made abundantly clear multiple times, “boilerplate, blanket general objections are fundamentally disfavored.” *Drl Enterprises, Inc.*, No. 91208195, 2014 WL 11032959, at \*4

(Mar. 3, 2014); *see also* Fed. R. Civ. P. 33(b)(4). Objections, if any, must be specifically asserted in response to each interrogatory against which they are interposed, and the ground or basis for each objection “must be stated with specificity.” *Id. Hewlett Packard Enter. Dev. LP v. Arroware Indus., Inc.*, 2019 USPQ2d 158663, at \*4 (TTAB 2019) (responding party may not rely on conclusory statements when objecting but must specifically state the underlying basis for the objection). A party responding to interrogatories has the obligation to reply by specifically objecting to the interrogatories (or portions of them) that it finds objectionable and by supplying the information sought in the interrogatories (or parts of interrogatories) which it believes to be proper. *See id.* The burden of persuasion is on the objecting party to show that an interrogatory or part thereof should not be answered. *Medtronic, Inc. v. Pacesetter Sys., Inc.*, 222 USPQ 80, 83 (TTAB 1984). *See generally* TBMP 405.04(b).

In each of the cited responses, Petitioner has objected with conclusory objections without explaining why it believes that objection is appropriate or why the objection prevented Petitioner from providing a good faith response. By way of example, Interrogatory 2 requested that Petitioner “Identify each and every instance of which You are aware in which any person has been in any way confused by Registrant’s Mark, mistaken by Registrant’s Mark, or deceived by Registrant’s Mark as to the origin or sponsorship between of [sic] any goods or services sold or offered for sale bearing the Asserted Marks.” (Exh. 4, req. 2). The entirety of Petitioner’s response was “Petitioner objects to this request as vague and unclear because of its use of the terms “in any way confused”, “mistaken” and “deceived”. Petitioner’s boilerplate responses are improper.

**B. Petitioner’s Objections as to the United States are Unfounded and Improper.**

In many responses, Petitioner has refused to provide any information or documents of any kind on the grounds that the requests are not limited to the United States. (Exh. 4 at reqs. 9, 10, 13,

14, 16, 17, 18, 21; Exh. 8 at reqs. 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 22, 23, 24). By way of example, Registrant's interrogatory 17 requested: "Identify all licensing agreements concerning the Asserted Marks by date, parties to the agreement, and the subject matter of the agreement, including any consent agreements or concurrent use agreements." (Exh. 4, req. 17). Petitioner's entire response was: "Petitioner objects to the interrogatory as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States." (*Id.*).

Registrant concedes that activities that are solely foreign would not be discoverable. However, "use in commerce" for the purposes of trademark law extends to activities that could be regulated by Congress, which includes commerce within the United States and from the United States to international entities. See, e.g., *Person's Co., Ltd. v. Christman*, 900 F.2d 1565, 1568 (Fed. Cir. 1990) (noting that "The term 'use in commerce' in the Lanham Act refers to a sale or transportation for goods bearing the mark in or having an effect on (1) United States interstate commerce; (2) United States commerce with foreign nations; or (3) United States commerce with the Indian Tribes."). Petitioner may not rely on this objection to refuse to produce information related to its activities within the United States, and related to its activities between the United States and other countries. Nor has Petitioner even suggested that it has any purely foreign activities because Petitioner is located within the United States. Petitioner's objection is improper.

### **C. Petitioner's "Vague and Ambiguous" Objections are Frivolous and Unsupported.**

On numerous occasions, Petitioner has refused to respond to discovery requests on the grounds that terms were vague, ambiguous, or unclear, without any explanation as to why those terms were vague or ambiguous. (Ex. 4 at reqs. 2, 12, 14; Ex. 8 at reqs. 11, 12, 14, 17, 18, 20, 21, 24). The terms or phrases objected to by Petitioner as vague included "in any way confused",

“mistaken”, “deceived”, “market research”, “authorized”, “advertise”, “actual and target class”, “business plans”, “demand letters”, “actual or possible confusion, mistake, deception, or association of any kind”, “consent agreements and coexistence agreements”, “consent agreement”, and “cease and desist letters”. In each case, Petitioner refused to make any good faith effort to explain why or how those terms were vague or ambiguous, and refused to make any good faith attempt to respond to the discovery requests. In several instances, Petitioner objects on the grounds of vagueness or ambiguity without explaining what is vague or ambiguous about the request. (Exh. 4 at req. 22, 23, 24).

Petitioner’s boilerplate vagueness objections are improper and not in compliance with federal rules, which require the responding party to state the grounds for each objection “with specificity.” Fed. R. Civ. P. 33(b)(4) and 34(b)(2)(B); *see Hewlett Packard*, 2019 USPQ2d 158663, at \*4 (responding party may not rely on conclusory statements when objecting but must specifically state the underlying basis for the objection); *Amazon Techs., Inc. v. Wax*, 93 USPQ2d 1702, 1704 (TTAB 2009) (objections to interrogatories must be made with particularity). Petitioner relied upon conclusory statements as to vagueness to justify not responding to discovery requests. It made no attempt to resolve this issue in good faith, even when given multiple opportunities to do so.

#### **D. Unsigned Interrogatories**

Petitioner’s interrogatory responses have not been signed as required by Fed. R. Civ. P. 33 and TBMP 405.04(c). “If the party served is a corporation, partnership, association, or governmental agency, the interrogatories must be answered by an officer, partner, or agent, who must furnish whatever information is available to the party served.” TBMP 405.04(c). Registrant pointed out this deficiency to Petitioner in its April 26, 2024, deficiency letter, however Petitioner



has refused to respond or submit properly signed interrogatory responses to date. Ex. 7 at 4. The Board should compel Petitioner to sign its discovery responses.

**E. Partial or Evasive Answers.**

In several instances, Petitioner has avoid providing full and complete responses to discovery requests by instead providing evasive or partial responses. (Exh. 4 at reqs. 1, 3, 4). By way of example, one of the issues in this dispute is the alleged distinctiveness, strength, and originality of Petitioner’s asserted marks. Interrogatory 1 requested: “Identify the individuals responsible for Petitioner’s consideration, selection, conception, or adoption of the Asserted Marks.” (Exh. 4 at req. 1). Petitioner raised no objection to this request, but unilaterally limited the scope of the request by identifying one single individual instead of all of the individuals responsible, and without a representation that this individual was the only person so involved: “Brian Hahn is a person most knowledgeable about Petitioner’s consideration, selection, conception, creation and adoption of Petitioner’s trademarks.” (Exh. 4 at req. 1). When confronted with this deficiency, Petitioner’s response was that Registrant did not “need” this information. Each of the identified responses are willfully evasive and incomplete. Petitioner is not entitled to unilaterally limit the scope of Registrant’s requests – especially where Petitioner has raised no objection to any of the requests. The Board should compel a full and complete response from Petitioner.

**F. Failure to Provide Even Partial Responses Following Objection.**

While Registrant contends that almost every one of Petitioner’s objections is improper, Registrant notes that even where Petitioner objected only to a portion of the request, Petitioner failed to provide information or responses to the unobjectionable portion of the request. (Exh. 4 at reqs. 9, 10, 13, 14, 16, 17, 18, 21; Exh. 8 at reqs. 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 22, 23, 24). Even if Petitioner’s objections had been appropriate, Petitioner should have

produced discovery responses on the portion of the request it deemed acceptable, consistent with its discovery obligations. Where a party objects to a portion of a request, a “party ordinarily should respond by providing the information sought in those requests that it believes to be proper, and stating its objections to those requests or portions of requests that it believes to be improper.” TBMP § 410. This shows up most frequently in Petitioner’s objections with respect to the U.S. scope of activity. Petitioner objects to the scope of requests as not limited to the U.S. or to U.S. – international activity, but then does not provide responses for U.S. or activity between the U.S. and foreign countries. Instead, Petitioner uses its objections as an excuse to provide any discovery at all. This is improper and should not be permitted by the Board.

**G. Petitioner Improperly Uses “Overburdensome” Objections to Refuse Providing any Discovery.**

In several cases, Petitioner objected to Registrant’s requests as overburdensome or unduly burdensome. (Exh. 4 at reqs. 9, 10; Exh. 8 at reqs. 2, 21, 22). As an initial matter, Registrant submits that Petitioner has not established in any of these cases that its burden of collecting the information or materials would be especially excessive. For example, in response to document requests 21 and 22 seeking Petitioner’s documents and communications related to a consent agreement it signed and any trademark license and assignment agreements signed by Petitioner, Petitioner objected that there was an undue burden because the documents were already in possession of Registrant. (Exh. 8 at req. 21, 22). Petitioner does not explain why Registrant would be in possession of communications between Petitioner and a third party regarding a consent agreement to which Registrant was not a party, nor why Registrant would already be in possession of every trademark license or assignment agreement entered into by Petitioner. Petitioner’s responses are willfully evasive and made for the purpose of depriving Registrant of proper discovery.

Even assuming solely for the sake of argument that each of these requests was overburdensome, Petitioner is not permitted to refuse to provide discovery entirely under the guise of an excessive burden without making any good faith attempt to respond. Petitioner objects to interrogatory request 9, seeking retail prices for Petitioner's goods, as overburdensome because Petitioner allegedly sells too many products. (Exh. 4 at req. 9). Yet Petitioner improperly relies on that objection to refuse to provide any pricing information. Petitioner's "overburdensome" objections are improper.

#### **H. Petitioner Refuses to State Whether it is Withholding Potentially Relevant Documents.**

Fed. R. Civ. P. 34(b)(2)(C) requires that each specific objection to a document request state whether any documents or materials are being withheld on the basis of the objection. A proper written response to each request requires a party to state that there are responsive documents and that they will be produced; to state an objection with appropriate specific reasons and that documents are being withheld based on the objection; or to state that responsive documents do not exist. *No Fear, Inc. v. Rule*, 54 USPQ2d 1551, 1556 (TTAB 2000). In this case, Petitioner's document request responses do not indicate whether Petitioner even conducted a search, and whether there are potentially responsive documents it is withholding subject to its objections. (See Exh. 8 at reqs. 2, 3, 5, 6, 7, 10, 11, 17, 18, 20, 21, 22, 23, 24). Indeed, when Petitioner supplemented its document request responses on April 26, 2024, the bulk of the supplementation by Petitioner (which Petitioner indicated with track-changes) consisted not of discovery but instead was statements intended to further obfuscate the discovery process. In each case, Petitioner added a statement that "...therefore Petitioner will not produce documents which might be responsive" or "On the basis of these objections Petitioner will not produce documents which might be responsive." (See, for example, Exh. 8 at req. 22). These statements do not indicate whether

Petitioner has even conducted the required document search, nor whether Petitioner is actually withholding documents based on these objections. Petitioner's objections are improper.

**I. Intentionally Obstructive Responses.**

In several cases, Petitioner has submitted intentionally obstructive responses or responses that could not possibly be accurate. (Exh. 4 at req. 8; Exh. 8 at req. 8, 9, 10). In response to a request for the date of first use for each of Petitioner's goods, Petitioner stated that it "is not aware of the specific date of first use of its trademarks for each good and service that it has sold or offered for sale", but also that its trademark registrations and applications set forth the dates of first use, but also that many of the dates of first use actually "precede the date of first use claimed in the Registration." (Exh. 4 at req. 8). Petitioner's response is no response at all, and is an improper attempt to avoid participating in the discovery process. Similarly, in response to a request for "documents sufficient to show every method by which You advertise Your products sold under the Asserted Marks", Petitioner "avers that it advertises its goods and services in the United States through online, print, and physical retail, and Petitioner has no responsive documents." (Exh. 8 at req. 10). Again, it is impossible to believe that Petitioner is actually advertising its goods and services in these manners, yet that it does not have a single document in its possession to demonstrate that. The Board should not permit Petitioner's intentionally obstructive behavior.

**J. Petitioner has not Produced a Privilege Log.**

Petitioner responded to several documents requests by stating that "Petitioner has no responsive, non-privileged documents" or that "Petitioner will produce non-privileged, responsive documents." (Exh. 8 at reqs. 4, 7, 15, 16). However, Petitioner has produced no privilege log in this case in the event Petitioner is withholding privileged documents. A party withholding responsive documents on the basis of a claim of privilege must "(i) expressly make the claim; and

(ii) describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.” Fed. R. Civ. P. 26(b)(5)(A)(i)-(ii). Petitioner must produce a privilege log or affirmatively state that it is not withholding any documents on the basis of privilege.

**K. Improper Reliance on Fed. R. Civ. P. 33(d)**

Again in several instances, rather than providing a response to an interrogatory, Petitioner directs Registrant to one or more documents (in many cases unspecified documents) for the information. (Exh. 4 at reqs. 6, 7, 8). A party responding to interrogatories by invoking Fed. R. Civ. P. 33(d) must satisfy three specific requirements. First, a responding party “must identify documents which the responding party knows to contain the responsive information, and may not merely agree to provide access to a voluminous collection of records which may contain the responsive information. Second, a party may not rely on the option to produce business records unless it can establish that providing written responses would impose a significant burden on the party. Third, even if the responding party can meet the first two requirements and can identify particular documents in which the inquiring party will find its answers, the inquiring party must not be left with any greater burden than the responding party when searching through and inspecting the records. *No Fear*, 54 USPQ2d at 1555.

In this case Petitioner has met none of the requirements for invoking Fed. R. Civ. P. 33(d). Petitioner has not specifically identified documents it knows to contain the responsive information, has not established that providing the information would impose a significant burden on Petitioner, and has not established that the burden on Registrant would not be greater than the burden on Petitioner. For example, Registrant’s interrogatory 6 requested a simple list of all goods and

services sold by Petitioner in the United States. (Exh. 4 at req. 6). Petitioner responded: “Petitioner’s goods and services are identified in its trademark registrations and applications, in the records therefore [sic], and on Petitioner’s website.” (*Id.*). Petitioner’s attempt to avoid providing appropriate discovery by directing Registrant to various unidentified documents where the answer may or may not be found is improper.

## **2. MOTION TO TEST THE SUFFICIENCY OF PETITIONER’S RESPONSES TO REGISTRANT’S REQUESTS FOR ADMISSION.**

If a party propounding requests for admission is dissatisfied with a responding party’s answer or objection, it may move for a ruling on the sufficiency of those admission responses. 37 C.F.R. § 2.121(i). Almost all of Petitioner’s responses to Registrant’s requests for admission are deficient, for most of the same reasons that Petitioner’s interrogatory and document responses are deficient. In this case, Petitioner’s responses to Requests for Admission 1, 2, 3, 4, 5, 6, 7, 8, and 9 are deficient.

Pursuant to TBMP § 407.03(b), a response to a request for admission requires that:

An answer must admit the matter of which an admission is requested, deny the matter, or state in detail the reasons why the responding party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify as much of it as is true and qualify or deny the remainder.

In several cases, Petitioner avoided providing an appropriate response to Registrant’s requests rewording the request and providing an incomplete response. (Exh. 9 at reqs. 1, 2, 3, 8, 9). For example, Request for Admission 9 requests “Admit that You have never sold knives under any trademark.” (Exh. 9 at req. 9). Petitioner responded: “Petitioner has not sold knives in the United States.” (*Id.*). Petitioner’s responsive is evasive and improper because it leaves open the possibility that Petitioner has sold knives from the United States to a foreign country, which use

would potentially be commerce that could be regulated by Congress and constitute use in commerce. Petitioner must provide a full and complete response to this request.

Registrant's Request for Admission 4 calls for an admission that "prior to the earliest priority date you claim for any of the Asserted Marks, third parties had obtained U.S. trademark registrations on the trademark NOMAD." (Exh. 9 at 4). Petitioner responded that: "The existence of third-party registrations is a matter of public record which speaks for itself and on that basis denies this request." (*Id.*). Petitioner's response is improper for several reasons. First, as noted above Petitioner has refused to provide Registrant with Petitioner's dates of first use such that, even if the third-party registrations were public record, Petitioner's priority dates are not. Second, the purpose of this request for admission is to narrow issues for trial. *See, e.g.*, 8B Charles Alan Wright, et al., *Federal Practice and Procedure* § 2253 (3d ed. 2018) ("Strictly speaking Rule 36 is not a discovery procedure at all, since it presupposes that the party proceeding under it knows the facts or has the document and merely wishes its opponent to concede their genuineness."); *see also Hewlett Packard Enterprise Development LP v. Arroware Industries, Inc.*, 2019 WL 1970877, \*8 (Cancellation No. 92067494, May 2, 2019) ("The purpose of a request for admission is to determine what facts are or are not at issue for trial."). Petitioner's response leaves open the possibility that it can or will contest this issue, rather than admitting or denying the request.

Finally, several of Petitioner's responses to Registrant's requests for admission object on the improper ground that statements are taken out of context. Registrant's requests number 5, 6, and 7 request that Petitioner admit that certain statements were made by Petitioner in a specific consent agreement. (Exh. 9, reqs. 5, 6, 7). Petitioner denies each request not because the matter is not true, but instead that the matter is true but is taken out of context. This is not an appropriate basis for a denial of a request for admission. If Petitioner believes that the matter is taken out of

context, it is free to produce its own discovery providing the proper context. A denial of true information is not appropriate.

**CONCLUSION**

For all of the foregoing reasons, Registrant respectfully requests that the Board grant Registrant's motion and compel Petitioner to provide full and complete responses to Registrant's discovery requests, produce outstanding documents, and provide sufficient admissions or denials to Registrant's Requests for Admission.

Dated: May 24, 2024

Respectfully submitted,

COLE SCHOTZ P.C.

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*Attorneys for Registrant,  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 24, 2024, a true and correct copy of the foregoing REGISTRANT NOMAD GRILLS LLC'S MOTION TO COMPEL COMPLETE DISCOVERY RESPONSES AND TO TEST THE SUFFICIENCY OF RESPONSES TO REQUESTS FOR ADMISSION was served on Petitioner by email to:

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*/s/ William W. Stroever*

\_\_\_\_\_  
William W. Stroever

# **EXHIBIT 1**

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

Nomad Goods, Inc.

Petitioner,

v.

Nomad Grills LLC

Registrant.

Cancellation No. 92082534

Registration No. 6175521

Mark: NOMAD GRILLS

**REGISTRANT'S FIRST REQUEST FOR INTERROGATORY RESPONSES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Registrant Nomad Grills LLC ("Registrant") hereby requests that Petitioner Nomad Goods Inc. ("Petitioner"), by its undersigned counsel, respond to the following requests for interrogatory responses by providing answers, under oath, to each of the following interrogatories herein to the offices of Registrant's attorneys, Cole Schotz P.C., 25 Main Street Hackensack, NJ 07601, Attn: William W. Stroeve, within thirty (30) days of service of this request.

**DEFINITIONS**

1. "Registrant" means Nomad Grills LLC, the Registrant in the above-captioned proceeding.

2. "Petitioner", "You," or "Your" means Petitioner Nomad Goods, Inc., 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. "Registrant's Mark" means Registrant's NOMAD GRILLS mark that is the subject of U.S. Trademark Registration No. 6175521 and this proceeding.

4. "The Asserted Marks" means the marks identified in Exhibits A, B, and C of Petitioner's Second Amended Petition for Cancellation in this proceeding.

5. "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 Petitioner'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.

6. "Identify" with respect to a person who is an individual means to state that person's full name, present or last known address, and current or last known place of s

7. "Identify" with respect to a person that is not an individual 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.

8. "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 documents, together with identifying information sufficient to satisfy Rule 33 of the Federal Rules of Civil Procedure.

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

10. The term "mark" means any word, name, symbol, or device (including any key word or metatag) or any combination thereof.

11. 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.

12. The term "products" means any items that You make and/or offer for sale online, direct to consumer, through retail stores or wholesalers.

13. 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.

14. The terms "all," "any," or "each" encompass any and all of the matter discussed.

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

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

17. 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 attorneys at the above-indicated 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) and TBMP § 405.04(b).
4. Unless otherwise stated herein, all requests apply to activities in or in connection with the United States.
5. 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 document requests in this proceeding.
6. For the convenience of the Board and the parties, each interrogatory should be quoted in full immediately preceding the response.
7. 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.

## **INTERROGATORY REQUESTS**

**REQUEST NO. 1:** Identify the individuals responsible for Petitioner's consideration, selection, conception, creation, or adoption of the Asserted Marks.

**REQUEST NO. 2:** Identify each and every instance of which You are aware in which any person has been in any way confused by Registrants Mark, mistaken by Registrants Mark, or deceived by Registrant's Mark as to the origin or sponsorship between of any goods or services sold or offered for sale bearing the Asserted Marks.

**REQUEST NO. 3:** For each stylized version of the word "NOMAD" included in the Asserted Marks, identify every person employed or formerly employed by Petitioner involved in the design of that stylized version.

**REQUEST NO. 4:** Identify all surveys conducted by or on behalf of You in connection with the Asserted Marks or any other mark that incorporates the Asserted Marks in whole or in part, by date, title, the entity conducting the survey, and the person requesting the survey.

**REQUEST NO. 5:** Identify all surveys conducted by or on behalf of You in connection with the word "nomad" by date, title, the entity conducting the survey, and the person requesting the survey.

**REQUEST NO. 6:** Identify all goods and services that You have sold bearing or in connection with the Asserted Marks in the United States.

**REQUEST NO. 7:** Identify all goods and services that You have rendered bearing or in connection with the Asserted Marks in the United States.

**REQUEST NO. 8:** For each good or service that You have sold that bear or are in connection with the Asserted Marks, state the specific date of first use of the Asserted Marks in connection with each good or service.

**REQUEST NO. 9:** For each good or service that You have sold that bears or is in connection with the Asserted Marks, state the retail price of the good or service.

**REQUEST NO. 10:** Identify all entities (including wholesalers, retailers, e-commerce platforms, and physical stores), that sell Your product.

**REQUEST NO. 11:** Describe the class of customer (including age, gender, and socioeconomic group) that comprises the intended market for goods or services offered for sale, sold, or intended to be offered for sale or sold under or in connection with the Asserted Marks.

**REQUEST NO. 12:** Identify all individuals who conducted market research for You or on Your behalf concerning the Asserted Marks or any goods or services marketed or proposed to be marketed under the Asserted Marks.

**REQUEST NO. 13:** Identify all of the ways in which You advertise Your goods and services.

**REQUEST NO. 14:** Identify any third-parties who are authorized to advertise Your products.

**REQUEST NO. 15:** Identify each trademark search, investigation, or any other inquiry conducted by or for You concerning the availability to use or register the Asserted Marks, including the person or persons involved.

**REQUEST NO. 16:** Identify all agreements related to ownership of rights in the Asserted Marks by date, parties to the agreement, and the subject matter of the agreement, including any consent agreements or concurrent use agreements.

**REQUEST NO. 17:** Identify all licensing agreements concerning the Asserted Marks by date, parties to the agreement, and the subject matter of the agreement, including any consent agreements or concurrent use agreements.

**REQUEST NO. 18:** Identify and describe in detail all communications between Petitioner and any third-party concerning enforcement of the rights associated with the Asserted Marks.



**REQUEST NO. 19:** Describe the class of entities You consider to be Your competitors.

**REQUEST NO. 20:** Describe what You define the acronym “EDC” (also known as every day carry) to mean.

**REQUEST NO. 21:** To the extent you use the phrase “everyday carry”, identify all products that You sell that fall within the scope of “everyday carry”.

**REQUEST NO. 22:** To the extent that you claim that Registrant has not sold barbeque grills since at least the time alleged in the Statement of Use, (12 TTABVUE 2), identify the person employed by Petitioner who is the most knowledgeable about the basis for that claim.

**REQUEST NO. 23:** To the extent that you claim that customers could not consummate the purchase of barbeque grills from Registrant on or about the time of the Statement of Use because neither respondent nor the predecessor-in-interest had inventory of Registrant’s barbeque grills and were not accepting orders, (12 TTABVUE 3), identify the person employed by Petitioner who is the most knowledgeable about the basis for that claim.

**REQUEST NO. 24:** To the extent that you claim that neither Registrant nor its predecessor-in-interest ever used Registrant’s Mark as a trademark in interstate commerce for barbeque grills, (12 TTABVUE 3), identify the person employed by Petitioner who is the most knowledgeable about the basis for that claim.

Dated: February 29, 2024

Respectfully submitted,

**COLE SCHOTZ P.C.**

By: /s/ William W. Stroever

William Stroever

25 Main Street

Hackensack, NJ 07601

Tel. 201.525.6237  
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Arjun Padmanabhan  
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Dallas, TX 75202  
Tel. 469.212.1812  
apadmanabhan@coleschotz.com

**COUNSEL FOR REGISTRANT  
NOMAD GRILLS LLC**

**CERTIFICATE OF SERVICE**

This is to certify that on February 29, 2024, a true and correct copy of the foregoing First Requests for Interrogatory Responses has been served on Steven C. Sereboff by mailing said copy by email to:

Steven C. Sereboff  
Socal IP Law Group LLP  
310 N. Westlake Blvd. Suite 120  
Westlake Village, CA 91362  
uspto@socalip.com  
ssereboff@socalip.com  
nabeloe@socalip.com

*/s/ William W. Stroever*

\_\_\_\_\_  
William W. Stroever

# **EXHIBIT 2**

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

Nomad Goods, Inc.

Petitioner,

v.

Nomad Grills LLC

Registrant.

Cancellation No. 92082534

Registration No. 6,175,521

Mark: NOMAD GRILLS

**REGISTRANT'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Registrant Nomad Grills LLC ("Registrant") hereby requests that Petitioner Nomad Goods Inc. ("Petitioner"), by its undersigned counsel, 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 Registrant's attorneys, Cole Schotz P.C., 25 Main Street Hackensack, NJ 07601, Attn: William W. Stroevert, within thirty (30) days of service of this request.

**DEFINITIONS**

1. "Registrant" means Nomad Grills LLC, the Registrant in the above-captioned proceeding.

2. "Petitioner", "You," or "Your" means Petitioner Nomad Goods, Inc., 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. "Registrant's Mark" means the Registrant's NOMAD GRILLS mark that is the subject of U.S. Trademark Registration No. 6175521 and this proceeding.

4. "The Asserted Marks" means the marks identified in Exhibits A, B, and C of Petitioner's Second Amended Petition for Cancellation in this proceeding.

5. "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 Petitioner'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.

6. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

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

8. The term "mark" means any word, name, symbol, or device (including any key word or metatag) or any combination thereof.

9. 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.

10. 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.

11. The terms "all," "any," or "each" encompass any and all of the matter discussed.

12. The use of singular form includes plural, and vice versa.
13. 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 its original native format with its accompanying metadata. Electronically stored information (ESI) must be produced in PDF or TIF 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 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) and TBMP § 405.04(b).

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 document requests apply to activities in or in connection with the United States.



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

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**

**REQUEST NO. 1:** All Documents identified in Petitioner's initial disclosures in this case, dated February 7, 2024.

**REQUEST NO. 2:** All Documents concerning Petitioner's consideration, selection, conception, creation, or adoption of the Asserted Marks for use on or in connection with any goods or services, including the identity any persons involved in, having information regarding, or consulted about the same as well as any alternatives and/or prior iterations considered and/or previously used.

**REQUEST NO. 3:** To the extent that You claim that the stylized "A" in the Asserted Marks is distinctive, all Documents related to the creation, selection, and development of the "A" in the Asserted Marks.

**REQUEST NO. 4:** Copies of all trademark searches, trademark clearances, internet print-outs, and other inquiries conducted by or on behalf of Petitioner concerning the availability to use or register the Asserted Marks.

**REQUEST NO. 5:** All Documents concerning Petitioner's knowledge of Registrant or Registrant's Mark, including, but not limited to, all Documents reflecting communications about or with Registrant or about Petitioner's first awareness of Registrant's use of Registrant's Mark.

**REQUEST NO. 6:** All Documents concerning any trademark or domain name watch or surveillance notices received by Petitioner concerning use of a mark similar or identical to the Asserted Marks by another.

**REQUEST NO. 7:** All Documents concerning Petitioner's knowledge of any third party's use, attempted registration, or registration of the word “nomad” as a trademark.

**REQUEST NO. 8:** Documents sufficient to identify all entities that sell Your products bearing the Asserted Marks.

**REQUEST NO. 9:** Documents sufficient to identify all the ways in which You advertise Your products that carry the Asserted Marks.

**REQUEST NO. 10:** Documents sufficient to show every method by which You advertise Your products sold under the Asserted Marks.

**REQUEST NO. 11:** Documents sufficient to identify Petitioner’s actual and target class of purchasers of goods or services under or in connection with the Asserted Marks.

**REQUEST NO. 12:** All business plans concerning plans to sell grills under the Asserted Marks.

**REQUEST NO. 13:** To the extent You have any plans to sell grills under the Asserted Marks, produce all documents that show evidence of plans to offer for sale grills bearing any of the Asserted Marks.

**REQUEST NO. 14:** All of Petitioner’s business plans for selling knives under the Asserted Marks.

**REQUEST NO. 15:** All internal communications that discuss selling knives under the Asserted Marks.

**REQUEST NO. 16:** All Documents concerning any complaints received by You relating to the Asserted Marks.

**REQUEST NO. 17:** All Documents concerning any demand letters received by You relating to Your use of the Asserted Marks.

**REQUEST NO. 18:** All Documents concerning any instances of actual or possible confusion, mistake, deception, or association of any kind between the Asserted Marks and Registrant's Mark.

**REQUEST NO. 19:** All Documents concerning any instances of actual confusion between the Asserted Marks and Registrant's Mark.

**REQUEST NO. 20:** All consent agreements and coexistence agreements (such as agreements for consent or concurrent use) between Petitioner and any other entity involving the Asserted Marks.

**REQUEST NO. 21:** All Documents and Communications concerning the consent agreement between The Nomad Company B.V. and Petitioner, which was executed on February 2, 2022.

**REQUEST NO. 22:** All trademark licenses or assignment agreements between Petitioner and any other entity involving the Asserted Marks.

**REQUEST NO. 23:** All cease-and-desist letters sent by Petitioner that pertain to any of the Asserted Marks.

**REQUEST NO. 24:** All cease-and-desist letters sent to Petitioner that pertain to any of the Asserted Marks.

**REQUEST NO. 25:** All Documents and things that provide evidentiary support for ¶ 11 of the Second Amended Petition for Cancellation (12 TTABVUE).

**REQUEST NO. 26:** All Documents and things that provide evidentiary support for ¶ 12 of the Second Amended Petition for Cancellation (12 TTABVUE).

**REQUEST NO. 27:** All Documents and things that provide evidentiary support for ¶ 13 of the Second Amended Petition for Cancellation (12 TTABVUE).

**REQUEST NO. 28:** All Documents and things that provide evidentiary support for ¶ 15 of the Second Amended Petition for Cancellation (12 TTABVUE).

**REQUEST NO. 29:** All Documents and things that provide evidentiary support for ¶ 18 of the Second Amended Petition for Cancellation (12 TTABVUE).

**REQUEST NO. 30:** All Documents and things that provide evidentiary support for ¶ 20 of the Second Amended Petition for Cancellation (12 TTABVUE).

Dated: February 29, 2024

Respectfully submitted,

**COLE SCHOTZ P.C.**

By: /s/ William W. Stroever

William Stroever

25 Main Street

Hackensack, NJ 07601

Tel. 201.525.6237

Fax 201.678.6237

wstroever@coleschotz.com

Arjun Padmanabhan

901 Main Street, Suite 4120

Dallas, TX 75202

Tel. 469.212.1812

apadmanabhan@coleschotz.com

**COUNSEL FOR REGISTRANT  
NOMAD GRILLS LLC**

**CERTIFICATE OF SERVICE**

This is to certify that on February 29, 2024, a true and correct copy of the foregoing First Requests for Production has been served on Steven C. Sereboff by mailing said copy by email to:

Steven C. Sereboff  
Socal IP Law Group LLP  
310 N. Westlake Blvd. Suite 120  
Westlake Village, CA 91362  
uspto@socalip.com  
ssereboff@socalip.com  
nabeloe@socalip.com

*/s/ William W. Stroever*

\_\_\_\_\_  
William W. Stroever

# **EXHIBIT 3**

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

Nomad Goods, Inc.

Petitioner,

v.

Nomad Grills LLC

Registrant.

Cancellation No. 92082534

Registration No. 6175521

Mark: NOMAD GRILLS

**REGISTRANT'S FIRST REQUESTS FOR ADMISSIONS**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Registrant Nomad Grills LLC ("Registrant") by its undersigned counsel, hereby requests that Petitioner Nomad Goods Inc. ("Petitioner"), admit to the truth of the following, separately, fully, in writing, and under oath, and deliver its admissions to the offices of Registrant's attorneys, Cole Schotz P.C., 25 Main Street Hackensack, NJ 07601, Attn: William W. Stroeve, within thirty (30) days of service of this request.

**DEFINITIONS**

1. "Registrant" means Nomad Grills LLC, the Registrant in the above-captioned proceeding.
2. "Petitioner", "You," or "Your" means Petitioner Nomad Goods, Inc., 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. "Registrant's Mark" means Registrant's NOMAD GRILLS mark that is the subject of U.S. Trademark Registration No. 6175521 and this proceeding.

4. "The Asserted Marks" means the marks identified in Exhibits A, B, and C of Petitioner's Second Amended Petition for Cancellation in this proceeding.

5. "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 Petitioner'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.

6. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

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

8. The term "mark" means any word, name, symbol, or device (including any key word or metatag) or any combination thereof.

9. The term "products" means any items that You make and/or offer for sale online, direct to consumer, through retail stores or wholesalers.

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, in whole or in part, on the grounds of privilege, provide all information required by Federal Rule of Civil Procedure 26(b)(5) and TBMP § 405.04(b).

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

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.

### **ADMISSIONS REQUESTED**

**REQUEST NO. 1:** Admit that You have not sold barbecue grills under the Asserted Marks.

**REQUEST NO. 2:** Admit that You have not advertised barbecue grills under the Asserted Marks.

**REQUEST NO. 3:** Admit that You have no present plan to offer barbecue grills bearing the Asserted Marks.

**REQUEST NO. 4:** Admit that prior to the earliest priority date you claim for any of the Asserted Marks, third parties had obtained U.S. trademark registrations the trademark NOMAD.

**REQUEST NO. 5:** Admit that in the February 2, 2022 consent agreement signed between You and The Nomad Company B.V., you agreed that “The Parties have concurrently used the NOMAD mark and the Parties have no evidence of actual confusion.”

**REQUEST NO. 6:** Admit that in the February 2, 2022 consent agreement signed between You and The Nomad Company B.V., you stated that you “acknowledge that there is no overlap between the goods and services recited in The Nomad Company Registrations and the services set forth in the revised Nomad Goods application.”

**REQUEST NO. 7:** Admit that in the February 2, 2022 consent agreement signed between You and The Nomad Company B.V., you stated that “The Parties acknowledge that consumers

of their respective NOMAD goods and services are sophisticated purchasers of specialty goods and services that pay particular attention when making their purchases and are not impulse purchasers.”

**REQUEST NO. 8:** Admit that You have never sold knives under the NOMAD trademark.

**REQUEST NO. 9:** Admit that You have never sold knives under any trademark.

**REQUEST NO. 10:** Admit that You have no documents showing actual confusion between Registrant's Mark and the Asserted Marks.

**REQUEST NO. 11:** Admit that Registrant's Mark and the Asserted Marks have coexisted in the marketplace for at least three (3) years.

**REQUEST NO. 12:** Admit that You own and operate the website nomadgoods.com.

**REQUEST NO. 13:** Admit that the website at nomadgoods.com lists every product Your company offers for sale.

**REQUEST NO. 14:** Admit that the nomadgoods.com website does not list knives for sale.

**REQUEST NO. 15:** Admit that as of February 29, 2024, the list on “<https://nomadgoods.com/pages/where-we-are-sold>” is a comprehensive list of the retailers that carry Your products.

**REQUEST NO. 16:** Admit that Lowe’s Home Improvement has never sold any of Your products.

**REQUEST NO. 17:** Admit that Cabela’s has never sold any of Your products.

**REQUEST NO. 18:** Admit that Application Serial No. 88/895,537 has gone abandoned.

Dated: February 29, 2024

Respectfully submitted,

**COLE SCHOTZ P.C.**

By: /s/ William W. Stroever

William Stroever

25 Main Street

Hackensack, NJ 07601

Tel. 201.525.6237

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wstroever@coleschotz.com

Arjun Padmanabhan

901 Main Street, Suite 4120

Dallas, TX 75202

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apadmanabhan@coleschotz.com

**COUNSEL FOR REGISTRANT  
NOMAD GRILLS LLC**

**CERTIFICATE OF SERVICE**

This is to certify that on February 29, 2024, a true and correct copy of the foregoing First Requests for Admission has been served on Steven C. Sereboff by mailing said copy by email to:

Steven C. Sereboff  
Socal IP Law Group LLP  
310 N. Westlake Blvd. Suite 120  
Westlake Village, CA 91362  
uspto@socalip.com  
ssereboff@socalip.com  
nabeloe@socalip.com

*/s/ William W. Stroever*

\_\_\_\_\_  
William W. Stroever

# **EXHIBIT 4**

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

Nomad Goods, Inc.

v.

Nomad Grills LLC

Cancellation No. 92082534

Application No. 87433374

Registration No. 6175521

Mark: NOMAD GRILLS

**PETITIONER’S RESPONSES TO REGISTRANT’S FIRST SET OF INTERROGATORIES**

Petitioner responds to Applicant’s first set of Interrogatories served on February 29, 2024.

**REQUEST NO. 1:** Identify the individuals responsible for Petitioner's consideration, selection, conception, creation, or adoption of the Asserted Marks.

**Response:** Brian Hahn is a person most knowledgeable about Petitioner’s consideration, selection, conception, creation and adoption of Petitioner’s trademarks.

**REQUEST NO. 2:** Identify each and every instance of which You are aware in which any person has been in any way confused by Registrants Mark, mistaken by Registrants Mark, or deceived by Registrant’s Mark as to the origin or sponsorship between of any goods or services sold or offered for sale bearing the Asserted Marks.

**Response:** Petitioner objects to this request as vague and unclear because of its use of the terms “in any way confused,” “mistaken” and “deceived.”

**REQUEST NO. 3:** For each stylized version of the word “NOMAD” included in the Asserted Marks, identify every person employed or formerly employed by Petitioner involved in the design of that stylized version.

**Response:** Brian Hahn is a person most knowledgeable about Petitioner’s creation of its **NOMAD** trademark.

**REQUEST NO. 4:** Identify all surveys conducted by or on behalf of You in connection with the Asserted Marks or any other mark that incorporates the Asserted Marks in whole or in part, by date, title, the entity conducting the survey, and the person requesting the survey.

**Response:** Petitioner has not surveyed consumers specifically for awareness regarding its NOMAD trademark.

**REQUEST NO. 5:** Identify all surveys conducted by or on behalf of You in connection with the word “nomad” by date, title, the entity conducting the survey, and the person requesting the survey.

**Response:** Petitioner has not surveyed consumers about the word “nomad.”.

**REQUEST NO. 6:** Identify all goods and services that You have sold bearing or in connection with the Asserted Marks in the United States.

**Response:** Petitioner’s goods and services are identified in its trademark registrations and applications, in the records therefore, and on Petitioner’s website.

**REQUEST NO. 7:** Identify all goods and services that You have rendered bearing or in connection with the Asserted Marks in the United States.

**Response:** Petitioner’s goods and services are identified in its trademark registrations and applications, in the records therefore, and on Petitioner’s website.

**REQUEST NO. 8:** For each good or service that You have sold that bear or are in connection with the Asserted Marks, state the specific date of first use of the Asserted Marks in connection with each good or service.

**Response:** Petitioner is not aware of the specific date of first use of its trademarks for each good and service that it has sold or offered for sale. Petitioner’s trademark registrations and applications set forth dates of first use, which per applicable law and regulation are no later than



the dates of actual first use. Many if not most of these dates precede the date of first use claimed in the Registration.

**REQUEST NO. 9:** For each good or service that You have sold that bears or is in connection with the Asserted Marks, state the retail price of the good or service.

**Response:** Petitioner objects to this interrogatory as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it potentially covers hundreds of SKUs, is not limited as to time (Petitioner's use dates back more than a decade and continued after the filing of the petition), and is not limited to the United States.

**REQUEST NO. 10:** Identify all entities (including wholesalers, retailers, e-commerce platforms, and physical stores), that sell Your product.

**Response:** Petitioner objects to this interrogatory calls for conjecture and speculation. Petitioner does not know every entity that sells its products. Petitioner further objects to this interrogatory as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States.

**REQUEST NO. 11:** Describe the class of customer (including age, gender, and socioeconomic group) that comprises the intended market for goods or services offered for sale, sold, or intended to be offered for sale or sold under or in connection with the Asserted Marks.

**Response:** Petitioner does not have such a "class" of customer. Petitioner sells a broad array of goods, as reflected in its trademark registrations and applications, and these goods appeal to a broad and sometimes varying array of consumers.

**REQUEST NO. 12:** Identify all individuals who conducted market research for You or on Your behalf concerning the Asserted Marks or any goods or services marketed or proposed to be marketed under the Asserted Marks.

**Response:** Petitioner objects to this interrogatory as vague and ambiguous because of its use of the term “market research.” Petitioner further objects to this interrogatory because, by addressing “the Asserted Marks or any goods or services,” it contains a compound question.

**REQUEST NO. 13:** Identify all of the ways in which You advertise Your goods and services.

**Response:** Petitioner objects to this interrogatory as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner advertises its goods and services in the United States through online, print, and physical retail.

**REQUEST NO. 14:** Identify any third-parties who are authorized to advertise Your products.

**Response:** Petitioner objects to this interrogatory as vague and ambiguous because of its use of the terms “authorized” and “advertise.” Petitioner further objects to this interrogatory as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States.

**REQUEST NO. 15:** Identify each trademark search, investigation, or any other inquiry conducted by or for You concerning the availability to use or register the Asserted Marks, including the person or persons involved.

**Response:** Plaintiff objects to this interrogatory because this interrogatory calls for privileged information within the attorney-client privilege that it seeks information that is the attorney’s work product.

**REQUEST NO. 16:** Identify all agreements related to ownership of rights in the Asserted Marks by date, parties to the agreement, and the subject matter of the agreement, including any consent agreements or concurrent use agreements.

**Response:** Petitioner objects to this interrogatory as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States.

**REQUEST NO. 17:** Identify all licensing agreements concerning the Asserted Marks by date, parties to the agreement, and the subject matter of the agreement, including any consent agreements or concurrent use agreements.

**Response:** Petitioner objects to this interrogatory as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States.

**REQUEST NO. 18:** Identify and describe in detail all communications between Petitioner and any third-party concerning enforcement of the rights associated with the Asserted Marks.

**Response:** Petitioner objects to this interrogatory as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States.

**REQUEST NO. 19:** Describe the class of entities You consider to be Your competitors.

**Response:** Petitioner does not have such a “class” of entities. Petitioner sells a broad array of goods, as reflected in its trademark registrations and applications, and these goods have a broad and sometimes varying array of competitors.

**REQUEST NO. 20:** Describe what You define the acronym “EDC” (also known as every day carry) to mean.

**Response:** Petitioner uses the terms “EDC,” “every day carry” and “everyday carry” according to their ordinary meaning, as reflected in the Wikipedia page at [https://en.wikipedia.org/wiki/Everyday\\_carry](https://en.wikipedia.org/wiki/Everyday_carry).

**REQUEST NO. 21:** To the extent you use the phrase “everyday carry”, identify all products that You sell that fall within the scope of “everyday carry”.

**Response:** Petitioner objects to this interrogatory as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner further objects because this interrogatory calls for pure conjecture and speculation because the scope of EDC is subjective and determined ultimately by each individual.

**REQUEST NO. 22:** To the extent that you claim that Registrant has not sold barbeque grills since at least the time alleged in the Statement of Use, (12 TTABVUE 2), identify the person employed by Petitioner who is the most knowledgeable about the basis for that claim.

**Response:** Petitioner objects to this interrogatory as so vague, ambiguous and unintelligible that the Petitioner cannot determine the nature of the information sought. Therefore, Petitioner cannot provide an answer. Petitioner suggests that Registrant identify the specific paragraph of the second amended petition for which it seeks the indicated information.

**REQUEST NO. 23:** To the extent that you claim that customers could not consummate the purchase of barbeque grills from Registrant on or about the time of the Statement of Use because neither respondent nor the predecessor-in-interest had inventory of Registrant’s

barbeque grills and were not accepting orders, (12 TTABVUE 3), identify the person employed by Petitioner who is the most knowledgeable about the basis for that claim.

**Response:** Petitioner objects to this interrogatory as so vague, ambiguous and unintelligible that the Petitioner cannot determine the nature of the information sought. Therefore, Petitioner cannot provide an answer. Petitioner suggests that Registrant identify the specific paragraph of the second amended petition for which it seeks the indicated information.

**REQUEST NO. 24:** To the extent that you claim that neither Registrant nor its predecessor-in-interest ever used Registrant's Mark as a trademark in interstate commerce for barbeque grills, (12 TTABVUE 3), identify the person employed by Petitioner who is the most knowledgeable about the basis for that claim.

**Response:** Petitioner objects to this interrogatory as so vague, ambiguous and unintelligible that the Petitioner cannot determine the nature of the information sought. Therefore, Petitioner cannot provide an answer. Petitioner suggests that Registrant identify the specific paragraph of the second amended petition for which it seeks the indicated information.

March 28, 2024

/s/ Steven C. Sereboff  
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Phone: (805) 230-1350

Attorneys for Petitioner NOMAD GOODS, INC.

## CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **PETITIONER'S RESPONSES TO REGISTRANT'S FIRST SET OF INTERROGATORIES** has been served on WILLIAM W. STROEVER by forwarding said copy on March 28, 2024 via email to: [wstroever@coleschotz.com](mailto:wstroever@coleschotz.com); [jdade@coleschotz.com](mailto:jdade@coleschotz.com).

March 28, 2024

/s/ Nicole M. Abeloe  
Nicole M. Abeloe

# **EXHIBIT 5**

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

Nomad Goods, Inc.

v.

Nomad Grills LLC

Cancellation No. 92082534

Application No. 87433374

Registration No. 6175521

Mark: NOMAD GRILLS

**PETITIONER’S RESPONSES TO  
REGISTRANT’S FIRST SET OF  
REQUESTS FOR PRODUCTION**

Petitioner responds to Applicant’s first set of Interrogatories served on February 29, 2024.

**REQUEST NO. 1:** All Documents identified in Petitioner’s initial disclosures in this case, dated February 7, 2024.

**Response:** Petitioner has no responsive documents because Petitioner’s initial disclosures do not identify any Documents – they identify *categories* of documents.

**REQUEST NO. 2:** All Documents concerning Petitioner's consideration, selection, conception, creation, or adoption of the Asserted Marks for use on or in connection with any goods or services, including the identity any persons involved in, having information regarding, or consulted about the same as well as any alternatives and/or prior iterations considered and/or previously used.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as overbroad in time and scope. Petitioner objects to this request as unduly burdensome and oppressive.



**REQUEST NO. 3:** To the extent that You claim that the stylized “A” in the Asserted Marks is distinctive, all Documents related to the creation, selection, and development of the “A” in the Asserted Marks.

**Response:** Petitioner contends that its trademarks as a whole are distinctive, so this request is not relevant.

**REQUEST NO. 4:** Copies of all trademark searches, trademark clearances, internet print-outs, and other inquiries conducted by or on behalf of Petitioner concerning the availability to use or register the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner has no responsive, non-privileged Documents.

**REQUEST NO. 5:** All Documents concerning Petitioner's knowledge of Registrant or Registrant's Mark, including, but not limited to, all Documents reflecting communications about or with Registrant or about Petitioner's first awareness of Registrant's use of Registrant's Mark.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as lacking relevance.

**REQUEST NO. 6:** All Documents concerning any trademark or domain name watch or surveillance notices received by Petitioner concerning use of a mark similar or identical to the Asserted Marks by another.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as overbroad in time and scope.

**REQUEST NO. 7:** All Documents concerning Petitioner's knowledge of any third party's use, attempted registration, or registration of the word “nomad” as a trademark.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as overbroad in time and scope. Petitioner objects to this request as not relevant to this proceeding.

**REQUEST NO. 8:** Documents sufficient to identify all entities that sell Your products bearing the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner has no responsive documents.

**REQUEST NO. 9:** Documents sufficient to identify all the ways in which You advertise Your products that carry the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner has no responsive documents.

**REQUEST NO. 10:** Documents sufficient to show every method by which You advertise Your products sold under the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to

the United States. Petitioner advertises its goods and services in the United States through online, print, and physical retail.

**REQUEST NO. 11:** Documents sufficient to identify Petitioner’s actual and target class of purchasers of goods or services under or in connection with the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as vague and ambiguous because of its use of the term “actual and target class.” Petitioner does not have such a “class” of entities. Petitioner sells a broad array of goods, as reflected in its trademark registrations and applications, and these goods have a broad and sometimes varying array of competitors.

**REQUEST NO. 12:** All business plans concerning plans to sell grills under the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as vague and ambiguous because of its use of the term “business plans.”

**REQUEST NO. 13:** To the extent You have any plans to sell grills under the Asserted Marks, produce all documents that show evidence of plans to offer for sale grills bearing any of the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner has no current plans to sell grills in the United States and therefore has no responsive documents.

**REQUEST NO. 14:** All of Petitioner’s business plans for selling knives under the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as vague and ambiguous because of its use of the term “business plans.”

**REQUEST NO. 15:** All internal communications that discuss selling knives under the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner will produce non-privileged, responsive documents.

**REQUEST NO. 16:** All internal communications that discuss selling knives under the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner will produce non-privileged, responsive documents.

**REQUEST NO. 17:** All Documents concerning any demand letters received by You relating to Your use of the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as vague and ambiguous because of its use of the term “demand letters.”

**REQUEST NO. 18:** All Documents concerning any instances of actual or possible confusion, mistake, deception, or association of any kind between the Asserted Marks and Registrant's Mark.

**Response:** Petitioner objects to this request as vague and ambiguous because of its use of the term "actual or possible confusion, mistake, deception, or association of any kind."

**REQUEST NO. 19:** All Documents concerning any instances of actual confusion between the Asserted Marks and Registrant's Mark.

**Response:** Petitioner has no responsive documents.

**REQUEST NO. 20:** All consent agreements and coexistence agreements (such as agreements for consent or concurrent use) between Petitioner and any other entity involving the Asserted Marks.

**Response:** Petitioner objects to this request as vague and ambiguous because of its use of the term "consent agreements and coexistence agreements." Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States.

**REQUEST NO. 21:** All Documents and Communications concerning the consent agreement between The Nomad Company B.V. and Petitioner, which was executed on February 2, 2022.

**Response:** Petitioner objects to this request as vague and ambiguous because of its use of the term "consent agreement." Petitioner objects to this request as unduly burdensome because it seeks documents already in Registrant's possession.

**REQUEST NO. 22:** All trademark licenses or assignment agreements between Petitioner and any other entity involving the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as unduly burdensome because it seeks documents already in Registrant's possession.

**REQUEST NO. 23:** All cease-and-desist letters sent by Petitioner that pertain to any of the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as vague and ambiguous because of its use of the term "cease-and-desist letters."

**REQUEST NO. 24:** All cease-and-desist letters sent to Petitioner that pertain to any of the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as vague and ambiguous because of its use of the term "cease-and-desist letters."

**REQUEST NO. 25:** All Documents and things that provide evidentiary support for ¶ 11 of the Second Amended Petition for Cancellation (12 TTABVUE).

**Response:** Petitioner objects to this request as unduly burdensome because it seeks documents already in Registrant's possession. Petitioner otherwise has no responsive documents.

**REQUEST NO. 26:** All Documents and things that provide evidentiary support for ¶ 12 of the Second Amended Petition for Cancellation (12 TTABVUE).

**Response:** Petitioner objects to this request as unduly burdensome because it seeks documents already in Registrant's possession. Petitioner otherwise has no responsive documents.

**REQUEST NO. 27:** All Documents and things that provide evidentiary support for ¶ 13 of the Second Amended Petition for Cancellation (12 TTABVUE).

**Response:** Petitioner objects to this request as unduly burdensome because it seeks documents already in Registrant's possession. Petitioner otherwise has no responsive documents.

**REQUEST NO. 28:** All Documents and things that provide evidentiary support for ¶ 15 of the Second Amended Petition for Cancellation (12 TTABVUE).

**Response:** Petitioner objects to this request as unduly burdensome because it seeks documents already in Registrant's possession. Petitioner otherwise has no responsive documents.

**REQUEST NO. 29:** All Documents and things that provide evidentiary support for ¶ 18 of the Second Amended Petition for Cancellation (12 TTABVUE).

**Response:** Petitioner has no responsive documents.

**REQUEST NO. 30:** All Documents and things that provide evidentiary support for ¶ 20 of the Second Amended Petition for Cancellation (12 TTABVUE).

**Response:** Petitioner has no responsive documents.

March 28, 2024

/s/ Steven C. Sereboff  
Steven S. Sereboff, California Bar No. 156,731  
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SOCAL IP LAW GROUP LLP  
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Westlake Village, CA 91362  
Phone: (805) 230-1350

Attorneys for Petitioner NOMAD GOODS, INC.

## CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **PETITIONER'S RESPONSES TO REGISTRANT'S FIRST SET OF REQUESTS FOR PRODUCTION** has been served on WILLIAM W. STROEVER by forwarding said copy on March 28, 2024 via email to: [wstroever@coleschotz.com](mailto:wstroever@coleschotz.com); [jdade@coleschotz.com](mailto:jdade@coleschotz.com).

March 28, 2024

/s/ Nicole M. Abeloe  
Nicole M. Abeloe



# **EXHIBIT 6**

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

Nomad Goods, Inc.

v.

Nomad Grills LLC

Cancellation No. 92082534

Application No. 87433374

Registration No. 6175521

Mark: NOMAD GRILLS

**PETITIONER’S RESPONSES TO REGISTRANT’S FIRST SET OF REQUESTS FOR ADMISSIONS**

Petitioner responds to Applicant’s first set of requests for admission served on February 29, 2024.

**REQUEST NO. 1:** Admit that You have not sold barbecue grills under the Asserted Marks.

**Response:** Petitioner has not sold barbecue grills under its NOMAD trademark in the United States.

**REQUEST NO. 2:** Admit that You have not advertised barbecue grills under the Asserted Marks.

**Response:** Petitioner has not advertised barbecue grills under its NOMAD trademark in the United States.

**REQUEST NO. 3:** Admit that You have no present plan to offer barbecue grills bearing the Asserted Marks.

**Response:** Petitioner at various times has considered selling barbecue grills under its NOMAD trademark in the United States.

**REQUEST NO. 4:** Admit that prior to the earliest priority date you claim for any of the Asserted Marks, third parties had obtained U.S. trademark registrations the trademark NOMAD.

**Response:** The existence of third party registrations is a matter of public record which speaks for itself.

**REQUEST NO. 5:** Admit that in the February 2, 2022 consent agreement signed between You and The Nomad Company B.V., you agreed that “The Parties have concurrently used the NOMAD mark and the Parties have no evidence of actual confusion.”

**Response:** Petitioner objects to this request as vague with respect to “the February 2, 2022 consent agreement signed between You and The Nomad Company B.V.”

**REQUEST NO. 6:** Admit that in the February 2, 2022 consent agreement signed between You and The Nomad Company B.V., you stated that you “acknowledge that there is no overlap between the goods and services recited in The Nomad Company Registrations and the services set forth in the revised Nomad Goods application.”

**Response:** Petitioner objects to this request as vague with respect to “the February 2, 2022 consent agreement signed between You and The Nomad Company B.V.”

**REQUEST NO. 7:** Admit that in the February 2, 2022 consent agreement signed between You and The Nomad Company B.V., you stated that “The Parties acknowledge that consumers of their respective NOMAD goods and services are sophisticated purchasers of specialty goods and services that pay particular attention when making their purchases and are not impulse purchasers.”

**Response:** Petitioner objects to this request as vague with respect to “the February 2, 2022 consent agreement signed between You and The Nomad Company B.V.”

**REQUEST NO. 8:** Admit that You have never sold knives under the NOMAD trademark.

**Response:** Petitioner has not sold knives under its NOMAD trademark in the United States.

**REQUEST NO. 9:** Admit that You have never sold knives under any trademark.

**Response:** Petitioner has not sold knives in the United States.

**REQUEST NO. 10:** Admit that You have no documents showing actual confusion between Registrant's Mark and the Asserted Marks.

**Response:** Petitioner objects to this interrogatory because it calls for the Petitioner to make a legal conclusion.

**REQUEST NO. 11:** Admit that Registrant's Mark and the Asserted Marks have coexisted in the marketplace for at least three (3) years.

**Response:** Petitioner lacks sufficient information to respond to this requests and therefore denies it.

**REQUEST NO. 12:** Admit that You own and operate the website nomadgoods.com.

**Response:** Petitioner owns and operates a website hosted at the domain name nomadgoods.com.

**REQUEST NO. 13:** Admit that the website at nomadgoods.com lists every product Your company offers for sale.

**Response:** Petitioner's website hosted at the domain name nomadgoods.com does not list every product that Petitioner offers for sale or has offered for sale.

**REQUEST NO. 14:** Admit that the nomadgoods.com website does not list knives for sale.

**Response:** Petitioner's website hosted at the domain name nomadgoods.com, as of the date of the petition, did not offer knives for sale.

**REQUEST NO. 15:** Admit that as of February 29, 2024, the list on

"<https://nomadgoods.com/pages/where-we-are-sold>" is a comprehensive list of the retailers that carry Your products.

**Response:** Petitioner denies that the specified webpage is a comprehensive list of the retailers that carry Petitioner's products.

**REQUEST NO. 16:** Admit that Lowe's Home Improvement has never sold any of Your products.

**Response:** Petitioner objects to this request because it seeks information from third parties and information not within its possession, custody, control, or personal knowledge. Petitioner does not know what Lowe's Home Improvement has ever sold.

**REQUEST NO. 17:** Admit that Cabela's has never sold any of Your products.

**Response:** Petitioner objects to this request because it seeks information from third parties and information not within its possession, custody, control, or personal knowledge. Petitioner does not know what Cabela's has ever sold.

**REQUEST NO. 18:** Admit that Application Serial No. 88/895,537 has gone abandoned.

**Response:** Admitted.

March 28, 2024

/s/ Steven C. Sereboff

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Phone: (805) 230-1350

Attorneys for Petitioner NOMAD GOODS, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **PETITIONER'S RESPONSES TO REGISTRANT'S FIRST SET OF REQUESTS FOR ADMISSION** has been served on WILLIAM W. STROEVER by forwarding said copy on March 28, 2024 via email to: [wstroever@coleschotz.com](mailto:wstroever@coleschotz.com); [jdade@coleschotz.com](mailto:jdade@coleschotz.com).

March 28, 2024

/s/ Nicole M. Abeloe  
Nicole M. Abeloe

# **EXHIBIT 7**

## Padmanabhan, Arjun

---

**From:** Stroeever, William  
**Sent:** Monday, April 29, 2024 2:11 PM  
**To:** Steve Sereboff  
**Cc:** Padmanabhan, Arjun; Nicole Abeloe; Dade, James  
**Subject:** RE: Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Response to Registrant's Discovery Requests [SoCal IP Ref.: N221.L23624]

Hi Steve,

We have reviewed Nomad Goods' first supplemental responses to the document requests and requests for admission, which are still grossly deficient. Let us know if you would like to have a call to talk through each response, or if you would like us to explain why the bulk of the responses are still deficient.

If it helps, please take a look at this recent TTAB decision addressing a lot of similar issues, at pages 13-26 (<https://ttabvue.uspto.gov/ttabvue/v?pno=92077680&pty=CAN&eno=25>). Among other things, the TTAB decision explains the reasoning of why boilerplate objections like "Petitioner objects to this request as lacking relevance" are improper (pages 13-14), why Nomad Goods is obligated to state whether it is withholding documents based on objections (pages 14-15), why the objection that requests are not limited to the United States is improper (page 25), why it was improper for Nomad Goods to object that terms are vague or ambiguous without explaining why or how those terms are vague or ambiguous (pages 15-16), why the selection and adoption of Nomad Goods' trademarks is generally discoverable (page 18), and why Nomad Goods' attempt to respond to interrogatories by pointing generally to its website was an improper use of Fed. R. Civ. P. 33(d) (page 20-21).

We note also that Nomad Goods' response to Document Request No. 4 states that "Petitioner has no responsive, non-privileged Documents." If Nomad Goods is in possession of potentially privileged trademark searches, trademark clearances, or other documents responsive to this request, Nomad Goods must produce a privilege log identifying those documents. If there are no such documents, please confirm there are no documents and things responsive to this request.

Regards,



**WILLIAM STROEVER**  
**MEMBER**

OFFICE 201.525.6237

EMAIL [wstroeever@coleschotz.com](mailto:wstroeever@coleschotz.com)

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**From:** Stroeever, William <[WStroeever@coleschotz.com](mailto:WStroeever@coleschotz.com)>

**Sent:** Friday, April 26, 2024 5:40 PM



**To:** Steve Sereboff <SSereboff@socalip.com>

**Cc:** Padmanabhan, Arjun <APadmanabhan@coleschotz.com>; Nicole Abeloe <nabeloe@socalip.com>; Dade, James <JDade@coleschotz.com>

**Subject:** RE: Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Response to Registrant's Discovery Requests [SoCal IP Ref.: N221.L23624]

Hi Steve,

Received. We will take a look. A call is a good idea to talk through everything, but we should wait until after your client's document production so we can include any issues there as well.

With respect to Nomad Goods' interrogatory responses, many are classic boilerplate responses (among other things) that are improper under the discovery rules. Your responses simply announce that some portion of the response is vague without explaining the reason why it is vague. It is not enough to simply declare something vague without explaining why it is vague or why it is so vague that you cannot possibly in good faith understand the meaning and provide a substantive response. For example, in one instance Nomad Goods has objected that the term "advertise" is so vague and ambiguous that it could not possibly formulate a substantive response. This is not a good faith objection. If Nomad Goods did not want to participate in the discovery process in good faith, it should not have brought this case.

Moreover, after making the objection you should be making a good faith effort to actually respond and provide a response. Just by way of example, in Nomad Grills' response to Interrogatory 1, we objected that the phrase "explain why" was vague specifically in the context of the Statement of Use. Following that objections, we made a good faith attempt "based on Registrant's understanding of the phrase 'explain why' to provide a substantive response, which was that "Registrant states that the specimens in the Statement of Use show trademark use of Registrant's NOMAD GRILLS trademark because the trademark is being displayed in connection with the sale of Registrant's barbecue grills at the point of sale, namely Registrant's website." Not only is that not a boilerplate objection, but you actually received a substantive answer.

In the interest of hopefully making progress, below are our specific issues with each of Nomad Goods' responses, where applicable:

- Response 1 – The response does not fully answer the request. The request was for the identify of "the individuals" and Nomad Goods responded with "a person". Please confirm that Brian Hahn is the only individual knowledgeable about Petitioner's consideration, selection, conception, creation, and adoption of Petitioner's trademarks.
- Response 2 – This response is an improper boilerplate objection. Why are the terms "in any way confused", "mistaken", and "deceived" so vague that Nomad Goods cannot provide a good faith response? What are the possible alternative meanings and how would those change Nomad Goods' responses? Other than the boilerplate objection, you do not substantiate these objections or explain why discovery is not possible.
- Response 3 – The response does not fully answer the request. The request calls for "every person ... involved in the design of that stylized version" and Nomad Goods responded with "a person". Please confirm that Brian Hahn is the only individual involved in the design of that stylized version.
- Response 4 – The response improperly limits the request. The request was not limited to "awareness" surveys, but asked for all surveys. Please identify all surveys conducted. If there are so many surveys that you cannot possibly identify each of them, you can just identify the surveys conducted since 2018.
- Response 5 – We have no issue with this response.

- Responses 6 and 7 – These responses improperly shift the burden of gathering the information to Registrant. If your intent was to rely on Fed. R. Civ. P. 33(d) to respond to these requests, the burden of ascertaining the answer must be substantially the same, and you must specify the records in sufficient detail to enable us to locate them. Please identify the pages on your client’s website where we can identify any goods or services not already identified in Nomad Goods’ applications and registrations.
- Response 8 – This response is no response at all. First you state that Nomad Goods does not know its own dates of first use. Then you state that we should look to the registrations and applications for the date of first use. Then you admit that even those dates may not be accurate because “many if not most of these dates precede the date of first use claimed in the Registration.” Please provide us with those dates of first use, or concede that Nomad Goods will not rely on a date of first use for any good that precedes the date listed in the relevant registration or application.
- Response 9 – The prices of Nomad Goods’ products is extremely relevant to this dispute, and indeed is one of the actual DuPont factors. They are therefore highly relevant. If you would like a time limitation, you can provide the prices from 2018 – 2024. The objection with respect to the United States does not make sense because Nomad Goods is a US company and, if it is selling internationally, those sales from the United States to foreign countries would still be capable of regulation by Congress and therefore constitute use in commerce that is relevant to this dispute.
- Response 10 – To the extent Nomad Goods does not know “every” entity that sells its products, it is still obligated to identify the ones it does know. The United States objection is equally improper as outlined above. Registrant is entitled to discovery regarding Nomad Goods’ channels of trade.
- Response 11 – We have no issue with this response.
- Response 12 – We do have issues with this response, but will pursue the answers through alternate discovery devices.
- Response 13 – In this case Nomad Goods included its “United States” objection but then also provided a substantive response. This is the process that should have been used in every instance in which the “United States” objection was made, but wasn’t. Nevertheless, the “United States” objection is improper here, as outlined above.
- Response 14 – The objections to “authorized” and “advertise” are boilerplate objections. Why are the terms “authorized” and “advertise” so vague that Nomad Goods cannot provide a good faith response? What are the possible alternative meanings and how would those change Nomad Goods’ responses? Other than the boilerplate objection, you do not substantiate these objections or explain why discovery is not possible. In addition, the “United States” objection is improper as outlined above.
- Response 15 – The attorney-client privilege objection is misplaced. The request does not call for the results of each search (which are not privileged) or the attorney opinion (which would be privileged) but instead asks for Nomad Goods to “Identify” (as that term is defined in the Interrogatories) each search.
- Response 16 – This response is not a good faith response. Nomad Goods’ ownership of its asserted marks is one of the key elements of Nomad Goods’ case, and we are entitled to the identity of any agreements related to those rights. The “United States” objection is improper as outlined above, and in any event would not prevent Nomad Goods from identifying those agreements within the United States.
- Response 17 – This response is also not a good faith response. Whether Nomad Goods has licensed its rights for use by third parties is relevant to Nomad Goods’ assertion of rights here. The “United States” objection is improper as outlined above.

- Response 18 – The “United States” objection here is improper as outlined above, and again, should not prevent disclosure of communications within the United States in any event.
- Response 19 – We have no issue with this response.
- Response 20 – We have no issue with this response.
- Response 21 – This response is non-responsive. The request is qualified by the phrase “To the extent you use the phrase ‘everyday carry’”. If Nomad Goods does not use that phrase, than that is the answer. If Nomad Goods does use that phrase, then there is a scope of products with which it uses that phrase, and those products must be identified.
- Responses 22, 23, and 24 – In each case Nomad Goods objects to the request as vague but does not explain why it is vague or unintelligible. These are improper boilerplate responses.

Finally, Nomad Goods’ interrogatory responses are not signed, as required by Fed R. Civ. P. 33 and TBMP 405.04(c). We assume you are not planning to serve as the fact witness for Nomad Goods, so please ensure that your supplemental responses are signed and verified by the party answering these requests.

Regards,



**WILLIAM STROEVER**  
**MEMBER**

OFFICE 201.525.6237

EMAIL [wstroever@coleschotz.com](mailto:wstroever@coleschotz.com)

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**From:** Steve Sereboff <[SSereboff@socalip.com](mailto:SSereboff@socalip.com)>

**Sent:** Friday, April 26, 2024 7:24 AM

**To:** Stroever, William <[WStroever@coleschotz.com](mailto:WStroever@coleschotz.com)>

**Cc:** Padmanabhan, Arjun <[APadmanabhan@coleschotz.com](mailto:APadmanabhan@coleschotz.com)>; Nicole Abeloe <[nabeloe@socalip.com](mailto:nabeloe@socalip.com)>; Dade, James <[JDade@coleschotz.com](mailto:JDade@coleschotz.com)>

**Subject:** RE: Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Response to Registrant's Discovery Requests [SoCal IP Ref.: N221.L23624]

**CAUTION:** External Message

Willie,

Revised responses to Registrant's RFPs and RFAs are attached. We didn't discern complaints about Petitioner's Rog responses so we didn't revise those.

We expect to produce documents next week per the agreed-upon schedule.

Now that we have reviewed Petitioner's requests again, and in the interest of cooperation, I suggest that you and I meet informally to talk through the issues. A conversation in which we discuss specific requests and objections should allow us to come to a better understanding so that Petitioner can provide what Registrant needs for its case, subject to Registrant's legitimate rights of what it can obtain from Petitioner.

We are intrigued by Registrant's critique of Respondents responses as having boilerplate rejections. We disagree with the critique. For a perfect examples of boilerplate, Registrant should review its responses to Petitioner's discovery requests.

/steve/

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**From:** Stroever, William <[WStroever@coleschotz.com](mailto:WStroever@coleschotz.com)>  
**Sent:** Thursday, April 18, 2024 12:25 PM  
**To:** Steve Sereboff <[SSereboff@socalip.com](mailto:SSereboff@socalip.com)>  
**Cc:** Padmanabhan, Arjun <[APadmanabhan@coleschotz.com](mailto:APadmanabhan@coleschotz.com)>; Nicole Abeloe <[nabeloe@socalip.com](mailto:nabeloe@socalip.com)>  
**Subject:** RE: Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Response to Registrant's Discovery Requests [SoCal IP Ref.: N221.L23624]

Thanks Steve. That works for us.

I'm not sure I understand the "threat of abuse" angle, but if it helps: we expect there will be another round of discovery requests with follow-up questions or more focused requests, and then probably depositions after that. Obviously we'll wait and see how you supplement, but that would be my guess.

Regards,



**WILLIAM STROEVER**  
**MEMBER**

**OFFICE** 201.525.6237

**EMAIL** [wstroever@coleschotz.com](mailto:wstroever@coleschotz.com)

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**From:** Steve Sereboff <[SSereboff@socalip.com](mailto:SSereboff@socalip.com)>  
**Sent:** Thursday, April 18, 2024 3:21 PM  
**To:** Stroever, William <[WStroever@coleschotz.com](mailto:WStroever@coleschotz.com)>  
**Cc:** Padmanabhan, Arjun <[APadmanabhan@coleschotz.com](mailto:APadmanabhan@coleschotz.com)>; Nicole Abeloe <[nabeloe@socalip.com](mailto:nabeloe@socalip.com)>

**Subject:** RE: Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Response to Registrant's Discovery Requests [SoCal IP Ref.: N221.L23624]

**CAUTION:** External Message

Willie,

Thanks for the clarification. Fair enough. We'll do another turn on our responses for you with an eye toward avoiding motion practice. How about if we serve revised responses next week, and documents the week after?

We trust that your suggestion about serving additional discovery wasn't intended to be a threat of abuse, but it reads that way to us.

/steve/

---

**From:** Stroever, William <[WStroever@coleschotz.com](mailto:WStroever@coleschotz.com)>

**Sent:** Wednesday, April 17, 2024 10:55 AM

**To:** Steve Sereboff <[SSereboff@socalip.com](mailto:SSereboff@socalip.com)>

**Cc:** Padmanabhan, Arjun <[APadmanabhan@coleschotz.com](mailto:APadmanabhan@coleschotz.com)>; Nicole Abeloe <[nabeloe@socalip.com](mailto:nabeloe@socalip.com)>

**Subject:** RE: Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Response to Registrant's Discovery Requests [SoCal IP Ref.: N221.L23624]

Hi Steve,

The purpose of the call was not as a final step before a motion but to see if we can get clarification from you on Nomad Goods' discovery responses. In our view there are almost no proper responses to Nomad Grills' discovery requests. We don't feel that we are at the point yet of itemizing every single one without narrowing them down but some of the most glaring are below, and it is hard to dispute that they are deficient. We haven't received any documents, for example. In the responses Nomad Goods objected to on overbreadth grounds, it did not even provide good faith responses to what it would consider to be an appropriate scope. For example even if you object that a request is not limited to the United States, you should still be providing a discovery response regarding the activity or information within the United States. An "overbroad" objection is not a get-out-of-jail-free card for the entire discovery demand. The purpose for the call would be to walk through each request so that you can explain why Nomad Goods was unable to provide discovery responses in the case of each demand.

There is still substantial work to be done on this round of discovery requests and we anticipate probably a follow-up round of discovery demands as well as a handful of discovery depositions. If we can't resolve Nomad Goods' responses we may end up with motion practice as well. On our initial disclosure call you mentioned that you thought the outcome of the first case would probably resolve the second case. What we want to avoid is a situation where everyone is pouring in time and effort (and headache?) into a case that might go away anyway. If the case is active, we will have to pursue it thoroughly like we would any other case. If you think it is worthwhile to suspend this proceeding while we wait for the decision on the first case, just let us know and we can suspend without the need for the discovery call.

Regards,

**WILLIAM STROEVER**

**MEMBER**

OFFICE 201.525.6237

EMAIL [wstroever@coleschotz.com](mailto:wstroever@coleschotz.com)

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**From:** Steve Sereboff <[SSereboff@socalip.com](mailto:SSereboff@socalip.com)>

**Sent:** Tuesday, April 16, 2024 5:11 PM

**To:** Padmanabhan, Arjun <[APadmanabhan@coleschotz.com](mailto:APadmanabhan@coleschotz.com)>

**Cc:** Nicole Abeloe <[nabeloe@socalip.com](mailto:nabeloe@socalip.com)>; Stroever, William <[WStroever@coleschotz.com](mailto:WStroever@coleschotz.com)>

**Subject:** RE: Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Response to Registrant's Discovery Requests [SoCal IP Ref.: N221.L23624] [IMAN-CSDOCS.FID2364484]

**CAUTION:** External Message

Arjun,

Nice to meet you.

I now see that Willie proposed a meet and confer. I am on vacation at the end of the week, so how about next week?

In advance, please review your discovery requests with an eye to recalibrating them to get what you really need. We disagree that Petitioner's responses were deficient. Could you provide us with adequate specificity to understand what Registrant seeks? A lot of our objections to your discovery requests were because we didn't know what you wanted, or they were far too broad. These issues arise again with your critique of our responses. When we meet, to the extent you did not understand our objections, I'll try to provide more color so that you can better craft your requests. I would hope that you could also better explain what you want so that I can get you revised responses as much as I can.

Registrant's proposal for a stay of the cancellation proceeding pending a decision in the opposition has some merit. Since the parties are pretty far along on discovery, how about if we finish with discovery first?

/steve/

---

**From:** Padmanabhan, Arjun <[APadmanabhan@coleschotz.com](mailto:APadmanabhan@coleschotz.com)>

**Sent:** Monday, April 15, 2024 8:42 AM

**To:** Stroever, William <[WStroever@coleschotz.com](mailto:WStroever@coleschotz.com)>; Steve Sereboff <[SSereboff@socalip.com](mailto:SSereboff@socalip.com)>

**Cc:** Nicole Abeloe <[nabeloe@socalip.com](mailto:nabeloe@socalip.com)>

**Subject:** RE: Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Response to Registrant's Discovery Requests [SoCal IP Ref.: N221.L23624] [IMAN-CSDOCS.FID2364484]

Steve,

Hope you had a good weekend. Please let us know how you would like to proceed regarding Nomad Goods' deficient responses that Willie addressed in the email below.



**ARJUN PADMANABHAN**  
**ASSOCIATE**

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CELL 561.901.7336

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**From:** Stroever, William <[WStroever@coleschotz.com](mailto:WStroever@coleschotz.com)>

**Sent:** Tuesday, April 9, 2024 1:51 PM

**To:** [ssereboff@socalip.com](mailto:ssereboff@socalip.com)

**Cc:** Nicole Abeloe <[nabeloe@socalip.com](mailto:nabeloe@socalip.com)>; Padmanabhan, Arjun <[APadmanabhan@coleschotz.com](mailto:APadmanabhan@coleschotz.com)>

**Subject:** RE: Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Response to Registrant's Discovery Requests [SoCal IP Ref.: N221.L23624]

Hi Steve,

Thank you for sending over these discovery responses. There are some pretty significant issues and deficiencies throughout the responses that we are hoping to address with you, including:

- Many/most of Nomad Goods' responses to Requests for Admission are non-responsive or deficient and demonstrate a lack of a good faith response. Fed. R. Civ. P. 36(a)(4) requires you to admit or deny every Request for Admission: "If a matter is not admitted, the answer must specifically deny it or state in detail why the answering party cannot truthfully admit or deny it. A denial must fairly respond to the substance of the matter; and when good faith requires that a party qualify an answer or deny only part of an answer, the answer must specify the part admitted and qualify or deny the rest." In some cases Nomad Goods has answered rephrased versions of the requests in order to avoid admitting or denying the request. In other cases Nomad Goods has feigned confusion about a term and completely failed to respond in good faith – again without admitting or denying the request.
- In response to a large number of requests, Nomad Goods objects to a portion of a request but then fails to provide any form of substantive response. In a situation where a discovery respondent disputes only a portion of a discovery request, that respondent should provide discovery responses to the "acceptable" portion while the parties work out the disputed portion.
- Regarding your responses to our RFPs, you are required to state whether any documents or materials are being withheld on the basis of the objection. *Besurance Corporation v. Wesure Insurance Company Ltd.*, 2021 WL 2287001, at \*4 (citing *No Fear, Inc. v. Rule*, 54 USPQ2d 1551, 1556 (TTAB 2000); TBMP

406.04c) and 408.02). “A proper written response to each request requires a party to state that there are responsive documents and that they will be produced; state an objection with appropriate specific reasons and that documents are being withheld based on the objection; or state that responsive documents do not exist.” Id.

- In several instances Nomad Goods objects to discovery requests as being overbroad because they are not limited to the United States (*see e.g.* Response to Interrogatory No. 10), are improper. Use in commerce for trademark purposes is based on all types of commerce which could be regulated by Congress, which includes the provision of services from US entity (Nomad Goods) internationally to foreign entities. It is therefore irrelevant that the requests are not limited to the United States. Moreover, Nomad Goods doesn't explain why that prevented Nomad Goods from providing information about activities and information within the United States, which was unobjectionable to Nomad Goods.
- Almost every response contains boilerplate objections without any explanations, which are obviously improper. The most frequent of these is the “vague and ambiguous” objection, without any explanation as to how the subject matter is vague or ambiguous, how that would prevent Nomad Goods from responding, or a good faith attempt at a discovery response from Nomad Goods. Some of these objections are especially egregious, such as Nomad Goods’ objections to common English words such as “authorized” and “advertise” (Interrogatory No. 14), or Nomad Goods’ blanket vagueness objections without any explanations at all (Interrogatory No. 24).
- Finally, you produced no responsive documents. Although you objected and promised to produce documents in the future, you do have an obligation to investigate to provide a full and complete response now. *See Grande Foods*, 90 U.S.P.Q.2d 1389 (T.T.A.B. 2007). You also have an obligation to supplement your discovery responses as soon as you become aware of new information. *Quality Candy Shoppes/buddy Squirrel of Wisconsin, Inc. v. Grande Foods*, 90 U.S.P.Q.2d 1389 (T.T.A.B. 2007) (emphasis added); see also Fed. R. Civ. P. 26(e).

Among other things, these responses have us concerned that Nomad Goods is not taking this second case seriously. If you would like to pause or withdraw this second case while we wait for a decision on the first one, we can definitely discuss. If Nomad Goods is still interested in pursuing this second case, please let us know when you are available next week for a call so that we can walk through each of Nomad Goods’ discovery responses. Please also let us know when you plan to withdraw the allegations related to non-use that cannot be maintained in the Petition.

Regards,



**WILLIAM STROEVER**  
**MEMBER**

OFFICE 201.525.6237

EMAIL [wstroever@coleschotz.com](mailto:wstroever@coleschotz.com)

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**From:** Nicole Abeloe <[nabeloe@socalip.com](mailto:nabeloe@socalip.com)>

**Sent:** Thursday, March 28, 2024 1:20 PM

**To:** Stroever, William <[WStroever@coleschotz.com](mailto:WStroever@coleschotz.com)>

**Cc:** Dade, James <[JDade@coleschotz.com](mailto:JDade@coleschotz.com)>; Steve Sereboff <[SSereboff@socalip.com](mailto:SSereboff@socalip.com)>

**Subject:** Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Response to Registrant's Discovery Requests [IMAN-CSDOCS.FID2364484] [SoCal IP Ref.: N221.L23624]

**CAUTION:** External Message

Good morning,

Please see the attached Response to Registrant's Discovery Requests.

Best regards,

**Nicole M. Abeloe**

*IP Paralegal*

**SoCal IP**  
**Law Group LLP**

p: (805) 267-2257 f: (805) 230-2355

[nabeloe@socalip.com](mailto:nabeloe@socalip.com) [www.socalip.com](http://www.socalip.com)

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# **EXHIBIT 8**

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

Nomad Goods, Inc.

v.

Nomad Grills LLC

Cancellation No. 92082534

Application No. 87433374

Registration No. 6175521

Mark: NOMAD GRILLS

**PETITIONER’S RESPONSES TO  
REGISTRANT’S FIRST SET OF  
REQUESTS FOR PRODUCTION**

Petitioner responds to Applicant’s first requests for production set of Interrogatories served on February 29, 2024.

**REQUEST NO. 1:** All Documents identified in Petitioner’s initial disclosures in this case, dated February 7, 2024.

**Response:** Petitioner has no responsive documents because Petitioner’s initial disclosures do not identify any Documents – they identify *categories* of documents.

**REQUEST NO. 2:** All Documents concerning Petitioner's consideration, selection, conception, creation, or adoption of the Asserted Marks for use on or in connection with any goods or services, including the identity any persons involved in, having information regarding, or consulted about the same as well as any alternatives and/or prior iterations considered and/or previously used.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as overbroad in time and scope. Petitioner objects to this request as unduly burdensome and oppressive. Petitioner objects to this request as

lacking relevance. On the basis of these objections Petitioner will not produce documents which might be responsive.

**REQUEST NO. 3:** To the extent that You claim that the stylized “A” in the Asserted Marks is distinctive, all Documents related to the creation, selection, and development of the “A” in the Asserted Marks.

**Response:** Petitioner contends that its trademarks as a whole are distinctive, so this request is not relevant. and therefore Petitioner will not produce documents which might be responsive.

**REQUEST NO. 4:** Copies of all trademark searches, trademark clearances, internet print-outs, and other inquiries conducted by or on behalf of Petitioner concerning the availability to use or register the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner has no responsive, non-privileged Documents.

**REQUEST NO. 5:** All Documents concerning Petitioner's knowledge of Registrant or Registrant's Mark, including, but not limited to, all Documents reflecting communications about or with Registrant or about Petitioner's first awareness of Registrant's use of Registrant's Mark.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as lacking relevance. On the basis of these objections Petitioner will not produce documents which might be responsive.

**REQUEST NO. 6:** All Documents concerning any trademark or domain name watch or surveillance notices received by Petitioner concerning use of a mark similar or identical to the Asserted Marks by another.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as overbroad in time and scope. On the basis of these objections Petitioner will not produce documents which might be responsive.

**REQUEST NO. 7:** All Documents concerning Petitioner's knowledge of any third party's use, attempted registration, or registration of the word “nomad” as a trademark.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as overbroad in time and scope. Petitioner objects to this request as not relevant to this proceeding. Subject to these objections, Petitioner has no responsive, non-privileged documents.

**REQUEST NO. 8:** Documents sufficient to identify all entities that sell Your products bearing the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner has no responsive documents.

**REQUEST NO. 9:** Documents sufficient to identify all the ways in which You advertise Your products that carry the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner has no responsive documents.

**REQUEST NO. 10:** Documents sufficient to show every method by which You advertise Your products sold under the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Subject to these objections, Petitioner avers that it advertises its goods and services in the United States through online, print, and physical retail, and Petitioner has no responsive documents.

**REQUEST NO. 11:** Documents sufficient to identify Petitioner’s actual and target class of purchasers of goods or services under or in connection with the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as vague and ambiguous because of its use of the term “actual and target class.” Petitioner does not have such a “class” of entities. Petitioner sells a broad array of goods, as reflected in its trademark registrations and applications, and these goods have a broad and sometimes varying array of competitors. On the basis of these objections Petitioner will not produce documents which might be responsive.

**REQUEST NO. 12:** All business plans concerning plans to sell grills under the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as vague and ambiguous because of its use of the term “business plans.” Subject to these objections, Petitioner avers that it has no documents which might be responsive.

**REQUEST NO. 13:** To the extent You have any plans to sell grills under the Asserted Marks, produce all documents that show evidence of plans to offer for sale grills bearing any of the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner has no current plans to sell grills in the United States and therefore has no responsive documents.

**REQUEST NO. 14:** All of Petitioner’s business plans for selling knives under the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as vague and ambiguous because of its use of the term “business plans.” Subject to these objections, Petitioner avers that it has no documents which might be responsive.

**REQUEST NO. 15:** All internal communications that discuss selling knives under the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner will produce non-privileged, responsive documents.

**REQUEST NO. 16:** All internal communications that discuss selling knives under the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner will produce non-privileged, responsive documents.

**REQUEST NO. 17:** All Documents concerning any demand letters received by You relating to Your use of the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as vague and ambiguous because of its use of the term “demand letters.” On the basis of these objections Petitioner will not produce documents which might be responsive.

**REQUEST NO. 18:** All Documents concerning any instances of actual or possible confusion, mistake, deception, or association of any kind between the Asserted Marks and Registrant’s Mark.

**Response:** Petitioner objects to this request as vague and ambiguous because of its use of the term “actual or possible confusion, mistake, deception, or association of any kind.” And on that basis Petitioner will not produce documents which might be responsive.

**REQUEST NO. 19:** All Documents concerning any instances of actual confusion between the Asserted Marks and Registrant’s Mark.

**Response:** Petitioner has no responsive documents.

**REQUEST NO. 20:** All consent agreements and coexistence agreements (such as agreements for consent or concurrent use) between Petitioner and any other entity involving the Asserted Marks.



**Response:** Petitioner objects to this request as vague and ambiguous because of its use of the term “consent agreements and coexistence agreements.” Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. On the basis of these objections Petitioner will not produce documents which might be responsive.

**REQUEST NO. 21:** All Documents and Communications concerning the consent agreement between The Nomad Company B.V. and Petitioner, which was executed on February 2, 2022.

**Response:** Petitioner objects to this request as vague and ambiguous because of its use of the term “consent agreement.” Petitioner objects to this request as unduly burdensome because it seeks documents already in Registrant’s possession. On the basis of these objections Petitioner will not produce documents which might be responsive.

**REQUEST NO. 22:** All trademark licenses or assignment agreements between Petitioner and any other entity involving the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as unduly burdensome because it seeks documents already in Registrant’s possession. On the basis of these objections Petitioner will not produce documents which might be responsive.

**REQUEST NO. 23:** All cease-and-desist letters sent by Petitioner that pertain to any of the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as vague and ambiguous because of its use of

the term “cease-and-desist letters.” On the basis of these objections Petitioner will not produce documents which might be responsive.

**REQUEST NO. 24:** All cease-and-desist letters sent to Petitioner that pertain to any of the Asserted Marks.

**Response:** Petitioner objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the United States. Petitioner objects to this request as vague and ambiguous because of its use of the term “cease-and-desist letters.” On the basis of these objections Petitioner will not produce documents which might be responsive.

**REQUEST NO. 25:** All Documents and things that provide evidentiary support for ¶ 11 of the Second Amended Petition for Cancellation (12 TTABVUE).

**Response:** Petitioner objects to this request as unduly burdensome because it seeks documents already in Registrant’s possession. Petitioner otherwise has no responsive documents.

**REQUEST NO. 26:** All Documents and things that provide evidentiary support for ¶ 12 of the Second Amended Petition for Cancellation (12 TTABVUE).

**Response:** Petitioner objects to this request as unduly burdensome because it seeks documents already in Registrant’s possession. Petitioner otherwise has no responsive documents.

**REQUEST NO. 27:** All Documents and things that provide evidentiary support for ¶ 13 of the Second Amended Petition for Cancellation (12 TTABVUE).

**Response:** Petitioner objects to this request as unduly burdensome because it seeks documents already in Registrant’s possession. Petitioner otherwise has no responsive documents.

**REQUEST NO. 28:** All Documents and things that provide evidentiary support for ¶ 15 of the Second Amended Petition for Cancellation (12 TTABVUE).

**Response:** Petitioner objects to this request as unduly burdensome because it seeks documents already in Registrant's possession. Petitioner otherwise has no responsive documents.

**REQUEST NO. 29:** All Documents and things that provide evidentiary support for ¶ 18 of the Second Amended Petition for Cancellation (12 TTABVUE).

**Response:** Petitioner has no responsive documents.

**REQUEST NO. 30:** All Documents and things that provide evidentiary support for ¶ 20 of the Second Amended Petition for Cancellation (12 TTABVUE).

**Response:** Petitioner has no responsive documents.

April 26, 2024

/s/ Steven C. Sereboff  
Steven S. Sereboff, California Bar No. 156,731  
ssereboff@socalip.com  
SOCAL IP LAW GROUP LLP  
310 N. Westlake Blvd., Suite 120  
Westlake Village, CA 91362  
Phone: (805) 230-1350

Attorneys for Petitioner NOMAD GOODS, INC.

#### CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **PETITIONER'S RESPONSES TO REGISTRANT'S FIRST SET OF REQUESTS FOR PRODUCTION** has been served on WILLIAM W. STROEVER by forwarding said copy on April 26, 2024 via email to: [wstroever@coleschotz.com](mailto:wstroever@coleschotz.com); [jdade@coleschotz.com](mailto:jdade@coleschotz.com).

April 26, 2024

/s/ Steven C. Sereboff  
Steven C. Sereboff

# **EXHIBIT 9**

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

Nomad Goods, Inc.

v.

Nomad Grills LLC

Cancellation No. 92082534

Application No. 87433374

Registration No. 6175521

Mark: NOMAD GRILLS

**PETITIONER’S RESPONSES TO REGISTRANT’S FIRST SET OF REQUESTS FOR ADMISSIONS**

Petitioner responds to Applicant’s first set of requests for admission served on February 29, 2024.

**REQUEST NO. 1:** Admit that You have not sold barbecue grills under the Asserted Marks.

**Response:** Petitioner has not sold barbecue grills under its NOMAD trademark in the United States.

**REQUEST NO. 2:** Admit that You have not advertised barbecue grills under the Asserted Marks.

**Response:** Petitioner has not advertised barbecue grills under its NOMAD trademark in the United States.

**REQUEST NO. 3:** Admit that You have no present plan to offer barbecue grills bearing the Asserted Marks.

**Response:** Petitioner at various times has considered selling barbecue grills under its NOMAD trademark in the United States.

**REQUEST NO. 4:** Admit that prior to the earliest priority date you claim for any of the Asserted Marks, third parties had obtained U.S. trademark registrations the trademark NOMAD.

**Response:** The existence of third party registrations is a matter of public record which speaks for itself and on that basis denies this request.

**REQUEST NO. 5:** Admit that in the February 2, 2022 consent agreement signed between You and The Nomad Company B.V., you agreed that “The Parties have concurrently used the NOMAD mark and the Parties have no evidence of actual confusion.”

**Response:** Petitioner objects to this request because it takes text out of context and is therefore misleading, and as vague with respect to “the February 2, 2022 consent agreement signed between You and The Nomad Company B.V.” and on that basis denies it.

**REQUEST NO. 6:** Admit that in the February 2, 2022 consent agreement signed between You and The Nomad Company B.V., you stated that you “acknowledge that there is no overlap between the goods and services recited in The Nomad Company Registrations and the services set forth in the revised Nomad Goods application.”

**Response:** Petitioner objects to this request because it takes text out of context and is therefore misleading, as vague with respect to “the February 2, 2022 consent agreement signed between You and The Nomad Company B.V.” and on that basis denies it.

**REQUEST NO. 7:** Admit that in the February 2, 2022 consent agreement signed between You and The Nomad Company B.V., you stated that “The Parties acknowledge that consumers of their respective NOMAD goods and services are sophisticated purchasers of specialty goods and services that pay particular attention when making their purchases and are not impulse purchasers.”

**Response:** Petitioner objects to this request because it takes text out of context and is therefore misleading, as vague with respect to “the February 2, 2022 consent agreement signed between You and The Nomad Company B.V.” and on that basis denies it.

**REQUEST NO. 8:** Admit that You have never sold knives under the NOMAD trademark.

**Response:** Petitioner has not sold knives under its NOMAD trademark in the United States.

**REQUEST NO. 9:** Admit that You have never sold knives under any trademark.

**Response:** Petitioner has not sold knives in the United States.

**REQUEST NO. 10:** Admit that You have no documents showing actual confusion between Registrant's Mark and the Asserted Marks.

**Response:** Petitioner objects to this interrogatory because it calls for the Petitioner to make a legal conclusion, and on that basis it is denied.

**REQUEST NO. 11:** Admit that Registrant's Mark and the Asserted Marks have coexisted in the marketplace for at least three (3) years.

**Response:** Petitioner lacks sufficient information to respond to this requests and therefore denies it.

**REQUEST NO. 12:** Admit that You own and operate the website nomadgoods.com.

**Response:** Petitioner owns and operates a website hosted at the domain name nomadgoods.com.

**REQUEST NO. 13:** Admit that the website at nomadgoods.com lists every product Your company offers for sale.

**Response:** Petitioner's website hosted at the domain name nomadgoods.com does not list every product that Petitioner offers for sale or has offered for sale.

**REQUEST NO. 14:** Admit that the nomadgoods.com website does not list knives for sale.

**Response:** Petitioner's website hosted at the domain name nomadgoods.com, as of the date of the petition, did not offer knives for sale.

**REQUEST NO. 15:** Admit that as of February 29, 2024, the list on

“<https://nomadgoods.com/pages/where-we-are-sold>” is a comprehensive list of the retailers that carry Your products.

**Response:** Petitioner denies that the specified webpage is a comprehensive list of the retailers that carry Petitioner's products.

**REQUEST NO. 16:** Admit that Lowe's Home Improvement has never sold any of Your products.

**Response:** Petitioner objects to this request because it seeks information from third parties and information not within its possession, custody, control, or personal knowledge. Petitioner does not know what Lowe's Home Improvement has ever sold, and therefore denies the request.

**REQUEST NO. 17:** Admit that Cabela's has never sold any of Your products.

**Response:** Petitioner objects to this request because it seeks information from third parties and information not within its possession, custody, control, or personal knowledge. Petitioner does not know what Cabela's has ever sold, and therefore denies the request.

**REQUEST NO. 18:** Admit that Application Serial No. 88/895,537 has gone abandoned.

**Response:** Admitted.

April 26, 2024

/s/ Steven C. Sereboff

Steven S. Sereboff, California Bar No. 156,731

ssereboff@socalip.com

SOCAL IP LAW GROUP LLP

310 N. Westlake Blvd., Suite 120

Westlake Village, CA 91362

Phone: (805) 230-1350

Attorneys for Petitioner NOMAD GOODS, INC.



**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **PETITIONER'S RESPONSES TO REGISTRANT'S FIRST SET OF REQUESTS FOR ADMISSION** has been served on WILLIAM W. STROEVER by forwarding said copy on April 26, 2024 via email to: [wstroever@coleschotz.com](mailto:wstroever@coleschotz.com); [jdade@coleschotz.com](mailto:jdade@coleschotz.com).

April 26, 2024

/s/ Steven C. Sereboff  
Steven C. Sereboff

# **EXHIBIT 10**

## Padmanabhan, Arjun

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**From:** Stroeever, William  
**Sent:** Monday, May 13, 2024 10:25 AM  
**To:** Steve Sereboff  
**Cc:** Padmanabhan, Arjun; Dade, James; Nicole Abeloe  
**Subject:** RE: Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Nomad Goods Document Production [SoCal IP Ref.: N221.L23624]

Hi Steve,

We are not determined to file a motion to compel; we are determined to get full and complete discovery responses. In our email on 4/29 we asked for a call, and you didn't respond to that request for a call. In two separate emails on 5/8 we asked for a call, and you didn't respond to either request for a call. Now you are saying that we need to wait until May 23 to discuss, and you haven't given us any indication that you would revise or amend any of the responses. Nomad Goods' responses were originally due on March 28, and we have been chasing complete responses since then.

We have an obligation to make a good faith effort to resolve the discovery dispute, which we have done on numerous occasions by outlining all of the deficiencies in the responses, by giving you an opportunity to revise them, and by outlining the deficiencies in those amended responses. And again, across that nearly two months of effort you haven't given us any indication that you are willing to provide us with the discovery being requested, or to provide good faith responses. If you can explain how you will remedy these deficiencies, we can wait until May 23 for a call. However we can't wait for May 23 for a call only to be told that you won't be amending the responses.

Regards,



**WILLIAM STROEVER**  
**MEMBER**

**OFFICE** 201.525.6237

**EMAIL** [wstroeever@coleschotz.com](mailto:wstroeever@coleschotz.com)

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**VCARD** | **BIO** | **COLESCHOTZ.COM**

Legal Practice Assistant: Michele Amelio | 201.489.3000 x 5010 | [mamelio@coleschotz.com](mailto:mamelio@coleschotz.com)

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**From:** Steve Sereboff <[SSereboff@socalip.com](mailto:ssereboff@socalip.com)>  
**Sent:** Monday, May 13, 2024 10:05 AM  
**To:** Stroeever, William <[WStroeever@coleschotz.com](mailto:WStroeever@coleschotz.com)>  
**Cc:** Padmanabhan, Arjun <[APadmanabhan@coleschotz.com](mailto:APadmanabhan@coleschotz.com)>; Dade, James <[JDade@coleschotz.com](mailto:JDade@coleschotz.com)>; Nicole Abeloe <[nabeloe@socalip.com](mailto:nabeloe@socalip.com)>  
**Subject:** RE: Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Nomad Goods Document Production [SoCal IP Ref.: N221.L23624]

Willie, you seem determined to file a motion to compel rather than try to resolve between us the problems Petitioner sees with the discovery you propounded and the problems Registrant sees with our responses. Follow that path and the result will be the same as with the first case: the TTAB will basically tell us to try to work it out. From the outset of the conflicts over your discovery requests I've been suggesting meeting. Check the emails and you'll see my repeated suggestions to meet. You are yet to even propose a time to meet, let alone accept my suggestion. We could have met many weeks ago. I remain available May 23 in the early afternoon. /steve/

---

**From:** Stroever, William <[WStroever@coleschotz.com](mailto:WStroever@coleschotz.com)>

**Sent:** Friday, May 10, 2024 7:06 AM

**To:** Steve Sereboff <[SSereboff@socalip.com](mailto:SSereboff@socalip.com)>

**Cc:** Padmanabhan, Arjun <[APadmanabhan@coleschotz.com](mailto:APadmanabhan@coleschotz.com)>; Dade, James <[JDade@coleschotz.com](mailto:JDade@coleschotz.com)>; Nicole Abeloe <[nabeloe@socalip.com](mailto:nabeloe@socalip.com)>

**Subject:** RE: Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Nomad Goods Document Production [SoCal IP Ref.: N221.L23624]

Hi Steve,

Understood. I think the pleadings and deposition issues can wait to be discussed until after INTA, and we can arrange a call after that. The discovery response issues are a little bit more time-sensitive, and stretch back to March. I would rather not wait another two weeks to continue the discussion. On the other hand if Nomad Goods won't be supplementing its discovery responses any further and you don't think a phone call will convince you to revise the responses, then a discovery phone call probably doesn't make much sense. Please let me know if that is the case.

Unfortunately had to cancel my INTA trip this year, so I won't be able to go this year.

Regards,



**WILLIAM STROEVER**

**MEMBER**

**OFFICE** 201.525.6237

**EMAIL** [wstroever@coleschotz.com](mailto:wstroever@coleschotz.com)

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Legal Practice Assistant: Michele Amelio | 201.489.3000 x 5010 | [mamelio@coleschotz.com](mailto:mamelio@coleschotz.com)

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**From:** Steve Sereboff <[SSereboff@socalip.com](mailto:SSereboff@socalip.com)>

**Sent:** Thursday, May 9, 2024 4:19 PM

**To:** Stroever, William <[WStroever@coleschotz.com](mailto:WStroever@coleschotz.com)>

**Cc:** Padmanabhan, Arjun <[APadmanabhan@coleschotz.com](mailto:APadmanabhan@coleschotz.com)>; Dade, James <[JDade@coleschotz.com](mailto:JDade@coleschotz.com)>; Nicole Abeloe <[nabeloe@socalip.com](mailto:nabeloe@socalip.com)>

**Subject:** RE: Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Nomad Goods Document Production [SoCal IP Ref.: N221.L23624]

**CAUTION:** External Message

Willie,

I'm on vacation next week. After that I head to Atlanta for INTA. Are you going? I'm back in the office on May 23 in the afternoon.

/steve/

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**From:** Stroever, William <[WStroever@coleschotz.com](mailto:WStroever@coleschotz.com)>

**Sent:** Wednesday, May 8, 2024 12:35 PM

**To:** Steve Sereboff <[SSereboff@socalip.com](mailto:SSereboff@socalip.com)>

**Cc:** Padmanabhan, Arjun <[APadmanabhan@coleschotz.com](mailto:APadmanabhan@coleschotz.com)>; Dade, James <[JDade@coleschotz.com](mailto:JDade@coleschotz.com)>; Nicole Abeloe <[nabeloe@socalip.com](mailto:nabeloe@socalip.com)>

**Subject:** RE: Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Nomad Goods Document Production [SoCal IP Ref.: N221.L23624]

Hi Steve,

Please let us know when you are available during the week of May 13 for a meet and confer on the open issues with Nomad Goods' discovery responses and pleadings. We haven't received a response to our email of April 26 about the interrogatory deficiencies or to our email of April 29 about the pleading issues. In addition, after reviewing Nomad Goods' first supplemental responses to the Requests for Admission, the following responses are still deficient for all of the same reasons we have discussed in our previous emails: 1, 2, 3, 4, 5, 6, 7, 8, and 9. The following responses to the document requests are still deficient, again for all of the same reasons we have discussed in our previous emails: 2, 3, 5, 6, 7, 8, 9, 10, 11, 17, 18, 20, 21, 22, 23, and 24. The document responses in particular highlight the lengths to which Nomad Goods will go to avoid participating in discovery. We have testimony signed by Brian Hahn under penalty of perjury that "Nomad Goods' products are available on the internet and brick-and-mortar stores throughout the United States and internationally", and yet the response to document request 8 states that not a single document exists that would identify an entity that sells Nomad Goods' products. In response to document request 10, Nomad Goods states that it advertises its goods and services through line, print, and physical retail, and yet it simultaneously states that it is not in possession of a single document that would prove that.

Again, please let us know when you are available next week to discuss.

Regards,

**WILLIAM STROEVER**  
**MEMBER**

**OFFICE** 201.525.6237

**EMAIL** [wstroever@coleschotz.com](mailto:wstroever@coleschotz.com)

Court Plaza North | 25 Main Street | Hackensack, NJ 07601

---

**From:** Nicole Abeloe <[nabeloe@socalip.com](mailto:nabeloe@socalip.com)>  
**Sent:** Friday, May 3, 2024 12:05 PM  
**To:** Stroever, William <[WStroever@coleschotz.com](mailto:WStroever@coleschotz.com)>  
**Cc:** Padmanabhan, Arjun <[APadmanabhan@coleschotz.com](mailto:APadmanabhan@coleschotz.com)>; Dade, James <[JDade@coleschotz.com](mailto:JDade@coleschotz.com)>; Steve Sereboff <[SSereboff@socalip.com](mailto:SSereboff@socalip.com)>  
**Subject:** Nomad Goods v Nomad Grills, Cancellation No. 92082534 - Nomad Goods Document Production [SoCal IP Ref.: N221.L23624]

**CAUTION:** External Message

Good morning,

Please see the attached document.

Best regards,

**Nicole M. Abeloe**

*IP Paralegal*

**SoCal IP**  
Law Group LLP

p: (805) 267-2257 f: (805) 230-2355

[nabeloe@socalip.com](mailto:nabeloe@socalip.com) [www.socalip.com](http://www.socalip.com)

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