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

Proceeding	91187118
Party	Plaintiff Amazon Technologies, Inc.
Correspondence Address	Susan M. Natland KNOBBE MARTENS OLSON & BEAR LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@kmob.com, docket@amazon.com
Submission	Other Motions/Papers
Filer's Name	Susan M. Natland
Filer's e-mail	efiling@kmob.com, docket@amazon.com, amber.yordy@kmob.com
Signature	/susan m. natland/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMAZON TECHNOLOGIES, INC.,

Opposer,

v.

JEFFREY S. WAX,

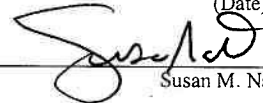
Applicant.

) Opposition No.: 91187118
) Mark: AMAZON VENTURES

) I hereby certify that this correspondence and all marked attachments are
) being electronically filed with the Trademark Trial and Appeal Board
) through their web site located at <http://esta.uspto.gov> on

February 5, 2010

(Date)



Susan M. Natland

**REDACTED VERSION OF OPPOSER'S MOTION FOR LEAVE TO AMEND NOTICE OF
OPPOSITION; MOTION FOR SUMMARY JUDGMENT; MOTION TO SUSPEND PROCEEDINGS
PENDING THE DISPOSITION OF OPPOSER'S MOTIONS; AND MEMORANDUM IN SUPPORT
THEREOF FILED ON NOVEMBER 25, 2009**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Amazon Technologies, Inc. ("Opposer") hereby moves the Trademark Trial and Appeal Board (the "Board") for leave to amend its Notice of Opposition under Federal Rule of Civil Procedure ("FRCP") 15(a) to add causes of action (i) that Application Serial No. 78/001,126 ("Applicants' Application") is void due to Applicants' failure to have a continuing valid basis for registration and (ii) that Applicants' Application is void due to an assignment of Applicants' ITU Application in violation of Section 10 of the Lanham Act.

Moreover, pursuant to FRCP 56(c) and Trademark Trial and Appeal Board Manual of Procedure ("TBMP") §528, Opposer hereby moves the Board for summary judgment on the ground (i) that Applicants' Application is void due to Applicants' failure to have a continuing valid basis for registration and/or (ii) that Applicants' Application is void due to the assignment of Applicants' Application in violation of Section 10 of the Lanham Act. Opposer's Motion to Amend and Motion for Summary Judgment are based on the following pertinent facts.

1. Applicants' Application was filed by joint applicants, Steven M. Freeland ("Freeland") and Jeffrey S. Wax ("Wax") based solely on Applicants' bona fide intention to use ("ITU") the mark AMAZON VENTURES ("Applicants' Mark") in U.S. commerce under Section 1(b) of the Lanham Act. Applicants have not

filed an Amendment to Allege Use or a Statement of Use for Applicants' Application with the U.S. Patent and Trademark Office ("PTO").

2. Subsequent to the filing of Opposer's Notice of Opposition, in Response to Opposer's Requests for Production of Documents and Things ("Applicants' Responses to Opposer's Document Requests"), Applicants produced an assignment of Applicants' Application with an effective date of October 20, 2008 (the "Assignment"), which had not previously been recorded with the PTO. A true and correct copy of the Assignment and the Recordation coversheet are attached as Exhibit A to the Declaration of Susan M. Natland ("Natland Decl.").

3. On June 17, 2009, well after Opposer filed its Notice of Opposition and well after Applicants answered the Notice of Opposition on behalf of joint Applicants Wax and Freeland, Wax recorded the Assignment of Applicants' ITU Application with the Assignment Division at the PTO.

4. The Assignment at issue states, in pertinent part, "I, Steven M. Freeland, co-applicant . . . do hereby, assign and transfer unto Jeffrey S. Wax, the entire rights, title and interest in and to said mark, together with any goodwill symbolized by the mark." At the October 20, 2008 effective date of the Assignment, Applicants' Application was based solely on Section 1(b) of the Lanham Act.

5. The sole document Applicants produced in Applicants' Responses to Opposer's Document Request Nos. 78, 79, 80 and 97, which requested all documents evidencing, concerning or supporting the assignment of Freeland's interest in Applicants' Application to Wax, was the Assignment.

6. Section 10 of the Lanham Act prohibits the assignment of an ITU application based on Section 1(b) of the Lanham Act before the applicant files a verified amendment to allege use or statement of use, unless an ongoing and existing business connected with the mark is transferred along with the ITU application.

7. The Assignment in the instant case does not indicate transfer of an ongoing business pertaining to Applicants' Mark.

8. Indeed, as of October 20, 2008 (the date of the Assignment), there was no ongoing business pertaining to Applicants' Mark, let alone a joint ongoing business of Applicants pertaining to Applicants' Mark, to transfer with Applicants' ITU Application as required under Section 10 of the Lanham Act.

9. In fact, during Discovery, Wax

REDACTED

10. Further, during Discovery, joint Applicant Freeland

REDACTED

11. The Assignment of Applicants' ITU Application violates Section 10 of the Lanham Act, due to the fact that an ongoing existing joint business related to Applicants' Mark was not assigned with Applicants' ITU Application and could not have been assigned, because an ongoing existing business of joint Applicants related to Applicants' Mark did not exist at the time of the Assignment.

12. Moreover, as the Assignment of Applicants' ITU Application was assigned apart from the goodwill in Applicants' Mark, Applicants' Application is also void on that basis as an attempted assignment-in-gross.

13. Further, Applicants did not have a continuing valid basis throughout the registration process, and thus, registration of Applicants' Application must be refused.

14. Specifically, Applicants did not have a joint continuing bona fide intention to use Applicants' Mark in U.S. commerce in association with any goods or services, let alone the services listed in Applicants' Application, throughout the registration process.

15. Indeed, in his Deposition, joint Applicant Freeland

REDACTED

16. Moreover, joint Applicant Freeland

REDACTED

17. Thus, joint Applicant Freeland did not have a continuing bona fide intent to use Applicants' Mark throughout the registration process, much less a continuing bona fide intent to jointly with Wax use Applicants' Mark throughout the registration process.

18. Accordingly, due to joint Applicants' failure to have a continuing valid basis throughout the registration process, Applicants' Application is void.

Further, pursuant to TBMP §528.03, Opposer hereby moves the Board to suspend the Opposition proceeding pending a decision on the subject Motion to Amend, Motion for Summary Judgment and Motion to Suspend the Opposition Proceeding ("Opposer's Motions"), which are supported by the Natland Decl. attached hereto and the exhibits attached to the Natland Decl. Additionally, a First Amended Notice of Opposition is being submitted concurrently herewith.

**MEMORANDUM IN SUPPORT OF OPPOSER'S
MOTION FOR LEAVE TO AMEND NOTICE OF OPPOSITION**

Pursuant to FRCP 15(a), 37 C.F.R. §2.107(a), and TBMP §507, Opposer hereby requests that the Board grant Opposer's Motion to Amend its Notice of Opposition. As indicated above, the sole basis of Applicants' Application is Applicants' bona fide intention to use Applicants' Mark in U.S commerce. As is summarized above and discussed in more detail below, facts concerning Applicants' failure to have an ongoing bona fide intention to use Applicants' Mark in U.S. commerce throughout the registration process have only recently come to light in Applicants' Responses to Opposer's Document Requests, Applicants' Responses to Opposer's Requests for Admissions and Applicants' Responses to Opposer's Interrogatories (collectively "Applicants' Responses to

Opposer's Discovery Requests"), as well as during the depositions of Freeland and Wax taken on July 20, 2009 and July 22, 2009, respectively. Accordingly, Opposer seeks leave to amend its Notice of Opposition to add a cause of action that Applicants' Application is void due to joint Applicants' failure to have a continuing joint bona fide intention to use Applicants' Mark throughout the registration process.

Moreover, as is summarized above, facts concerning Applicants' assignment of Applicants' Application in violation of Section 10 of the Lanham Act have also only recently come to light in Applicants' Responses to Opposer's Discovery Requests and the testimony provided during the Freeland and Wax depositions. Accordingly, Opposer also seeks leave to amend its Notice of Opposition to add a cause of action that Applicants' Application is void due to Applicants' violation of Section 10 of the Lanham Act.

TBMP §507.02 states that once the answer to the pleading has been filed, a party may amend its pleading only by written consent of every adverse party or by leave of the Board; leave must be freely given when justice so requires if it will not unduly prejudice the adverse party. Opposer respectfully submits that acceptance of the First Amended Notice of Opposition does not prejudice Applicants. All evidence relevant to the additional claims that may benefit Applicants is already in the Applicants' possession and control. In light of the foregoing, justice requires the Board to grant leave to Opposer to amend its Notice of Opposition to plead these additional causes of action.

**MEMORANDUM IN SUPPORT OF OPPOSER'S MOTION FOR SUMMARY
JUDGMENT AND MOTION TO SUSPEND**

I. INTRODUCTION

This is an opposition proceeding brought by Opposer against Applicants' Application. In the Notice of Opposition, Opposer asserted that it is or will be damaged by Applicants' Application.

As set forth more fully in the memorandum herein and shown in the Natland Decl. and the exhibits attached thereto, this motion is based on the ground that the joint Applicants have not had a continuing bona fide intention to use Applicants' Mark in U.S. commerce in association with any goods or services, let alone the services listed in Applicants' Application, throughout the registration process. As the sole basis for Applicants' Application is a bona fide intention to use Applicants' Mark in U.S commerce (Section 1(b)), and, as Applicants must have a valid basis throughout the registration process for the services covered under Applicants'

Application, Applicants' Application is void. Moreover, as Freeland assigned his rights in Applicants' Application to Wax in violation of Section 10 of the Lanham Act, Applicants' Application is void.

The dispositive issues in this case are whether Applicants' Application, which is based solely on Section 1(b) of the Lanham Act, is void due to joint Applicants' lack of a joint bona fide intention to use Applicants' Mark in U.S. commerce in association with the services listed in Applicants' Application throughout the registration process and/or due to the assignment of Applicants' Application in violation of Section 10 of the Lanham Act.

The undisputed facts demonstrate (1) that Applicants did not have a joint bona fide intention to use Applicants' Mark in association with the services listed in Applicants' Application throughout the registration process, and (2) that the Assignment of Applicants' Application from Freeland to Wax was in violation of Section 10 of the Lanham Act as there was no ongoing business, let alone a joint ongoing business, to transfer along with Applicants' ITU Application at the time of the Assignment. Accordingly, Opposer requests that the Board deny registration of Applicants' Application on the ground that Applicants' Application is void.

II. UNDISPUTED FACTS

The undisputed facts in this matter are as follows.

1. Applicants' Application was filed on March 27, 2000 for the mark AMAZON VENTURES for "financial management, capital raising, investment consultation and investment services" in Class 36 ("Applicants' Services"). See file history for Applicants' Application.
2. Wax and Freeland are listed as joint Applicants in Applicants' Application. Id.
3. Wax and Freeland are both listed as "President" in Applicants' Application. Id.
4. Applicants' sole basis as of the filing date of Applicants' Application to the present is Applicants' bona fide intention to use Applicants' Mark in U.S. commerce on or in connection with Applicants' Services. Id.
5. Applicants have not filed an Amendment to Allege Use or Statement of Use with the PTO in connection with Applicants' Application. Id.
6. Only Applicant Wax signed and filed the Office Action Response with the PTO on March 5, 2001 in connection with Applicants' Application. Id.

7. Only Applicant Wax signed and filed the Change of Correspondence Address with the PTO on August 19, 2008 in connection with Applicants' Application. Id.

8. On October 22, 2008, Opposer filed a Notice of Opposition against Applicants' Application.

9. On December 2, 2008, Applicants jointly answered the Notice of Opposition.

10. On or about June 17, 2009, Wax recorded the Assignment of Applicants' Application with the PTO's Assignment Division. Id.

11. The Assignment assigned Applicants' ITU Application from being owned jointly by Wax and Freeland to being solely own by Wax. The Assignment is effective October 20, 2008. Id.; See Exhibit A to the Natland Decl.

12. During the Deposition of Freeland, the following question was posed:

1
REDACTED

(emphasis added). See Deposition Transcript of Steven Freeland attached as Exhibit H to the Natland Decl. ("Freeland Depo. Transcript") at p. 76, lines 18-24.

13. Further, when asked,

REDACTED

(emphasis added). Id. at p. 81, lines 22-24, p. 82, line 5.

14. Similarly, in response to the inquiry,

REDACTED

Id. at p. 72, lines 18-20.

15. Freeland also stated during his Deposition that

REDACTED

(emphasis added). Id. at p.25, lines 3-4.

16. Further, during the Freeland Depo., when asked

REDACTED

Id. at p. 66, lines 19-24.

17. During the Deposition of Wax ("Wax Depo."), in response to the question

REDACTED

REDACTED (emphasis added). See Deposition Transcript of Jeffrey Wax attached as Exhibit G to the Natland Decl. (“Wax Depo. Transcript”) at p. 133, lines 22-25.

18. Further, during the Wax Depo., in response to the question

REDACTED

Id. at p. 13, lines 2-25, p. 14, lines 1-3, p. 138, lines 20-23.

19. Further, in response to the question

REDACTED

Id. at p. 138, lines 24-25, p. 139, lines 1-2.

20. An email from Wax to Freeland dated June 10, 2008 confirms the above and states in pertinent part:

REDACTED

(emphasis added). See Applicants’ Produced Documents attached as Exhibit B to the Natland Decl.

21. During the Freeland Depo., Freeland

REDACTED

(emphasis added). See Freeland Depo. Transcript at p. 79, lines 14-23.

22. On June 12, 2008, Freeland sent a response to Wax’s June 10, 2008 email that stated in pertinent part: REDACTED See Exhibit B to the Natland Decl.; Freeland Depo. Transcript at p. 84, lines 1-3.

23. Further, Freeland REDACTED

(emphasis added). Id. at p. 84, lines 7-12.

24. Further, Wax

REDACTED

(emphasis added). See Wax Depo. Transcript at p. 155,

lines 1-24.

25. Freeland admitted in his Deposition that REDACTED

See Freeland Depo. Transcript at p. 95, lines 5-7.

26. Freeland further stated during his Deposition that

REDACTED

(emphasis

added). Id. at p. 111, lines 15-20.

27. Regarding any purported intent to use Applicants' Mark at the time Applicants' Application was filed in 2000, Freeland

REDACTED

(emphasis added). Id. at p. 46, lines 24-25, p. 47, lines 2-5. In response to the inquiry

REDACTED

Id. at p. 47, lines 11-13.

28. Applicants affirmed the above statement in Applicants' Supplemental Response to Opposer's Interrogatory No. 4 by stating:

Applicants' 18 years of legal experience, knowledge of patent law, knowledge of other intellectual property law, including legal opinions as to strengths/weakness of patent claims and limiting language from the patent prosecution history, licensing, assignment and enforcement options, is applied to Applicants' use of Applicants' recited services. More particularly, Applicants provide services to either buyers or sellers of patent applications or patents, including listing and describing patents and patent applications that are available for license or assignment.

See Opposer's Meet and Confer letter dated May 4, 2009, and Applicants' Responses to Opposer's May 4, 2009 Letter attached as Exhibits E and F to the Natland Decl.

29. Applicants produced the following sixteen (16) documents in response to Opposer's Document Requests, which included requests for: (i) all documents and things which support or tend to support any business that Wax and Freeland were jointly engaged in at the time of filing Applicants' Application or were jointly engaged or employed by at any point in the past; (ii) all documents and things indicating the steps Steven M. Freeland and Jeffrey S. Wax took to establish a business to use the AMAZON VENTURES mark in connection

with providing Applicants' Services; and (iii) all documents and things which support or tend to support the existence of an ongoing business concerning the mark AMAZON VENTURES at the time of the assignment of Freeland's interest in Applicants' Application to Wax.

Exhibits to Applicants' Responses to Opposer's First Set of Document Requests

Exhibit 1A: Whois.net public listings of domain registration, for <amazonventures.com> listing "WAX" as the owner of the domain name;

Exhibit 1B: Amazonventures.com website page

Exhibit 1C: Amazonventures.com website page

Exhibit 1D: Trademark application for AMAZON VENTURES, Serial No. 78/001,126

Exhibit 1E: Amazon Ventures letterhead showing an address of 30 N. Michigan Avenue, Suite 1623, Chicago IL 60602, and a telephone number of (312) 346-0707

Exhibit 1F: August 6, 2008 letter signed by Susan M. Natland, representing Amazon.com, Inc. and Amazon Technologies, Inc., to Wax and Freeland

Exhibits to Applicants' Responses to Opposer's Second Set of Document Requests

Exhibit 2A: Assignment

Exhibit 2B: Screenshot of <waxlawgroup.com/1552/14701.html>

Exhibit 2C: Screenshot of <waxlawgroup.com/19901.html>

Exhibit 2D: Resume of Steven M. Freeland

Exhibits to Applicants' Responses to Opposer's Third Set of Document Requests

Exhibit 3A: An AT&T April 20-May 19, 2009 phone statement in the name of Arnold H. Wax (which is a dentist's office), on which Wax wrote that the (312) 346-0707 telephone number listed on the bill was used by Amazon Ventures

Exhibits to Freeland Responses to Opposer's Document Requests

SF0000002-3: Email from Wax to Freeland dated June 10, 2008 and responsive email from Freeland to Wax dated June 12, 2008

SF0000004-5: Email from Wax to Freeland dated August 7, 2008 and responsive email from Freeland to Wax dated August 7, 2008

SF0000006: Email from Freeland to Wax dated August 26, 2008

SF0000007-8: Email from Wax to Freeland dated June 17, 2009 at 10:55 a.m

SF0000009-11: Email from Wax to Graves with cc: to Freeland dated June 17, 2009 at 3:01 p.m.

The foregoing are individually and collectively referred to herein as “Applicants’ Produced Documents” or “Produced Documents.” True and correct copies of Applicants’ Produced Documents are attached as Exhibit B to the Natland Decl.

30. Applicants solely reference these Applicants’ Produced Documents in response to Opposer’s Document Request Nos. 86, 88, 89, 90, 93, 94, 110, 111, 112 which requested:

(i) all documents and things which support or tend to support **any business** that Wax and Freeland were jointly engaged in at the time of filing Applicants’ Application or were jointly engaged or employed by **at any point in the past;**

(ii) all documents and things indicating the steps Steven M. Freeland and Jeffrey S. Wax **took to establish a business to use the AMAZON VENTURES mark** in connection with providing investment management, raising venture capital for others, investment consultation, and capital investment consultation;

(iii) all documents and things which support or tend to support **the existence of an ongoing business** concerning the mark AMAZON VENTURES at the time of the assignment of Steven M. Freeland’s interest in Applicants’ Application to Jeffrey S. Wax;

(iv) all documents and things concerning the **use of**, bona fide intention to use, or application for, the mark AMAZON VENTURES; and

(v) all business records, including but not limited to minutes or organization meetings, employee listings, tax identification numbers and information, or filings with any government agency, that were drafted for, or on behalf of, any organization formed for the purpose of providing Applicants’ Services under Applicants’ Mark.

See Applicants’ Responses to Opposer’s Document Requests attached as Exhibit C, as well as Opposer’s Discovery Requests attached as Exhibit D to the Natland Decl.

31. Moreover, in response to Opposer’s May 4, 2009 Meet and Confer Letter, Applicants confirmed that **all responsive documents had been produced**, and admitted that “**there are no purchase orders, sales**

reports, shipping orders, or inventory reports related to Applicant's services." See Exhibit F to the Natland Decl.

32. Because both Wax and Freeland signed Applicants' Application as "President," Opposer's Document Requests No. 92 requested "[a]ll documents and things identifying the business to which Jeffrey S. Wax and Steven M. Freeland were both or separately 'President' of at the time of filing Applicants' Application." In response to this Document Request, Applicants again solely referenced Applicants' Produced Documents. Id.

33. Further, when asked in his Deposition

REDACTED

(emphasis added). See Wax Depo. Transcript at p. 116, lines 9-10, p. 117, lines 9-18.

Similarly in Freeland's Deposition, in response to the same question, Freeland REDACTED

(emphasis added). See Freeland Depo. Transcript at p. 53, lines 22-25, p. 54, line 1.

34. In the Freeland Depo., when asked

REDACTED

Id. at p. 64, lines 20-25, p. 65, lines 1-8.

35. During Freeland's Depo., Freeland was asked

REDACTED

Id. at p. 65, lines 15-18. Wax REDACTED

See Wax Depo. Transcript at p. 38, lines 11-13. Moreover, in response to Opposer's Document Request No. 117, Applicants admitted there were no such documents. See Exhibit C to the Natland Decl.

36. Further, Applicants responded "**None**" to Opposer's Document Request Nos. 16, 20, 21 and 69, which asked for all documents and things, concerning the total amount spent on promoting and advertising Applicants' Mark; the projected total amount that will be spent on promoting and advertising Applicants' Mark; all financial, accounting and corporate records concerning total income and projected income from the sale or

license of goods and/or services sold by Applicants under Applicants' Mark; and the types of media or publications through which Applicants' advertise Applicants' Mark. Id.

37. Applicants also responded "None" to Opposer's Document Request Nos. 8, 22 and 24, which asked for representative samples of all documents and things relating to, referring to or showing market research, business plans, marketing plans, advertising plans or business forecasts pertaining to Applicants' Mark. Id.

38. Further, in Applicants' Response to Document Request Nos. 30, 31, 33, 37 and 39, Applicants acknowledged that they do not promote Applicants' Mark through any trade or professional associations, that they do not attend any trade shows, and that there are no press releases, magazines, newspaper articles or other printed publications advertising Applicants' Mark. Id.

39. During his Deposition, when asked

REDACTED

Indeed, the signage on the door of the 30 N. Michigan Avenue, Suite 1623 address rather indicates

REDACTED

See

Wax Depo. Transcript at p. 108, lines 14-21; see also Exhibit I to Natland Decl. which is a photograph of the signage on the door of the 30 N. Michigan Avenue, Suite 1623 address.

40. Further during the Freeland Depo., Freeland stated that he

REDACTED

(emphasis added). See Freeland Depo. Transcript at p. 68, lines 10-25, page 69, line 1, page 95, lines 1-4.

41. Moreover, during his Deposition, Wax stated that

REDACTED

See Wax Depo. Transcript at p. 109, lines 8-9.

42. During his Deposition, Wax was also asked

REDACTED

Id. at p. 111, lines

18-20.

43. During his Deposition, Wax also REDACTED

Id. at p. 120, lines 6-15.

44. Wax was asked in his Deposition

Id. at p. 82, lines 20-21.

REDACTED

(emphasis added). Id. at p. 83, lines

2-4, 17-21.

45. Wax also

REDACTED

(emphasis added).

Id. at p. 72, lines 22-25, p. 73, lines 1-3. Wax further REDACTED

(emphasis added). Id. at p. 70, lines 22-23.

46. During his Deposition, Wax also REDACTED

(emphasis added) Id. at 69, lines 9-12.

47. During his Deposition, Wax further REDACTED

(emphasis added) Id. at p. 156, lines 12-16. Moreover, Wax made this same admission in writing in response to Amazon's May 4, 2009 Meet and Confer Letter, when he stated "Applicants do not advertise." See Exhibit F to the Natland Decl.

48. During his Deposition, Wax

REDACTED

(emphasis added). See Wax Depo. Transcript at p. 16, lines 8-24.

49. During his Deposition, Wax

REDACTED

Id. at p. 183, lines 13-19; Exhibit B

to the Natland Decl.

50. During his Deposition, Wax REDACTED

(emphasis added). See Wax Depo. Transcript at p. 185, lines 17-24.

51. During his Disposition, Wax

REDACTED

(emphasis added). Id. at p. 192, lines 20-25.

52. When Wax was asked during his Deposition

REDACTED

(emphasis added). Id. at p. 57, lines 24-25,

p. 58, lines 21-23, p. 60, lines 3-7.

53. Freeland also

REDACTED

See Freeland Depo. Transcript at p. 14, lines 17-21, p. 15, lines 9-16, p. 41, lines 24-25,

p. 42, lines 1-4.

54. Wax

REDACTED

See Wax Depo. Transcript at p. 155, line 25, p. 156, lines 1-9.

55. During his Deposition, Freeland

REDACTED

See Freeland Depo. Transcript at p. 14, lines 17-21, p. 15,

lines 9-16, p.17, lines 9-13, p. 18, lines 9-12.

56. Wax

REDACTED

See Wax Depo. Transcript

at p. 48, lines 13-18.

57. During the Freeland Depo., in responding to the question,

REDACTED

which is the email from Wax to Freeland dated June 10, 2008 seen in Exhibit B to the Natland Decl. Id. at p. 23, lines 20-25, p. 24, lines 1-13.

58. In his Deposition, Freeland also

REDACTED

See Freeland Depo. Transcript at p. 102, lines 23-25, p., lines 103, 1-9.

59. When asked

REDACTED

Id. at p. 94, lines 10-22; See Exhibit B to the Natland Decl.

60. Further, during his Deposition, Freeland

See Freeland Depo. Transcript at p. 105, lines 12-14.

61. Freeland

REDACTED

(emphasis added). Id. at p. 107, lines 13-20 and p. 107, lines 22-25 and p. 108, lines 1-6.

62. Wax also

REDACTED

See Wax Depo. Transcript at p. 161, lines 18-19. (emphasis added). Id. at p. 161, lines 21-25,

p. 162, lines 1-14.

REDACTED

Id.

63. During his Deposition, Wax REDACTED

Id. at p. 188, lines 1-8.

64. Moreover, the only document Applicants produced in Applicants' Responses to Amazon's Document Requests Nos. 78, 79, 80 and 97, which requested "all documents evidencing the negotiations concerning the assignment," "all documents evidencing the assignment" and "all documents concerning the assignment" transferring Steven M. Freeland's interest in Applicants' Application to Jeffrey S. Wax, was the Assignment. See Exhibits A and B to the Natland Decl.

65. Moreover, during his Deposition, Wax **REDACTED**
See Wax Depo. Transcript at p. 189, lines
10-25. Applicants confirmed this statement in writing in response to Opposer's Interrogatory No. 18 and Opposer's Document Request Nos. 79 and 80. See Exhibit C to the Natland Decl.

III. ARGUMENT

A. SUMMARY JUDGMENT STANDARD AND BURDEN OF PROOF

Summary judgment should be granted where, as here, it is shown that there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law. FRCP Rule 56(c). FRCP 56(c), in pertinent part, states that a summary judgment should be granted where, as here, "the pleadings, . . . answers to interrogatories, and admissions on file, together with the affidavits . . . show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." These general principles of summary judgment apply under FRCP 56 to inter-parties proceedings before the Board. See, e.g., Medinol Ltd. v. Neuro VASX Inc., 67 U.S.P.Q.2d 1205 (T.T.A.B. 2003); Sweats Fashions, Inc. v. Pannill Knitting Co., 833 F.2d 1560, 4 U.S.P.Q.2d 1793, 1797 (Fed. Cir. 1987). Moreover, summary judgment in an opposition proceeding is designed to save the time and expense of a full opposition proceeding where there is no genuine issue as to any material fact. Bet Lock Corp. v. Schlage Lock Co., 413 F.2d 1195 (C.C.P.A. 1969).

Opposer as the moving party, has the burden of demonstrating that it is entitled to summary judgment. Celotex Corp. v. Catrett, 477 U.S. 317, 324-25 (1986). By meeting its burden of identifying undisputed facts, Opposer is entitled to relief. Applicants cannot respond merely by pointing to allegations or denials in the pleadings. Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986). Accordingly, Applicants **cannot** rely upon denials contained in their pleadings to support their response to the subject motion for summary judgment; such denials alone are insufficient to raise a genuine issue of material fact. Moreover, **mere denials or conclusory**

statements are insufficient. Collins, Inc. v. N. Telecomm., Ltd., 216 F.3d 1042, 1046, 55 U.S.P.Q.2d 1143, 1146 (Fed. Cir. 2000). As a result, Applicants cannot rely upon legally-conclusory declarations or mere denials to create a genuine issue of material fact.

Instead, Applicants must submit **specific** facts showing that there is a genuine issue for trial. Zenith Radio Corp., 475 U.S. 574, 587 (1986). In doing so, Applicants must present objective evidence from which a reasonable trier of fact might return a verdict in its favor. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249-250 (1986). If Applicants fails to set out “specific facts showing a genuine issue for trial . . . summary judgment should, if appropriate, be entered against that party.” FRCP Rule 56(e)(2).

B. THERE IS NO GENUINE ISSUE OF MATERIAL FACT THAT JOINT APPLICANTS DID NOT HAVE A CONTINUING BONA FIDE INTENTION TO USE APPLICANTS’ MARK IN U.S. COMMERCE

i. **Applicants Did Not JOINTLY Have a Continuing Bona Fide Intention to Offer the Services Identified in Applicants’ Application Throughout the Registration Process**

T.M.E.P. §1101 states that “Section 1(b) of the Lanham Act, 15 U.S.C. §1051(b), provides that an applicant may file an application based on a *bona fide* intention to use a mark in commerce “under circumstances showing the good faith of such person.” In the proposal that became the Trademark Revision Act of 1988, the Trademark Review Commission shed light on the meaning of a “*bona fide*” intention by stating: “[b]y ‘*bona fide*,’ we mean no mere hope, but an intention that is firm though it may be contingent on the outcome of an event . . .” Report of the Trademark Review Commission, 77 Trademark Rep. 375, 397 (1987), USTA, “The Trademark Law Rev. Act of 1988,” p. 37 (1989).

Moreover, the U.S. Trademark Association’s official commentary on the Trademark Law Revision Act of 1988 stated that “the term *bona fide* intent is not defined in the Act because of the impossibility of identifying every factor that might be determinative of whether an applicant’s intent is indeed *bona fide* **at every stage of the registration process.**” (emphasis added) United States Trademark Association, the Trademark Law Revision Act of 1988, 342 (1988) at comment to Section 1(b). If there is no continuing valid basis, the application is void and registration must be refused. See e.g., T.M.E.P. §806.03 (h) (“If there is no continuing valid basis, the application is void, and registration will be refused”); and T.M.E.P. §1004.01(a), Marie Claire Album S.A. v. Kruger GmbH & Co. KG, 29 U.S.P.Q.2d 1792 (T.T.A.B. 1993) (where the application was based solely on a foreign registration, which was found to be invalid, there was no valid continuing basis for the application). Similarly, in the case at

hand, the undisputed evidence demonstrates that joint Applicants clearly had no valid continuing basis for Applicants' Application throughout the registration process. Thus, Applicants' Application is void.

First, it is undisputed that the sole basis for Applicants' Application is and was joint Applicants' bona fide intention to use Applicants' Mark in U.S. commerce under Section 1(b) of the Lanham Act. Second, the Assignment of Applicants' ITU Application is effective October 20, 2008. Thus, from the March 27, 2000 filing date of the Application until October 20, 2008, Applicants were required to have a continuing joint bona fide intention to use Applicants' Mark in U.S. commerce. Despite this requirement, the undisputed evidence demonstrates that Applicants **did not jointly** have such bona fide intention to use Applicants' Mark in connection with any, let alone all of Applicants' Services. Because the undisputed evidence of record shows that there was no continuing joint basis, Applicants' Application is void. See 37 CFR §2.35(b)(3).

Specifically, joint Applicant Freeland

REDACTED

It is therefore, undisputed that Applicant Freeland did not have a continuing bona fide intent to use Applicants' Mark throughout the registration process, much less a continuing bona fide intent to jointly with Wax use Applicants' Mark throughout the registration process.

Moreover, Wax

REDACTED

REDACTED

The undisputed evidence proves that while Applicants' Application was filed by both Wax and Freeland as joint applicants, years passed before Freeland assigned the Application to Wax, and Freeland has

REDACTED

As Wax and Freeland, jointly, did not have a continuing valid basis for registration, Applicants' Application is void.

ii. **Applicants Did Not JOINTLY Have a Bona Fide Intention to Offer the Services Identified in Applicants' Application Even at the Time of Filing the Application**

Not only did Applicants lack a joint continuing bona fide intent to use Applicants' Mark in connection with any goods or services throughout the registration process (much less the services identified in Applicants' Application), at the time Applicants filed the Application, they did not have a joint bona fide intent to use Applicants' Mark *on the services identified in the Application*.

In an application based on Section 1(b), the applicant must submit a verified statement that the applicant has a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application. TMEP §804.02. The law is clear that goods and services must be recited with particularity in applications. TMEP §806.01(b).

Therefore, it was necessary that Wax and Freeland identify the services they had a bona intention to jointly provide with particularity. When Applicants' Application was filed, they identified "financial management, capital raising, investment consultation and investment services." In response to the September 5, 2000 Office Action, the services were amended to "investment management, raising venture capital for others, investment consultation, and capital investment consultation." As of the June 24, 2008 publication date, the services remained the same as listed in the response to the September 5, 2000 Office Action.

Both Wax and Freeland

REDACTED

The sale and licensing

of patents do not fall under the ordinary meaning of financial management, capital raising, investment consultation and investment services. As Wax and Freeland jointly did not have a bona fide intent to use the mark AMAZON VENTURES in connection with the services identified in their application, Applicants' Application is void.

In Honda Motor Co., Ltd. v. Friedrich Winkelman, 90 U.S.P.Q.2d 1660 (T.T.A.B. 2009), the applicant provided evidence that he intended to use his mark in connection with promotional services for dealerships. Id. As the application identified vehicles for transportation, the Board found that the applicant did not have the requisite bona fide intent and granted the opposer's motion for summary judgment on the grounds of a lack of a bona fide intention to use the mark in connection with the services listed in the application.

Similarly, in TBC Brands, LLC v. Sullivan, Harold R., 2008 WL 1741919 (T.T.A.B. 2008), the applicant filed an intent to use application for the mark ORIGINAL BULLET GTX for "land motor vehicles, namely cars." Id. After the applicant admitted that he intended to use the mark to describe his own automobile, the Board found that the applicant did not have a bona fide intention to sell, produce or manufacture any automobiles with the ORIGINAL BULLET GTX mark, and held that the application was void. Id.

Likewise, in Swiss Army Brand Ltd. v. Brian Arthur Dempsey, 2008 WL 1897566 (T.T.A.B. 2008), the application at issue identified the goods as folding knives. Id. The applicant admitted that he did not intend to use the mark for folding knives. Id. Instead, the applicant stated that he intended to provide goods comprising a handle and at least one implement useful in opening beverage containers or removing corks from beverage containers, with any implement not in use housed within or along the handle. The Board said that there was no genuine issue that the goods for which the applicant intended to use his mark were not the goods identified in his application.

Moreover in Aycock Engineering, Inc. v. Airflite, Inc., 90 USPQ2d 1301 (Fed. Cir. 2009), the Federal Circuit affirmed the cancellation of a registration by the Board on the grounds that the registrant had "failed to render the services described in its registration in commerce." (emphasis added).

In the case at hand, the undisputed evidence shows that not only did joint Applicants Wax and Freeland not have a joint continuing bona fide intention to offer any goods or services, let alone the services identified in Applicants' Application, under Applicants' Mark throughout the registration process, but joint Applicants did not

intend to use Applicants' Mark in connection with the services identified in Applicants' Application at the time of filing Applicants' Application. For one of both of these reasons, Applicants' Application is void.

C. THERE IS NO GENUINE ISSUE OF MATERIAL FACT THAT THE ASSIGNMENT OF APPLICANTS' APPLICATION VIOLATES SECTION 10 OF THE LANHAM ACT AND RENDERS THE APPLICATION VOID

Section 10 of the Lanham Act prohibits the assignment of an ITU application based on Section 1(b) of the Lanham Act before the applicant files a verified amendment to allege use or statement of use. 15 U.S.C. §1060(a)(1); T.M.E.P. §501.01(a); 37 C.F.R. §3.16. The only exception to this ban is in the limited circumstances where an ongoing and existing business or the part of the ongoing and existing business connected with the mark is transferred with the ITU application. *Id.* This statutory mandate is well-settled black letter law. Any assignment in violation of Section 10 of the Lanham Act renders the illegally assigned application void. The Clorox Co. v. Chemical Bank, 40 U.S.P.Q.2d 1098 (T.T.A.B. 1996) ("Clorox"). Such an assignment error cannot be corrected. T.M.E.P. §1201.02(b), 37 C.F.R. §2.71(d).

The Assignment at issue states, in pertinent part, "I, Steven M. Freeland, co-applicant . . . do hereby, assign and transfer unto Jeffrey S. Wax, the entire rights, title and interest in and to said mark, together with any goodwill symbolized by the mark." At the October 20, 2008 effective date of the Assignment, Applicants' Application was based solely on Section 1(b).

Further, the Assignment does not state that any ongoing and existing business was transferred with Applicants' Application. Indeed, the undisputed facts demonstrate that there was no ongoing and existing business, let alone an ongoing joint business of Applicants, to transfer with Applicants' ITU Application at the time of the Assignment. Since an Amendment to Allege Use had not been filed in connection with Applicants' Application, the Assignment violates Section 10 and the Application is void. Clorox, supra.

Specifically, Wax admitted that Amazon Ventures

REDACTED

REDACTED

Section 10 also states that “[a] registered mark or a mark for which an application to register has been filed shall be assignable with the goodwill of the business in which the mark is used, or with that part of the goodwill of the business connected with the use of and symbolized by the mark.” In other words, trademarks and service marks cannot be sold apart from their businesses because they do not have discrete value as property, are meaningless apart from the business with which they are associated, and thus, are inseparable from that business. If a service mark is sold alone, without a business or without goodwill, the application is void as an attempted transfer as an assignment-in-gross.

Clearly, as no ongoing business existed, there was no goodwill to assign. Moreover, Wax

REDACTED and as goodwill would be an intangible asset owned by a business, Applicants’ Application is void due to the attempted assignment-in-gross from Freeland to Wax.

In Pfizer, Inc. v. Hamerschlag, Opposition No. 118,181 (T.T.A.B. Sept. 27, 2001) (“Pfizer”), the Board held the assignment invalid as a prohibited assignment in gross because it merely transferred the applicant’s “title and interest” and no associated goodwill. The Board also granted the opposer’s motion for summary judgment on the ground that there was no ongoing and existing business.

Specifically, in Pfizer, in support of the contention that there was no ongoing and existing business that could be assigned, the opposer relied on the following undisputed facts: (1) applicant had invested no money in the development of the goods; (2) since filing the application, applicant had done nothing to bring the product to market; (3) that when applicant assigned the application, he did not state that the related business assets were being assigned to the assignee; (4) applicant assigned nothing other than the trademark to the assignee; and (5)

applicant's own admission that "at the time [he] transferred the mark to [the assignee], [he] as an individual did not have any ongoing business under the mark."

In support of his position that there was an ongoing and existing business, the applicant in Pfizer argued that (1) he formed an LLC, (2) he was the sole member, (3) he formed the LLC after learning of the opposition, and that (4) he assigned the application to the LLC on advice of counsel to protect himself from personal liability. The Board found on Summary Judgment that these activities do not support an ongoing and existing business sufficient to meet the requirements of Section 10 of the Lanham Act.

In Gray v. Weiss, Opposition No. 99,336 (T.T.A.B. March 10, 2000), the Board also granted the opposer's motion for summary judgment on the ground of an invalid assignment of an intent-to-use application. The undisputed facts were as follows: (1) the applicant did not have any business venture he was pursuing; (2) the applicant had not personally done business under the mark; (3) he had no business plan or license; and (4) he had not presented evidence that he had assigned a business appurtenant to the ITU application at the time of the assignment.

In Railrunner N.A., Inc. v. New Mexico Mid-Region Council, Opposition No. 91172851 (July 17, 2008) ("Railrunner"), the Board granted the opposer's motion for summary judgment on the ground that the assignment of the applicant's ITU application violated Section 10. In support of the Board's decision, the Board noted that the violation of Section 10 was supported by "the assignment itself, which makes no reference to transfer of any part of [the applicant's] business, and by the absence of any documentary evidence of such transfer." In response to the opposer's motion, the applicant submitted a declaration, which stated "[applicant] is the successor in business . . ." Despite this statement, the Board held that "direct evidence, if any, of a transfer was surely available to applicant, and opposer cannot prove that evidence it would not have access to in the first place does not exist."

Similarly, in the case at hand, there is no evidence that Wax and Freeland jointly had ever done business under Applicants' Mark or had a business plan, let alone a joint ongoing, existing business at the time of the Assignment. As detailed above, when **repeatedly** asked for evidence showing any joint business or organization, Applicants referenced the total of sixteen (16) Produced Documents. These documents do not support that there

was any ongoing business pertaining to Applicants' Mark, much less a joint business of Applicants, at the time of the Assignment.

Moreover, even if Wax and Freeland had jointly conducted business in connection with Applicants' Mark at some point, Applicants admitted that as of the Assignment, there was no joint ongoing business. Indeed, Freeland admitted that the only business he has been involved in at all since August 2001 (well before the Assignment), was a start up with regards to baby toys called "Bryte something."

As in Railrunner, supra, here, the Assignment itself makes no reference to transfer of any part of Applicants' business, and Applicants' responses to Opposer's Document Requests show the absence of any documentary evidence of such transfer and that indeed no ongoing joint business of Applicants existed as of the October 20, 2008 Assignment. As no evidence of a joint business, much less any business has been provided by Applicants, Freeland did not have an interest in the same to transfer to Wax. Thus, the Assignment is in violation of Section 10 of the Lanham Act, and Applicants' Application is void.

CONCLUSION

There are no genuine issues of material fact regarding Applicants' failure to have a continuing bona fide intention to use Applicants' Mark in connection with the services identified in Applicants' Application throughout the registration process. Thus, Applicants' Application is void. There are also no genuine issues of material fact that Applicants' Application is void as the Assignment violated Section 10 of the Lanham Act. Accordingly, Opposer requests that the Board grant Opposer's Motion to Amend and Motion for Summary Judgment. Opposer also requests a suspension of all deadlines in this proceeding until a decision on these motions is reached.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 5, 2010

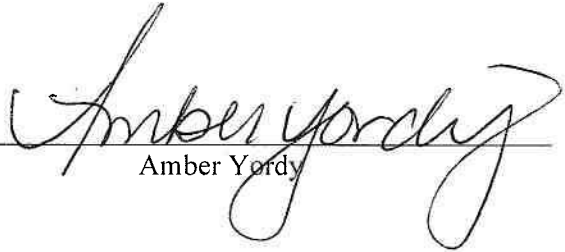
By: 

Susan M. Natland
Michael K. Friedland
2040 Main Street, 14th Floor,
Irvine, CA 92614
(949) 760-0404
efiling@kmob.com
Attorneys for Opposer,
Amazon Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing REDACTED VERSION OF OPPOSER'S MOTION FOR LEAVE TO AMEND NOTICE OF OPPOSITION; MOTION FOR SUMMARY JUDGMENT; MOTION TO SUSPEND PROCEEDINGS PENDING THE DISPOSITION OF OPPOSER'S MOTIONS; AND MEMORANDUM IN SUPPORT THEREOF FILED ON NOVEMBER 25, 2009 upon Applicant, via United States Mail, first-class postage prepaid on February 5, 2010, addressed as follows:

Jeffrey S. Wax
Wax Law Group
1017 L Street #425
Sacramento, California 95814


Amber Yordy

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

AMAZON TECHNOLOGIES, INC.,

Opposer,

v.

JEFFREY S. WAX and STEVEN M. FREELAND,

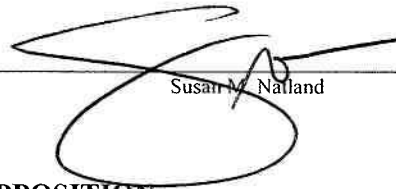
Applicants.

) Opposition No.: 91187118
) Mark: AMAZON VENTURES

) I hereby certify that this correspondence and all marked attachments are
) being electronically filed with the Trademark Trial and Appeal Board
) through their web site located at <http://estta.uspto.gov> on

November 25, 2009

(Date)



Susan M. Natland

AMENDED NOTICE OF OPPOSITION

United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Amazon Technologies, Inc., a Nevada corporation (“Amazon” or “Opposer”), will be damaged by the registration of the mark AMAZON VENTURES, as shown in U.S. Trademark Application Serial No. 78/001,126 (“Applicants’ Application”), filed by Jeffrey S. Wax and Steven M. Freeland (“Applicants”), and hereby opposes the same.

A description of Applicants’ Application is as follows:

Mark:	AMAZON VENTURES (“Applicants’ Mark”)
Serial No.:	78/001,126
Services:	IC 36: Investment management, raising venture capital for others, investment consultation, and capital investment consultation (“Applicants’ Services”)
Filing Date:	March 27, 2000
Publication Date:	June 24, 2008
Filing Basis:	1(b) Intent-to-Use
Disclaims:	Exclusive right to use “VENTURES” apart from the mark disclaimed

As grounds for opposition, it is alleged:

1. Amazon, a pioneer of online retailing, is a global leader in providing an overwhelmingly wide variety of goods and services via the Internet, including tens of thousands of goods and services related to

finance and financing. In addition to its retail presence, Amazon provides a myriad of business-to-business goods and services to other retailers and developers, including financial based services. These financial and business solutions enable companies, from start-up companies to established businesses, to leverage Amazon's resources and compete in the global marketplace. Amazon provides all of the aforementioned goods and services under the AMAZON mark or marks containing "AMAZON" (collectively "AMAZON Marks").

2. For example, Opposer's Amazon Web Services (AWS) line of business offers individuals and companies infrastructure web services. AWS offers numerous programs specifically directed to start-up companies, such as the AWS Start-Up Challenge, in which Amazon awards the start-up company that submits the best business plan \$100,000 in cash and services.

3. Amazon also operates under its AMAZON Marks, Financial Central, a web experience targeting small, medium and large businesses that features a diverse array of financial related services.

4. In addition, Amazon has teamed with JPMorgan Chase & Co. ("JPMorgan"), one of the largest and oldest financial services firms in the world, and provides, together with JPMorgan, business and personal credit cards branded under the AMAZON logo.

5. Moreover, Amazon offers under its AMAZON Marks self-publishing services, website development services, brand development services, affiliate marketing services, advertising services, online payment services, fulfillment services, and corporate supply services, among others, to businesses of all sizes. These services are particularly beneficial to young companies with limited resources by allowing them to efficiently run their business by utilizing Amazon's established resources to decrease overhead.

6. Since at least as early as 1995, Amazon has continuously used its AMAZON Marks in connection with its business. Through its substantial use and promotion, Amazon has built up – at great expense and effort – tremendous goodwill in its AMAZON Marks. As a result of its efforts, the AMAZON.COM Marks have become famous in the minds of consumers, consistently ranking as one of the top and most respected brands in the U.S. and the world. Since 2001, Interbrand Group, a leading international brand consultancy company, has ranked Amazon.com in the top 100 most famous brands worldwide every year. Currently, Amazon.com is ranked #43 on the list of top 100 brands worldwide, with a brand value exceeding \$7.8 billion.

7. By virtue of Amazon's widespread and continuous use of its AMAZON Marks, Amazon has established extensive, common law rights in the AMAZON Marks.

8. Amazon owns over 35 United States trademark registrations for its AMAZON Marks, including the following trademark registrations:

REGISTERED MARK	REGISTRATION NO.	CLASS(ES)
AMAZON.COM	3,411,872	36
AMAZON.COM	2,559,936	35, 36, 42
AMAZON.COM and Design	3,414,814	36
AMAZON.COM and Design	2,789,101	35
AMAZON.COM AUCTIONS	2,518,043	36
AMAZON.COM	2,696,140	42
AMAZON.COM	2,078,496	42
AMAZON.COM and Design	2,684,128	38
AMAZON.COM	2,167,345	35
AMAZON.COM OUTLET	2,649,373	35

True and correct copies of printouts from the electronic database records of the PTO showing the current status and title of the registrations for these trademarks, as well as true and correct copies of the Certificates of Registration are attached hereto as Exhibit A.

9. Amazon's Registration Nos. 2,559,936, 2,518,043, 2,078,496, 2,167,345 and 2,649,373 are incontestable and all of the registrations relied on herein are valid, subsisting, unrevoked, and uncanceled. Opposer's incontestable Registration Nos. 2,559,936, 2,518,043, 2,078,496, 2,167,345 and 2,649,373 constitute *conclusive* evidence of the validity of the registered marks, the registration thereof, and of Amazon's ownership of the marks shown therein as provided in Section 33(b) of the Lanham Act, and Opposer's Registration Nos. 3,411,872, 3,414,814, 2,789,101, 2,696,140 and 2,684,128 constitute *prima facie* evidence of the validity of the registered marks, the registration thereof, and of Amazon's ownership of the marks shown therein as provided in Section 33(a) of the Lanham Act. All of Opposer's registrations relied on herein constitute use of Amazon's

marks, conferring a right of priority nationwide in effect, as of the filing dates of the applications therefor as provided in Section 7(c) of the Lanham Act.

10. If Applicants are permitted to register the mark shown in Applicants' Application, Applicants' corresponding prima facie exclusive right to use the AMAZON VENTURES mark in nationwide commerce will conflict with Amazon's lawful and prima facie exclusive right to use the AMAZON Marks nationwide.

11. Applicants' AMAZON VENTURES mark, and especially the dominant "AMAZON" portion of the mark, is identical or virtually identical to Opposer's AMAZON Marks. Moreover, the services covered under Applicants' Application are highly related to the goods and services offered and registered by Amazon under its AMAZON Marks, and the respective goods/services are marketed or will be marketed to the same consumers and potential consumers in the same channels of trade.

12. Opposer will be damaged by the registration of Applicants' Application for the AMAZON VENTURES mark in that it so resembles Opposer's AMAZON Marks, registered in the U.S. Patent and Trademark Office, and in which Opposer owns common law rights, as to be likely, when used on or in connection with the services identified in Application Serial No. 78/001,126, as to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

13. In view of Amazon's prior rights in the AMAZON Marks individually and as an overall family of marks, Applicants are not entitled to registration of the AMAZON VENTURES mark, pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

14. Through extensive use, advertising, and global success of the AMAZON Marks, the AMAZON Marks have become famous for Amazon's goods and services since a date prior to the filing date of Applicants' Application.

15. Applicants' use and registration of the AMAZON VENTURES mark shown in Applicants' Application will cause or is likely to cause dilution of the distinctive quality of Opposer's AMAZON Marks within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

16. Applicants have not had a continuing bona fide joint intention to use Applicants' Mark in connection with Applicants' Services throughout the registration process.

17. Applicants have not had a joint continuing valid basis in association with Applicants' Application throughout the registration process.

18. Due to Applicants' failure to have a continuing valid basis in association with Applicants' Application throughout the registration process, Applicants' Application is void.

19. Applicants' failed to have a joint intent to use Applicants' Mark on or in connection with Applicants' Services as of the filing date of Applicants' Application.

20. Due to Applicants' failure to have a joint intent to use Applicants' Mark on or in connection with Applicants' Services as of the filing date of Applicants' Application, Applicants' Application is void.

21. Applicants' Application was filed and/or maintained wrongfully by Applicants in violation of Section 1(b) of the Lanham Act, and thus, Applicants' Application is void.

22. On June 17, 2009 Applicants filed an assignment with the Assignment Division of the U.S. Patent and Trademark Office. A true and correct copy of the Assignment is attached hereto as Exhibit A (the "Assignment").

23. The Assignment was recorded at Reel/Frame 4007/0486.

24. The effective date of the Assignment is October 20, 2008.

25. The only basis listed in Applicants' Application as of the October 20, 2008 Assignment was a bona fide intention to use Applicants' Mark in connection with Applicants' Services under Section 1(b) of the Lanham Act.

26. The only basis listed in Applicants' Application as of the June 17, 2009 recordation of the Assignment was a bona fide intention to use Applicants' Mark in connection with Applicants' Services under Section 1(b) of the Lanham Act.

27. An ongoing and existing business pertaining to Applicants' Mark did not exist as of October 20, 2008.

28. An ongoing and existing joint business of Applicants pertaining to Applicants' Mark did not exist as of October 20, 2008.

29. An ongoing and existing business pertaining to Applicants' Mark was not assigned along with Applicants' Application.

30. A joint ongoing and existing business of Applicants pertaining to Applicants' Mark was not assigned along with Applicants' Application.

31. As the assignment of Applicants' Application is in violation of Section 10 of the Lanham Act, Applicants' Application is void.

32. There was no goodwill in Applicants' Mark on the October 20, 2008 date of Assignment.

33. Applicants did not have any joint goodwill in Applicants' Mark on the October 20, 2008 date of the Assignment.

34. The Assignment assigned Applicants' Mark in gross.

35. Applicants' Application is void because it was assigned in gross.

36. By reason of the foregoing, Amazon will be gravely damaged by the registration of the mark shown in Applicants' Application.

WHEREFORE, Opposer prays that Applicants' Application be rejected and stricken, that no registration be issued thereon to Applicants, and that this Opposition be sustained in favor Opposer.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 25, 2009

By: _____

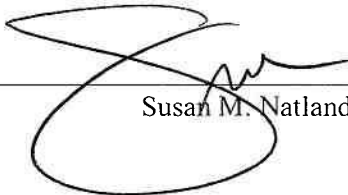

Susan M. Natland
Stacey R. Halpern
2040 Main Street, 14th Floor
Irvine, CA 92614
(949) 760-0404
Attorneys for Opposer,
Amazon Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **AMENDED NOTICE OF OPPOSITION** upon counsel for Steven M. Freeland, upon Jeffrey S. Wax, and upon Applicants' correspondent of record, via United States Mail, first-class postage prepaid on November 25, 2009, addressed as follows:

Philip J. Graves
Graves Law Office, P.C.
12121 Wilshire Blvd., Suite 775
Los Angeles, CA 90025

Jeffrey S. Wax
Wax Law Group
1017 L Street #425
Sacramento, California 95814


Susan M. Natland

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

AMAZON TECHNOLOGIES, INC.,

Opposer,

v.

JEFFREY S. WAX and STEVEN M. FREELAND,

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) Opposition No.: 91187118
) Mark: AMAZON VENTURES

) I hereby certify that this correspondence and all marked attachments are
) being electronically filed with the Trademark Trial and Appeal Board
) through their web site located at http://esta.uspto.gov on

November 25, 2009

(Date)

[Handwritten signature of Susan M. Natland]

Susan M. Natland

DECLARATION OF SUSAN M. NATLAND IN SUPPORT OF OPPOSER'S MOTION TO AMEND
AND MOTION FOR SUMMARY JUDGMENT

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

I, Susan M. Natland, declare as follows:

1. I am a partner with the law firm of Knobbe, Martens, Olson & Bear, intellectual property
counsel for the Amazon Technologies, Inc. ("Opposer") in the above-identified Opposition proceeding. I have
personal knowledge of the facts set forth below. If called upon and sworn as a witness, I could and would
competently testify as set forth below.

2. Attached hereto as Exhibit A is a true and correct copy of the Assignment concerning the
assignment of Application Serial No. 78/001,126, along with the Recordation Coversheet.

3. Attached as Exhibit B are true and correct copies of all of the documents produced by
Applicants in response to Opposer's Document Requests as defined herein.

4. Attached hereto as Exhibit C are true and correct copies of Applicants' Responses to Opposer's
Discovery Requests as defined herein.

5. Attached hereto as Exhibit D are true and correct copies of Opposer's First Set of Requests for
Admissions Nos. 1-195, Opposer's Second Set of Requests for Admissions, Nos. 196-316 (collectively,

Opposer's Requests for Admissions""), Opposer's Requests for Product of Documents and Things, Nos. 1-76, Opposer's Second Set of Requests for Production of Documents and Things, Nos. 77-266, Opposer's Third Set of Requests for Production of Documents and Things, Nos. 267-430, and Opposer's Request of Steven Freeland to Produce Documents via Subpoena Duces Tecum (collectively, "Opposer's Document Requests"), Opposer's First Set of Interrogatories Nos. 1-37 ("Opposer's Interrogatories") (collectively, Exhibit D is referred to as "Opposer's Discovery Requests").

6. Attached hereto as Exhibit E is a true and correct copy of the Opposer's May 4, 2009 Meet and Confer Letter. Attached hereto as Exhibit F is a true and correct copy of Applicants' May 12, 2009 response to Opposer's May 4, 2009 Letter.

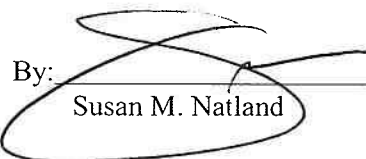
7. Attached hereto as Exhibit G is a true and correct copy of the July 22, 2009 Deposition Transcript of Jeffrey Wax (without Exhibits).

8. Attached hereto as Exhibit H is a true and correct copy of the July 20, 2009 Deposition Transcript of Steven Freeland (without Exhibits).

9. Attached hereto as Exhibit I is a photograph of the door of 30 N. Michigan Avenue, Suite 1623, Chicago, Illinois, Amazon Ventures' purported address.

I declare that all statements made herein of my own knowledge are true and statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: November 25, 2009

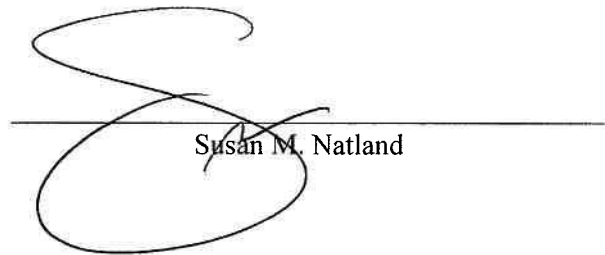
By: 
Susan M. Natland

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **DECLARATION OF SUSAN M. NATLAND
IN SUPPORT OF OPPOSER'S MOTION TO AMEND AND MOTION FOR SUMMARY JUDGMENT**
upon counsel for Steven M. Freeland, upon Jeffrey S. Wax, as well as Applicants' correspondence of record,
via United States Mail, first-class postage prepaid on November 25, 2009, addressed as follows:

Philip J. Graves
Graves Law Office, P.C.
12121 Wilshire Blvd., Suite 775
Los Angeles, CA 90025

Jeffrey S. Wax
Wax Law Group
1017 L Street #425
Sacramento, California 95814



Susan M. Natland

8172086
112509

Exhibit A

6/17/09

06-18-2009

Electronic Version v1.1
Stylesheet Version v1.1



103564248

SUBMISSION TYPE:		NEW ASSIGNMENT	
NATURE OF CONVEYANCE:		ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL	
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Steven M. Freeland		10/20/2008	INDIVIDUAL: CA.
RECEIVING PARTY DATA			
Name:	Jeffrey S. Wax		
Street Address:	1017 L Street #425		
City:	Sacramento		
State/Country:	CALIFORNIA		
Postal Code:	95814		
Entity Type:	INDIVIDUAL: California		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Serial Number:	78001126	AMAZON VENTURES	
CORRESPONDENCE DATA			
Fax Number:	(815)331-0814		
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>			
Email:	JWax@WaxLawGroup.com		
Correspondent Name:	Jeffrey S. Wax		
Address Line 1:	1017 L Street #425		
Address Line 4:	Sacramento, CALIFORNIA 95814		
NAME OF SUBMITTER:		Jeffrey S. Wax	
Signature:		/Jeffrey Wax/	
Date:		06/17/2009	
Total Attachments: 1 source=Asgnmnt_78001126#page1.tif			

OP. 540.00. 78001126

TRADEMARK
REEL: 004007 FRAME: 0486

TRADEMARK ASSIGNMENT

I, Steven M. Freeland, co-applicant of:

U.S. Trademark Application Serial No. 78/001,126,
filed March 27, 2000,

for the mark:

AMAZON VENTURES,

for good and valuable consideration, including the release and discharge of all past and future liabilities, damages and costs associated with the above identified mark and application, the receipt and sufficiency of which is hereby acknowledged, do hereby, assign and transfer unto:

Jeffrey S. Wax,

the entire right, title and interest in and to said mark, together with any goodwill symbolized by the mark, the right to sue for and recover all damages and other remedies in respect of any infringement of the mark which may have occurred prior to the date of this Assignment, and the above identified mark and Trademark application.

Effective this 20 day of October, 2008.

By: 

Name: Steven M. Freeland

Exhibit B

Exhibit A

Whois.Net - Microsoft Internet Explorer

http://www.whois.net/whois_new6.cgi?d=amazonventures&tld=com

File Edit View Favorites Tools Help

Whois.Net

WHOIS information for: amazonventures.com:

(Whois.nalburnedn.com)

Domain Name..... amazonventures.com
Creation Date..... 2000-03-04
Registration Date... 2007-04-04
Expiry Date..... 2010-03-14
Organization Name... NIN
Organization Address 2111 Wilshire Boulevard
Organization Address Suite 407
Organization Address Santa Monica
Organization Address 90403
Organization Address CA
Organization Address UNITED STATES

Admin Name..... J Max
Admin Address..... 2111 Wilshire Boulevard
Admin Address..... Suite 407
Admin Address..... Santa Monica
Admin Address..... 90403
Admin Address..... CA
Admin Address..... UNITED STATES
Admin Email..... jmax@amazon.com
Admin Phone..... +1.310.675.9501
Admin Fax.....

Tech Name..... J Max
Tech Address..... 2111 Wilshire Boulevard
Tech Address..... Suite 407
Tech Address..... Santa Monica
Tech Address..... 90403
Tech Address..... CA
Tech Address..... UNITED STATES
Tech Email..... hostmaster@nornic-hosting.com
Tech Phone..... +1.310.675.9500
Tech Fax.....
Name Server..... ns1ll.vericil-vee.com
Name Server..... ns2ll.vericil-vee.com

Domain Information
[Domain Name Registration](#) [News](#)
[Daily DNS Changes](#) [ICANN](#)

Hosting Resources
[Web Hosting](#) [VPS](#) [Managed Hosting](#)
[Windows Hosting](#) [Windows Servers](#)
[Dedicated Web Hosting](#)

Copyright © 1999-2008

Exhibit B

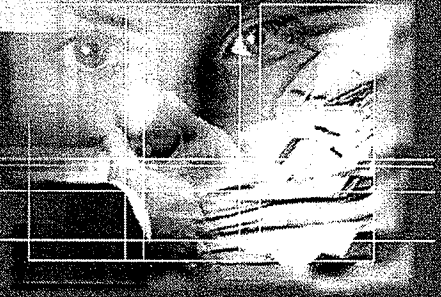
http://www.amazonventures.com/15522/14701.html - Microsoft Internet Explorer

http://www.amazonventures.com/15522/14701.html

File Edit View Favorites Tools Help

http://www.amazonventures.com/15522/14...

Wax Law Group



- Home
- Attorneys
- Sacramento office
- Chicago office
- Amazon Ventures
- Links

Amazon Ventures provides venture capital raising for others, capital investment consultation, investment consultation, and investment management.

Please contact our Chicago office for additional information at:

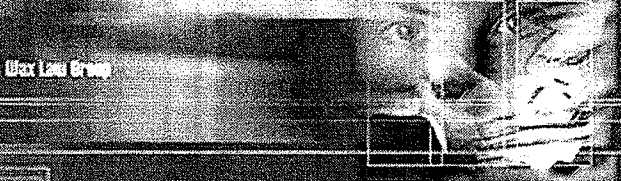
30 N. Michigan Avenue, Suite 1623
Chicago, IL 60602

Tel. (312) 346-0707



File Edit View Favorites Tools Help

http://www.amazonventures.com/15522/14...



Wax Law Group

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- Sacramento office
- Chicago office
- Links

The Wax Law Group provides Intellectual Property law and Litigation services, specializing in Patent matters. We help our clients create and enforce intellectual property rights in technologies ranging from sophisticated high-technology devices and methods to simple ideas. We prepare and prosecute patent applications, render opinions on patent validity and infringement, and assist in the transfer and licensing of technology.

Our attorneys have extensive patent law experience, technical educational backgrounds and practical industry work experience in an array of technologies including electrical engineering, mechanical engineering and chemical engineering.

CONTACT INFORMATION

California Office:
1017 L Street, Suite 425
Sacramento, CA 95814
Tel. (916) 575-8500

Chicago Office:
30 N. Michigan Avenue, Suite 1623
Chicago, Illinois 60602

For
AMAZON VENTURES
Please click on the Chicago office link at left.



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Mar 18 04:06:08 EDT 2009

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE QRY](#) [SEARCH QG](#) [BOTTOM](#) [HELP](#)

Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TOR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark AMAZON VENTURES
Goods and Services IC 036. US 100 101 102. G & S: INVESTMENT MANAGEMENT, RAISING VENTURE CAPITAL FOR OTHERS, INVESTMENT CONSULTATION, AND CAPITAL INVESTMENT CONSULTATION
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78001126
Filing Date March 27, 2000
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition June 24, 2008
Owner (APPLICANT) Freeland, Steven, M. INDIVIDUAL UNITED STATES 30 N. Michigan Avenue Suite 1623 Chicago ILLINOIS 60602
 (APPLICANT) Wax, Jeffrey, S. INDIVIDUAL UNITED STATES 30 N. Michigan Avenue Suite 1623 Chicago ILLINOIS 60602
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VENTURES" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE QRY](#) [SEARCH QG](#) [TOP](#) [HELP](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

AMAZON VENTURES

30 N. MICHIGAN AVENUE • SUITE 1623 • CHICAGO, IL 60602 • TEL (312) 346-0707

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502
www.kmob.com

Exhibit F

Susan M. Natland
snatland@kmob.com

August 6, 2008

VIA FED EX COURIER

Mr. Jeffrey S. Wax
Mr. Steven M. Freeland
30 N Michigan Ave Ste 1623
Chicago, IL 60602-3666

Re: Your Use and Application for AMAZON VENTURES
Our Reference No.: AMAZONT.008TIS

Dear Mr. Wax and Mr. Freeland:

We represent Amazon.com, Inc. and Amazon Technologies, Inc. (collectively "Amazon") in connection with its intellectual property matters, including the enforcement of its trademarks. As you are no doubt aware, Amazon is a global leader in providing goods and services via the Internet. Amazon not only provides an overwhelmingly wide variety of goods and services under its AMAZON[®] mark to the general public, including those related to finance and financing, but also provides a myriad of business-to-business goods and services to other online retailers, including financial based services.

Through the substantial use and promotion of the AMAZON[®] mark, it has become famous in the minds of consumers, and consistently ranks as one of the most well-known brands in the world. For example, the AMAZON[®] mark recently ranked #62 on the Interbrand list of top 100 Brands and #61 in Millward Brown Optimor's list of the Top 100 Brands in the world. To protect its significant investment in its famous AMAZON[®] mark, Amazon (and its affiliates) have obtained over a thousand trademark registrations throughout the world for its AMAZON[®] mark and AMAZON-inclusive marks, including U.S. Trademark Registration Nos. 2559936, 2518043, 3411872, and 3414814 covering various financial services in Class 36. A copy of such U.S. trademark registrations are enclosed for your reference.

It has recently come to our attention that you have filed Trademark Application No. 78/001,126 for the mark AMAZON VENTURES based on your intent to use the mark in connection with the following financial services in Class 36: "*investment management, raising venture capital for others, investments consultation, and capital investment consultation.*" In addition, we are aware of your ownership and use of the domain name www.amazonventures.com.

Mr. Jeffrey S. Wax

August 6, 2008

Page -2-

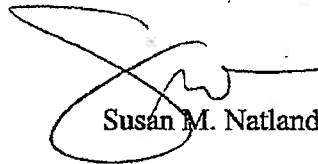
We believe that your use and domain name registration of AMAZON VENTURES violates a number of laws that protect trademark owners, including the Federal Trademark Act, the Federal Trademark Dilution Act, and the Anticybersquatting Consumer Protection Act (ACPA). In addition, your planned use of the AMAZON VENTURES mark in connection with the services covered under pending Trademark Application No. 78/001,126 will similarly be in violation of these laws. To preserve our client's rights in this matter, we have already filed an Extension of Time to Oppose your U.S. trademark application for the AMAZON VENTURES mark.

Prior to resorting to legal action, however, we would like to offer you an opportunity to quickly settle this matter. We will consider this matter resolved if you promptly abandon Trademark Application No. 78/001,126 for the mark AMAZON VENTURES, transfer the www.amazonventures.com domain name to our client, and agree to cease use of the AMAZON VENTURES mark and to not, use, register or attempt to register any AMAZON-inclusive domain name and/or trademark in the future.

Please respond to this letter by August 18, 2008 to indicate whether you would like to settle this matter in accordance with the above offer. We trust that you understand our client's concerns and look forward to hearing from you.

The requests asserted in this letter are without prejudice to, and with full reservation of, all other rights or remedies Amazon may have in this matter. If you have any questions regarding this matter, please feel free to contact us.

Sincerely,



Susan M. Natland

Enclosures

cc: Amazon

5735475

Exhibit A

TRADEMARK ASSIGNMENT

I, Steven M. Freeland, co-applicant of:

U.S. Trademark Application Serial No. 78/001,126,
filed March 27, 2000,

for the mark:

AMAZON VENTURES,

for good and valuable consideration, including the release and discharge of all past and future liabilities, damages and costs associated with the above identified mark and application, the receipt and sufficiency of which is hereby acknowledged, do hereby, assign and transfer unto:

Jeffrey S. Wax,

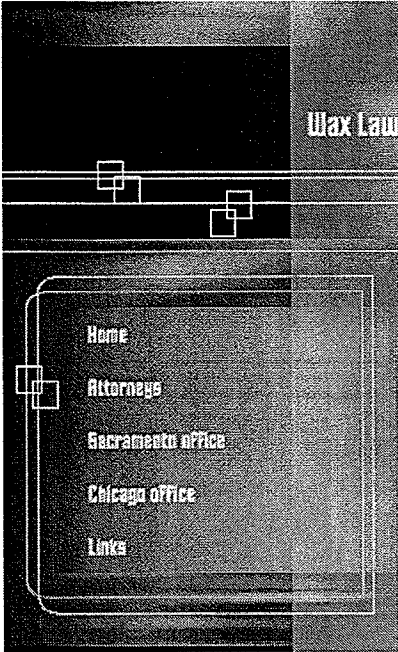
the entire right, title and interest in and to said mark, together with any goodwill symbolized by the mark, the right to sue for and recover all damages and other remedies in respect of any infringement of the mark which may have occurred prior to the date of this Assignment, and the above identified mark and Trademark application.

Effective this 20 day of October, 2008.

By: 

Name: Steven M. Freeland

The image is a screenshot of a website for Wax Law Group. At the top left, the text "Wax Law Group" is visible. To the right is a photograph of a person's hands reviewing documents. Below the header is a navigation menu with the following items: Home, Attorneys, Sacramento office, Chicago office, Amazon Ventures, and Links. The "Amazon Ventures" item is highlighted with a white border. To the right of the menu, the text reads: "Amazon Ventures provides venture capital raising for others, capital investment consultation, investment consultation, and investment management." Below this, it says "Patents and pending Patent Applications for License and Sale." and "Please contact our Chicago office for additional information at:". The contact information provided is "30 N. Michigan Avenue, Suite 1623 Chicago, IL 60602" and "Tel. (312) 346-0707". At the bottom right of the page, there is a small icon of a computer monitor.



Wax Law Group

- Home
- Attorneys
- Sacramento office
- Chicago office
- Links

Jeffrey S. Wax

Education:

Purdue University
Bachelor of Science in Electrical Engineering

Indiana University
Bachelor of Science in Biology

UCalifornia Western School of Law, 1990
Juris Doctor
Dean's Honor List

Areas of Practice: He focuses on the procurement, protection and management of intellectual property rights for high technology companies. He has handled the preparation and prosecution of numerous patent applications for NASDAQ companies.

In particular, he has experience across a broad spectrum of technical fields including analog and digital electronics, communications systems, processors, hard drives, semiconductor technologies, networks, hardware, software, signal processing, aerospace technologies, powerplants, mechanical engineering and medical arts.

Other practice areas include intellectual property license agreements, patent infringement and validity opinions and related analysis, providing intellectual property litigation support, trademark clearance and registration, representation in trademark oppositions, and copyright issues.

Industry experience:
Previously employed with Teledyne Isotopes as a Laboratory Scientist

Litigation experience:
He has handled lawsuits as first chair through bench trials and jury trials. Currently, he applies his litigation experience to strategically handle patent applications and other intellectual property.

Admissions:
Registered patent attorney with the U.S. Patent and Trademark Office; Federal and State Courts of California; U.S. District Court for the Northern District of California; Federal and State Courts of Illinois; and U.S. District Court for the Northern District of Illinois.

Associations:
American Intellectual Property Law Association; Silicon Valley Intellectual Property Law Association; Association of Trial Lawyers of America; Institute of Electrical and Electronics Engineers, Inc. (IEEE); American Bar Association.




Exhibit D

Steven M. Freeland

9330 Scranton Road
San Diego, California 92121

Education

- 1992—Brigham Young University, B.S. Electrical Engineering, Minor in Chemistry
- 1998—University of San Diego, Juris Doctor

Bar Admissions

- State of California
- U.S. Patent & Trademark Office

Court Admissions

- U.S. District Court for the Southern District of California

Professional Associations

- American Intellectual Property Law Association
- San Diego Intellectual Property Law Association
- American Bar Association

EXHIBIT A



at&t

ARNOLD H WAX
30 N MICHIGAN AVE
STE 1623
CHICAGO, IL 60602-3666

Account Number 312 346-8667
Billing Date May 19, 2009

Web Site att.com

Invoice Number 3123468667

Monthly Statement

Apr 20 - May 19, 2009

Bill-At-A-Glance

Previous Bill	248.60
Payment Received 5-14 - Thank You!	248.60CR
Adjustments	.00
Balance	.00
Current Charges	203.51
Total Amount Due	\$203.51
Current Charges Due in Full By	Jun 17, 2009

Billing Summary

Questions? Visit att.com

Plans and Services	198.00
1-800-660-3000	
Repair Service:	
1-800-727-2273	
For more information on products and services call	
1-800-660-3000	
NETWORK CONNECTIONS USA	5.51
1-888-891-8378	
Total of Current Charges	203.51

News You Can Use Summary

- PREVENT DISCONNECT
 - LOCAL TOLL INFO
 - LONG DISTANCE INFO
 - PAYMENT OPTIONS
 - RATE INCREASE
- See "News You Can Use" for additional information.

Plans and Services

Promotions and Discounts

No.	Description	
1	Reward for Linebacker for Bill Period May 19, 2009.	4.48CR

Arnold Wax Office Telephone

Monthly Service - May 19 thru Jun 18	
Charges for 312 346-8667	
Monthly Charges	50.30
LINE-BACKER@	9.95
Federal Access Charge	4.52

Amazon Ventures telephone Dedicated line years 2000-2009

Charges for 312 346-0707	
Monthly Charges	28.95
LINE-BACKER@	9.95
Federal Access Charge	4.52

Charges for 312 346-8667	
Monthly Charges	13.70
LINE-BACKER@	9.95
Federal Access Charge	4.52
Total Monthly Service	136.36

Arnold Wax office Telephone

Local Calls	
Direct Dialed Calls	
0-8 Miles	
171 Initial Minutes	9.42
37 Additional Minutes	1.51
Over 8 Miles	
18 Initial Minutes	1.93
15 Additional Minutes	.90
Local Toll - Over 15 Miles	
103 Minute(s) All Day, Every Day	18.54
Total for Direct Dialed Calls	32.30
223 Call(s) made this month averaged \$1.448 per call	
Total Local Calls	32.30

Information Charges	
411 and 555-1212	
1 Call(s) made to 1-411	
1 Call(s) billed at \$1.50 each	1.50

Surcharges and Other Fees	
9-1-1 Emergency System	
Billed for Chicago	7.50
State Infrastructure Maintenance Fee	.69
State Additional Charges	.10
Federal Universal Service Fee	1.95
IL Universal Service Fee	.33
IL Telecom Relay Svc and Eqp	.18
Total Surcharges and Other Fees	10.75

Local Services provided by AT&T Illinois, AT&T Indiana, AT&T Michigan, AT&T Ohio or AT&T Wisconsin based upon the service address location.

U.S. Pat. D410,950 and D414,510

Printed on Recyclable Paper

Return bottom portion with your check in the enclosed envelope.

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

Exhibit C

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

AMAZON TECHNOLOGIES, INC.,

Opposer

v.

JEFFREY S. WAX and STEVEN M. FREELAND,

Applicants.

Opposition No.: 91187118

Serial No.: 78/001,126

Mark: AMAZON VENTURES

**APPLICANTS' RESPONSES TO OPPOSER'S REQUESTS FOR ADMISSIONS
NOS. 1-195**

Applicants, JEFFREY S. WAX and STEVEN M. FREELAND, do hereby respond to OPPOSER'S REQUESTS FOR ADMISSIONS NOS. 1-195, as follows:

RESPONSE TO REQUEST FOR ADMISSION NO. 1

Deny. Applicants further state that Applicants were aware of a company Amazon.com, Inc., but were not aware of Amazon Technologies, Inc. To date, Applicants are without knowledge of the affiliation of Amazon.com, Inc. and Amazon Technologies, Inc.

RESPONSE TO REQUEST FOR ADMISSION NO. 2

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 3

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 4

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 5

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 6

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 7

Deny. However, Applicants did conduct a trademark search that revealed the mark amazon.com.

RESPONSE TO REQUEST FOR ADMISSION NO. 8

Deny. However, Applicants did conduct a trademark search that revealed the mark amazon.com.

RESPONSE TO REQUEST FOR ADMISSION NO. 9

Applicant admits that a copy of U.S. Trademark Reg. 2,167,345 was provided by Opposer in electronic form to Applicant on March 11, 2009, purported to be a true and correct copy by Opposer. Applicant requests from Opposer a certification from the U.S. Patent and Trademark office that the same is a true and correct copy.

RESPONSE TO REQUEST FOR ADMISSION NO. 10

Applicant admits that a copy of U.S. Trademark Reg. 2,078,496 was provided by Opposer in electronic form to Applicant on March 11, 2009, purported to be a true and correct copy by Opposer. Applicant requests from Opposer a certification from the U.S. Patent and Trademark office that the same is a true and correct copy.

RESPONSE TO REQUEST FOR ADMISSION NO. 11

Applicant admits that a copy of U.S. Trademark Reg. 3,411,872 was provided by Opposer in electronic form to Applicant on March 11, 2009, purported to be a true and correct copy by Opposer. Applicant requests from Opposer a certification from the U.S. Patent and Trademark office that the same is a true and correct copy.

RESPONSE TO REQUEST FOR ADMISSION NO. 12

Applicant admits that a copy of U.S. Trademark Reg. 2,649,373 was provided by Opposer in electronic form to Applicant on March 11, 2009, purported to be a true and correct copy by Opposer. Applicant requests from Opposer a certification from the U.S. Patent and Trademark office that the same is a true and correct copy.

RESPONSE TO REQUEST FOR ADMISSION NO. 13

Applicant admits that a copy of U.S. Trademark Reg. 2,518,043 was provided by Opposer in electronic form to Applicant on March 11, 2009, purported to be a true and correct copy by Opposer. Applicant requests from Opposer a certification from the U.S. Patent and Trademark office that the same is a true and correct copy.

RESPONSE TO REQUEST FOR ADMISSION NO. 14

Applicant admits that a copy of U.S. Trademark Reg. 3,414,814 was provided by Opposer in electronic form to Applicant on March 11, 2009, purported to be a true and correct copy by Opposer. Applicant requests from Opposer a certification from the U.S. Patent and Trademark office that the same is a true and correct copy.

RESPONSE TO REQUEST FOR ADMISSION NO. 15

Applicant admits that a copy of U.S. Trademark Reg. 2,559,936 was provided by Opposer in electronic form to Applicant on March 11, 2009, purported to be a true and correct copy by Opposer. Applicant requests from Opposer a certification from the U.S. Patent and Trademark office that the same is a true and correct copy.

RESPONSE TO REQUEST FOR ADMISSION NO. 16

Applicant admits that a copy of U.S. Trademark Reg. 2,789,101 was provided by Opposer in electronic form to Applicant on March 11, 2009, purported to be a true and correct copy by Opposer. Applicant requests from Opposer a certification from the U.S. Patent and Trademark office that the same is a true and correct copy.

RESPONSE TO REQUEST FOR ADMISSION NO. 17

Applicant admits that a copy of U.S. Trademark Reg. 2,696,140 was provided by Opposer in electronic form to Applicant on March 11, 2009, purported to be a true and correct copy by Opposer. Applicant requests from Opposer a certification from the U.S. Patent and Trademark office that the same is a true and correct copy.

RESPONSE TO REQUEST FOR ADMISSION NO. 18

Applicant admits that a copy of U.S. Trademark Reg. 2,684,128 was provided by Opposer in electronic form to Applicant on March 11, 2009, purported to be a true and correct copy by Opposer. Applicant requests from Opposer a certification from the U.S. Patent and Trademark office that the same is a true and correct copy.

RESPONSE TO REQUEST FOR ADMISSION NO. 19

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 20

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 21

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 22

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 23

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 24

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 25

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 26

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 27

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 28

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 29

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 30

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 31

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 32

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 33

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 34

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 35

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 36

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 37

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 38

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 39

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 40

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 41

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 42

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 43

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 44

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 45

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 46

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 47

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 48

Applicant admits that the referenced purported trademark shows a registration date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 49

Applicant admits that the referenced purported trademark shows a registration date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 50

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 51

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 52

Applicant admits that the referenced purported trademark shows a registration date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 53

Applicant admits that the referenced purported trademark shows a registration date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 54

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 55

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 56

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 57

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 58

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 59

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 60

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 61

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 62

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 63

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 64

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 65

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 66

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 67

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 68

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 69

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 70

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 71

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 72

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 73

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 74

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 75

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 76

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 77

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 78

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 79

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 80

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 81

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 82

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 83

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 84

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 85

Applicant admits that the referenced purported trademark shows a filing date that is prior to the filing of Applicant's application. Further, Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 86

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 87

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 88

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 89

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 90

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 91

Admit, with the condition that Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 92

Admit, with the condition that Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 93

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 94

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 95

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 96

Admit, with the condition that Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 97

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 98

Admit, with the condition that Applicant is without knowledge whether the trademark in electronic format as provided to Applicant from Opposer is authentic and correct.

RESPONSE TO REQUEST FOR ADMISSION NO. 99

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 100

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 101

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 102

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 103

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 104

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 105

Applicants admit that Applicants mark and services has appeared on the internet.

RESPONSE TO REQUEST FOR ADMISSION NO. 106

Applicants admit that Applicants mark and services continues to appear on the internet.

RESPONSE TO REQUEST FOR ADMISSION NO. 107

Applicants deny that Applicants mark and services have not appeared on the internet.

RESPONSE TO REQUEST FOR ADMISSION NO. 108

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 109

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 110

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 111

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 112

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 113

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 114

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 115

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 116

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 117

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 118

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 119

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 120

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 121

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 122

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 123

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 124

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 125

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 126

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 127

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 128

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 129

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 130

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 131

Deny, except documents regarding this Opposition received from Opposer, documents regarding this Opposition received from the USPTO, and a letter from Opposer dated August 6, 2008.

RESPONSE TO REQUEST FOR ADMISSION NO. 132

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 133

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 134

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 135

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 136

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 137

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 138

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 139

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 140

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 141

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 142

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 143

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 144

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 145

Applicants DENY that a “term” amazon appears in amazonventures.com. However, Applicants admit that the letters amazon appears in amazonventures.com

RESPONSE TO REQUEST FOR ADMISSION NO. 146

Applicants DENY that a “term” amazon appears in amazonventures.com. However, Applicants admit that the letters amazon appears in amazonventures.com

RESPONSE TO REQUEST FOR ADMISSION NO. 147

Applicants DENY that a “term” amazon appears in amazonventures.com. However, Applicants admit that the letters amazon appears in amazonventures.com.

RESPONSE TO REQUEST FOR ADMISSION NO. 148

Applicants DENY that a “term” amazon appears in amazon.com. However, Applicants admit that the letters amazon appears in amazon.com.

RESPONSE TO REQUEST FOR ADMISSION NO. 149

Applicants DENY that a “term” amazon appears in amazonventures.com. However, Applicants admit that the letters amazon appears in amazonventures.com.

RESPONSE TO REQUEST FOR ADMISSION NO. 150

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 151

Deny. Objection. No definition provided by Opposer for generic “top-level.”

RESPONSE TO REQUEST FOR ADMISSION NO. 152

Deny. Objection. No definition provided by Opposer for generic “top-level.”

RESPONSE TO REQUEST FOR ADMISSION NO. 153

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 154

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 155

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 156

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 157

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 158

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 159

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 160

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 161

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 162

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 163

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 164

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 165

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 166

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 167

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 168

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 169

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 170

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 171

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 172

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 173

Deny, since the meaning of Opposers statement is unclear and improperly recited from Applicant's application. However, Applicant admits that no claim is made to the exclusive right to use "VENTURES" apart from the mark as shown in Applicant's Application.

RESPONSE TO REQUEST FOR ADMISSION NO. 174

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 175

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 176

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 177

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 178

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 179

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 180

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 181

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 182

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 183

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 184

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 185

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 186

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 187

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 188

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 189

Admit. However, providing proof for and having evidence entered is Opposer's burden.

RESPONSE TO REQUEST FOR ADMISSION NO. 190

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 191

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 192

Deny. Applicant's services read: Investment management, raising venture capital for others, investment consultation, and capital investment consultation in International Class 36.

RESPONSE TO REQUEST FOR ADMISSION NO. 193

Deny. Applicant's services read: Investment management, raising venture capital for others, investment consultation, and capital investment consultation in International Class 36.

RESPONSE TO REQUEST FOR ADMISSION NO. 194

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 195

Objection. Identical to NO. 193.

The undersigned hereby states that APPLICANTS' RESPONSES TO OPPOSER'S REQUESTS FOR ADMISSIONS NOS. 1-195 are true and correct.

Dated: April 4, 2009



Jeffrey S. Wax
Wax Law Group
1017 L Street #425
Sacramento, CA 95814
Tel. (916) 575-9500
Applicant

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANTS' RESPONSES TO OPPOSER'S REQUESTS FOR ADMISSIONS NOS. 1-195 has been served on Susan M.

Natland, counsel for Opposer on April 4, 2009, via Federal Express, postage prepaid to:

Susan M. Natland
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

4.4.09

Date

Wilson

Virginia Wilson

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

AMAZON TECHNOLOGIES, INC.,

Opposer

v.

JEFFREY S. WAX and STEVEN M. FREELAND,

Applicants.

Opposition No.: 91187118

Serial No.: 78/001,126

Mark: AMAZON VENTURES

**APPLICANTS' RESPONSES TO OPPOSER'S SECOND SET OF REQUESTS FOR
ADMISSIONS, NOS. 196 - 316**

Applicant, JEFFREY S. WAX, does hereby respond to OPPOSER'S SECOND SET OF REQUESTS FOR ADMISSIONS, NOS. 196 - 316, as follows:

RESPONSE TO REQUEST FOR ADMISSION NO. 196

Objection. Opposer has provided no definition for "financial certifications" or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 197

Objection. Opposer has provided no definition for "financial certifications" or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 198

Objection. Opposer has provided no definition for "financial certifications" or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 199

Objection. Opposer has provided no definition for "financial certifications" or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 200

Applicants admit that Jeffrey Wax is not a “certified financial planner” as conferred by the Certified Financial Planner Board of Standards in the United States. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 201

Applicants admit that Jeffrey Wax was not a “certified financial planner” as conferred by the Certified Financial Planner Board of Standards in the United States. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 202

Applicants admit that Steven M. Freeland is not a “certified financial planner” as conferred by the Certified Financial Planner Board of Standards in the United States. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 203

Applicants admit that Steven M. Freeland was not a “certified financial planner” as conferred by the Certified Financial Planner Board of Standards in the United States. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 204

Applicants admit that Jeffrey S. Wax is not a “chartered financial analyst” as offered by the CFA Institute. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 205

Applicants admit that Jeffrey S. Wax was not a “chartered financial analyst” as offered by the CFA Institute. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 206

Applicants admit that Steven M. Freeland is not a “chartered financial analyst” as offered by the CFA Institute. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 207

Applicants admit that Steven M. Freeland was not a “chartered financial analyst” as offered by the CFA Institute. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 208

Objection. Opposer has provided no definition for “certified fund specialist” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 209

Objection. Opposer has provided no definition for “certified fund specialist” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 210

Objection. Opposer has provided no definition for “certified fund specialist” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 211

Objection. Opposer has provided no definition for “certified fund specialist” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 212

Objection. Opposer has provided no definition for “chartered financial consultant” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 213

Objection. Opposer has provided no definition for “chartered financial consultant” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 214

Objection. Opposer has provided no definition for “chartered financial consultant” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 215

Objection. Opposer has provided no definition for “chartered financial consultant” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 216

Objection. Opposer has provided no definition for “chartered investment counselor” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 217

Objection. Opposer has provided no definition for “chartered investment counselor” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 218

Objection. Opposer has provided no definition for “chartered investment counselor” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 219

Objection. Opposer has provided no definition for “chartered investment counselor” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 220

Objection. Opposer has provided no definition for “certified investment management analyst” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 221

Objection. Opposer has provided no definition for “certified investment management analyst” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 222

Objection. Opposer has provided no definition for “certified investment management analyst” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 223

Objection. Opposer has provided no definition for “certified investment management analyst” or even designated any certifying entity whatsoever. As such, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 224

Applicants admit that Jeffrey S. Wax is not a “chartered market technician” with membership in the Market Technicians Association. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 225

Applicants admit that Jeffrey S. Wax was not a “chartered market technician” with membership in the Market Technicians Association. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 226

Applicants admit that Steven M. Freeland is not a “chartered market technician” with membership in the Market Technicians Association. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 227

Applicants admit that Steven M. Freeland was not a “chartered market technician” with membership in the Market Technicians Association. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 228

Applicants admit that Jeffrey S. Wax is not a “certified public accountant” as granted by the American Institute of Certified Public Accountants. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 229

Applicants admit that Jeffrey S. Wax was not a “certified public accountant” as granted by the American Institute of Certified Public Accountants. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 230

Applicants admit that Steven M. Freeland is not a “certified public accountant” as granted by the American Institute of Certified Public Accountants. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 231

Applicants admit that Steven M. Freeland was not a “certified public accountant” as granted by the American Institute of Certified Public Accountants. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 232

Applicants admit that Jeffrey S. Wax is not a “personal financial specialist” as granted by the American Institute of Certified Public Accountants. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 233

Applicants admit that Jeffrey S. Wax was not a “personal financial specialist” as granted by the American Institute of Certified Public Accountants. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 234

Applicants admit that Steven M. Freeland is not a “personal financial specialist” as granted by the American Institute of Certified Public Accountants. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 235

Applicants admit that Steven M. Freeland was not a “personal financial specialist” as granted by the American Institute of Certified Public Accountants. Otherwise, Applicants Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 236

Objection. Opposer has not clearly identified the “Response to Office Action.” Further, it is believed there was no Response to Office Action dated March 9, 2001 in regard to Applicants’ application.

RESPONSE TO REQUEST FOR ADMISSION NO. 237

Objection. Opposer has not clearly identified the “Response to Office Action.” Further, it is believed there was no Response to Office Action dated March 9, 2001 in regard to Applicants’ application.

RESPONSE TO REQUEST FOR ADMISSION NO. 238

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 239

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 240

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 241

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 242

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 243

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 244

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 245

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 246

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 247

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 248

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 249

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 250

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 251

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 252

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 253

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 254

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 255

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 256

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 257

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 258

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 259

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 260

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 261

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 262

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 263

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 264

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 265

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 266

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 267

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 268

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 269

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 270

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 271

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 272

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 273

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 274

Objection. Opposer provides no definition for “e-commerce website.” Applicants do admit an awareness of products advertised for sale on amazon.com.

RESPONSE TO REQUEST FOR ADMISSION NO. 275

Objection. Opposer provides no definition for “e-commerce website.” Applicants do admit an awareness of products advertised for sale on amazon.com.

RESPONSE TO REQUEST FOR ADMISSION NO. 276

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 277

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 278

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 279

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 280

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 281

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 282

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 283

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 284

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 285

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 286

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 287

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 288

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 289

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 290

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 291

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 292

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 293

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 294

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 295

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 296

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 297

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 298

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 299

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 300

Deny.

RESPONSE TO REQUEST FOR ADMISSION NO. 301

Admit, regarding a filing date of 4-18-1997.

RESPONSE TO REQUEST FOR ADMISSION NO. 302

Admit, regarding a filing date of 10-23-1995.

RESPONSE TO REQUEST FOR ADMISSION NO. 303

Admit, regarding a filing date of 11-11-1999.

RESPONSE TO REQUEST FOR ADMISSION NO. 304

Admit, regarding a filing date of 3-22-2000

RESPONSE TO REQUEST FOR ADMISSION NO. 305

Admit, regarding a filing date of 3-29-1999.

RESPONSE TO REQUEST FOR ADMISSION NO. 306

Admit, regarding a filing date of 1-12-2000

RESPONSE TO REQUEST FOR ADMISSION NO. 307

Admit, regarding a filing date of 3-17-1999.

RESPONSE TO REQUEST FOR ADMISSION NO. 308

Admit, regarding a filing date of 1-12-2000

RESPONSE TO REQUEST FOR ADMISSION NO. 309

Admit, regarding a filing date of 1-12-2000

RESPONSE TO REQUEST FOR ADMISSION NO. 310

Admit, regarding a filing date of 1-12-2000

RESPONSE TO REQUEST FOR ADMISSION NO. 311

Admit, regarding a registration date of 6-23-1998.

RESPONSE TO REQUEST FOR ADMISSION NO. 312

Admit, regarding a registration date of 7-15-1997.

RESPONSE TO REQUEST FOR ADMISSION NO. 313

Admit. Applicants reserve the right to object to all evidence presented by Opposer, and whether Opposer properly presents evidence.

RESPONSE TO REQUEST FOR ADMISSION NO. 314

Admit. Applicants reserve the right to object to all evidence presented by Opposer, and whether Opposer properly presents evidence.

RESPONSE TO REQUEST FOR ADMISSION NO. 315

Admit.

RESPONSE TO REQUEST FOR ADMISSION NO. 316

Admit.

The undersigned hereby states that APPLICANTS' RESPONSES TO OPPOSER'S SECOND SET OF REQUESTS FOR ADMISSIONS, NOS. 196 - 316 are true and correct.

Dated: June 8, 2009



Jeffrey S. Wax
Wax Law Group
1017 L Street #425
Sacramento, CA 95814
Tel. (916) 575-9500
Applicant

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANTS' RESPONSES TO OPPOSER'S SECOND SET OF REQUESTS FOR ADMISSIONS, NOS. 196 - 316 has been served on Susan M. Natland, counsel for Opposer on June 8, 2009, via Federal Express, postage prepaid to:

Susan M. Natland
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

June 8, 2009
Date

Wilson
Virginia Wilson

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

AMAZON TECHNOLOGIES, INC.,

Opposer

v.

JEFFREY S. WAX and STEVEN M. FREELAND,

Applicants.

Opposition No.: 91187118

Serial No.: 78/001,126

Mark: AMAZON VENTURES

**APPLICANTS' RESPONSES TO OPPOSER'S REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS**

Applicants, JEFFREY S. WAX and STEVEN M. FREELAND, do hereby respond to OPPOSER'S REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS, NOS. 1-76, as follows:

RESPONSE TO DOCUMENT REQUEST NO. 1

Exhibit A: whois.net public listings of domain registration and domain creation date.

Exhibit B: amazonventures.com website page

Exhibit C: amazonventures.com website page

Exhibit D: trademark application for Amazon ventures, serial No.: 78/001,126

Exhibit E: Amazon ventures letterhead

Exhibit F: letter signed by Susan M. Natland dated August 6, 2008 representing Amazon.com, Inc and Amazon Technologies, Inc.

RESPONSE TO DOCUMENT REQUEST NO. 2

See Exhibits A, B, C, D, E and F.

RESPONSE TO DOCUMENT REQUEST NO. 3

See Exhibits A, B, C, D and E.

RESPONSE TO DOCUMENT REQUEST NO. 4

See Exhibit E.

RESPONSE TO DOCUMENT REQUEST NO. 5

See Exhibits A, B, C, D and E.

RESPONSE TO DOCUMENT REQUEST NO. 6

See Exhibits A, and D.

RESPONSE TO DOCUMENT REQUEST NO. 7

None available since 9 years have passed and it is believed that documents if any were destroyed.

RESPONSE TO DOCUMENT REQUEST NO. 8

None available since 9 years have passed and it is believed that documents if any were destroyed.

RESPONSE TO DOCUMENT REQUEST NO. 9

See Exhibits A, B, C, D and E.

RESPONSE TO DOCUMENT REQUEST NO. 10

None available since 9 years have passed and it is believed that documents if any were destroyed.

RESPONSE TO DOCUMENT REQUEST NO. 11

None available since 9 years have passed and it is believed that documents if any were destroyed.

RESPONSE TO DOCUMENT REQUEST NO. 12

See Exhibit D.

RESPONSE TO DOCUMENT REQUEST NO. 13

See Exhibits A, B, C, D and E.

RESPONSE TO DOCUMENT REQUEST NO. 14

See Exhibits A, B, C, D and E.

RESPONSE TO DOCUMENT REQUEST NO. 15

Intent to use application. The services offered in connection with Applicants' mark have brought goodwill, and Applicants gain clients in part by offering said services under the mark.

RESPONSE TO DOCUMENT REQUEST NO. 16

None.

RESPONSE TO DOCUMENT REQUEST NO. 17

Amazon Ventures letter to client regarding venture capital raising for patent ideas/inventions, sent to Sekerez Group, Corporate Headquarters, 116 West Clark Street, Crown Point, Indiana 46307, contact Randy Sekerez. The date and a copy of the genuine letter to Sekerez Group is under investigation, being searched from storage and will be provided.

RESPONSE TO DOCUMENT REQUEST NO. 18

See Exhibits B, C and E.

RESPONSE TO DOCUMENT REQUEST NO. 19

See Exhibits B, C.

RESPONSE TO DOCUMENT REQUEST NO. 20

None.

RESPONSE TO DOCUMENT REQUEST NO. 21

None.

RESPONSE TO DOCUMENT REQUEST NO. 22

None.

RESPONSE TO DOCUMENT REQUEST NO. 23

Exhibit F.

RESPONSE TO DOCUMENT REQUEST NO. 24

None available since 9 years have passed and it is believed that documents if any were destroyed.

RESPONSE TO DOCUMENT REQUEST NO. 25

Exhibit A, B and C.

RESPONSE TO DOCUMENT REQUEST NO. 26

Exhibit D.

RESPONSE TO DOCUMENT REQUEST NO. 27

Exhibit D.

RESPONSE TO DOCUMENT REQUEST NO. 28

None.

RESPONSE TO DOCUMENT REQUEST NO. 29

Exhibit B, C and E.

RESPONSE TO DOCUMENT REQUEST NO. 30

None.

RESPONSE TO DOCUMENT REQUEST NO. 31

None.

RESPONSE TO DOCUMENT REQUEST NO. 32

Jeffrey Wax, Member of the state bar of California. Document forthcoming from State Bar.

RESPONSE TO DOCUMENT REQUEST NO. 33

None.

RESPONSE TO DOCUMENT REQUEST NO. 34

None.

RESPONSE TO DOCUMENT REQUEST NO. 35

None.

RESPONSE TO DOCUMENT REQUEST NO. 36

None.

RESPONSE TO DOCUMENT REQUEST NO. 37

None.

RESPONSE TO DOCUMENT REQUEST NO. 38

None.

RESPONSE TO DOCUMENT REQUEST NO. 39

None.

RESPONSE TO DOCUMENT REQUEST NO. 40

Exhibit B, C and E.

RESPONSE TO DOCUMENT REQUEST NO. 41

No advertising. Unclear what else is requested.

RESPONSE TO DOCUMENT REQUEST NO. 42

None.

RESPONSE TO DOCUMENT REQUEST NO. 43

Exhibit A, B, C, D and E.

RESPONSE TO DOCUMENT REQUEST NO. 44

Exhibit F.

RESPONSE TO DOCUMENT REQUEST NO. 45

Exhibit F.

RESPONSE TO DOCUMENT REQUEST NO. 46

Exhibit F, and all Opposition documents received from Opposer.

RESPONSE TO DOCUMENT REQUEST NO. 47

None.

RESPONSE TO DOCUMENT REQUEST NO. 48

Objection. A party need not disclose in discovery the identity of its customers. It is sufficient that the classes of customers and types of businesses involved be specified. *Johnson Pump/General Valve Inc. v. Chromalloy Am. Corp.*, 10 USPQ2d 1671.

RESPONSE TO DOCUMENT REQUEST NO. 49

None.

RESPONSE TO DOCUMENT REQUEST NO. 50

None.

RESPONSE TO DOCUMENT REQUEST NO. 51

None.

RESPONSE TO DOCUMENT REQUEST NO. 52

None.

RESPONSE TO DOCUMENT REQUEST NO. 53

None.

RESPONSE TO DOCUMENT REQUEST NO. 54

None.

RESPONSE TO DOCUMENT REQUEST NO. 55

None.

RESPONSE TO DOCUMENT REQUEST NO. 56

None.

RESPONSE TO DOCUMENT REQUEST NO. 57

None.

RESPONSE TO DOCUMENT REQUEST NO. 58

None.

RESPONSE TO DOCUMENT REQUEST NO. 59

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040.

RESPONSE TO DOCUMENT REQUEST NO. 60

Experts have not yet been hired by Applicants.

RESPONSE TO DOCUMENT REQUEST NO. 61

Exhibits A, B, C, D, and E.

RESPONSE TO DOCUMENT REQUEST NO. 62

Exhibit F.

RESPONSE TO DOCUMENT REQUEST NO. 63

See Opposer's own Notice of Opposition, including the incorrect address to Applicant.

RESPONSE TO DOCUMENT REQUEST NO. 64

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040.

RESPONSE TO DOCUMENT REQUEST NO. 65

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040.

RESPONSE TO DOCUMENT REQUEST NO. 66

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040.

RESPONSE TO DOCUMENT REQUEST NO. 67

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040.

RESPONSE TO DOCUMENT REQUEST NO. 68

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040.

RESPONSE TO DOCUMENT REQUEST NO. 69

Intent to use application. The services offered in connection with Applicants' mark have brought goodwill, and Applicants gain clients in part by offering said services under the mark.

RESPONSE TO DOCUMENT REQUEST NO. 70

See Exhibit D.

RESPONSE TO DOCUMENT REQUEST NO. 71

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040.

RESPONSE TO DOCUMENT REQUEST NO. 72

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040.

RESPONSE TO DOCUMENT REQUEST NO. 73

None.

RESPONSE TO DOCUMENT REQUEST NO. 74

None.

RESPONSE TO DOCUMENT REQUEST NO. 75

None.

RESPONSE TO DOCUMENT REQUEST NO. 76

Exhibit A.

The undersigned hereby states that a request was made to Opposer for stipulation for additional time beyond 30 days for Applicants to respond to these discovery requests. The reason for the request for stipulation as to additional time is that there is a discrepancy in Applicants' receipt date of Opposer's discovery requests, and because Opposer's Exhibits A through J, referenced with Opposer's discovery requests, were omitted by Opposer, but Opposer refused to stipulate to any additional time.

Applicants did receive Opposer's discovery requests on February 12, 2009. Opposer's Certificate of Service was predated/typed as February 2, 2009 (10 days earlier) with no executed certificate name, date, title or signature. As such, Applicants' RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS are timely.

Applicants reserve the right to amend these Responses should any further information be uncovered from nine years of storage or otherwise located.

The undersigned hereby states that **APPLICANTS' RESPONSES TO OPPOSER'S REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS** are true and correct.

Dated: March 12, 2009



Jeffrey S. Wax
Wax Law Group
1017 L Street #425
Sacramento, CA 95814
Applicant

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **APPLICANTS' RESPONSES**
DOCUMENT REQUESTS
TO INTERROGATORIES has been served on Susan M. Natland, counsel for Opposer on
March 14, 2009, via Federal Express, postage prepaid to:

Susan M. Natland
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

3.14.2009

Date

Wilson

Virginia Wilson

Exhibit A

Whois.Net - Microsoft Internet Explorer

http://www.whois.net/whois_new6.cgi?d=amazonventures&tld=com

File Edit View Favorites Tools Help

Whois.Net

WHOIS information for: amazonventures.com:

(Whois.nalburned.com)

Domain Name..... amazonventures.com
Creation Date..... 2000-03-04
Registration Date... 2007-04-04
Expiry Date..... 2010-03-14
Organization Name... NIN
Organization Address: 2111 Wilshire Boulevard
Organization Address: Suite 407
Organization Address: Santa Monica
Organization Address: 90403
Organization Address: CA
Organization Address: UNITED STATES

Admin Name..... J Max
Admin Address..... 2111 Wilshire Boulevard
Admin Address..... Suite 407
Admin Address..... Santa Monica
Admin Address..... 90403
Admin Address..... CA
Admin Address..... UNITED STATES
Admin Email..... jmax@amazon.com
Admin Phone..... +1.310.675.9501
Admin Fax.....

Tech Name..... J Max
Tech Address..... 2111 Wilshire Boulevard
Tech Address..... Suite 407
Tech Address..... Santa Monica
Tech Address..... 90403
Tech Address..... CA
Tech Address..... UNITED STATES
Tech Email..... hostmaster@verio-hosting.com
Tech Phone..... +1.310.675.9500
Tech Fax.....
Name Server..... ns1a.verio-host.com
Name Server..... ns1b.verio-host.com

Domain Information
[Domain Name Registration](#) [News](#)
[Daily DNS Changes](#) [ICANN](#)

Hosting Resources
[Web Hosting](#) [VPS](#) [Managed Hosting](#)
[Windows Hosting](#) [Windows Servers](#)
[Dedicated Web Hosting](#)

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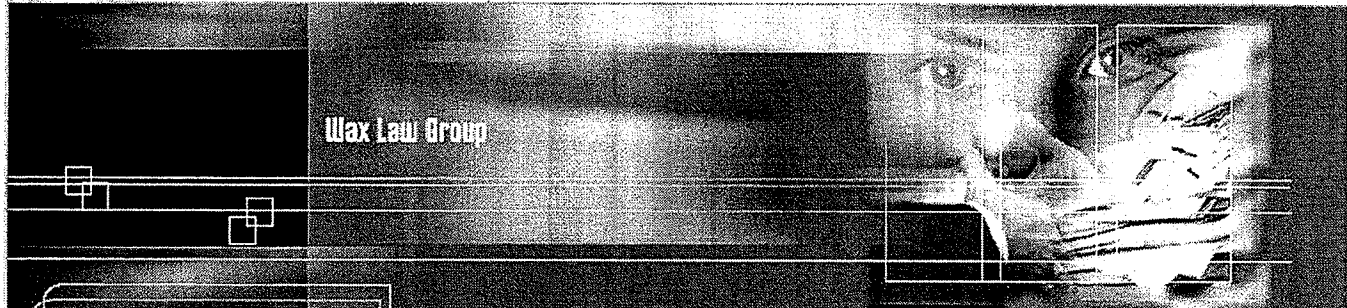
Exhibit B

http://www.amazonventures.com/15522/14701.html - Microsoft Internet Explorer

http://www.amazonventures.com/15522/14701.html

File Edit View Favorites Tools Help

http://www.amazonventures.com/15522/14...



Wax Law Group

- Home
- Attorneys
- Sacramento office
- Chicago office
- Amazon Ventures
- Links

Amazon Ventures provides venture capital raising for others, capital investment consultation, investment consultation, and investment management.

Please contact our Chicago office for additional information at:

30 N. Michigan Avenue, Suite 1623
Chicago, IL 60602
Tel. (312) 346-0707



File Edit View Favorites Tools Help

http://www.amazonventures.com/15522/14...

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The Wax Law Group provides Intellectual Property law and Litigation services, specializing in Patent matters. We help our clients create and enforce intellectual property rights in technologies ranging from sophisticated high-technology devices and methods to simple ideas. We prepare and prosecute patent applications, render opinions on patent validity and infringement, and assist in the transfer and licensing of technology.

Our attorneys have extensive patent law experience, technical educational backgrounds and practical industry work experience in an array of technologies including electrical engineering, mechanical engineering and chemical engineering.

CONTACT INFORMATION

California Office:
1017 L Street, Suite 425
Sacramento, CA 95814
Tel. (916) 575-8500

Chicago Office:
30 N. Michigan Avenue, Suite 1623
Chicago, Illinois 60602

For
AMAZON VENTURES

Please click on the Chicago office link at left.



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Record 1 out of 1

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Typed Drawing

Word Mark AMAZON VENTURES
Goods and Services IC 036. US 100 101 102. G & S: INVESTMENT MANAGEMENT, RAISING VENTURE CAPITAL FOR OTHERS, INVESTMENT CONSULTATION, AND CAPITAL INVESTMENT CONSULTATION
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78001126
Filing Date March 27, 2000
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition June 24, 2008
Owner (APPLICANT) Freeland, Steven, M. INDIVIDUAL UNITED STATES 30 N. Michigan Avenue Suite 1623 Chicago ILLINOIS 60602
 (APPLICANT) Wax, Jeffrey, S. INDIVIDUAL UNITED STATES 30 N. Michigan Avenue Suite 1623 Chicago ILLINOIS 60602
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VENTURES" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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AMAZON VENTURES

30 N. MICHIGAN AVENUE • SUITE 1623 • CHICAGO, IL 60602 • TEL (312) 346-0707

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502
www.kmob.com

Exhibit F

Susan M. Natland
snatland@kmob.com

August 6, 2008

VIA FED EX COURIER

Mr. Jeffrey S. Wax
Mr. Steven M. Freeland
30 N Michigan Ave Ste 1623
Chicago, IL 60602-3666

Re: Your Use and Application for AMAZON VENTURES
Our Reference No.: AMAZONT.008TIS

Dear Mr. Wax and Mr. Freeland:

We represent Amazon.com, Inc. and Amazon Technologies, Inc. (collectively "Amazon") in connection with its intellectual property matters, including the enforcement of its trademarks. As you are no doubt aware, Amazon is a global leader in providing goods and services via the Internet. Amazon not only provides an overwhelmingly wide variety of goods and services under its AMAZON[®] mark to the general public, including those related to finance and financing, but also provides a myriad of business-to-business goods and services to other online retailers, including financial based services.

Through the substantial use and promotion of the AMAZON[®] mark, it has become famous in the minds of consumers, and consistently ranks as one of the most well-known brands in the world. For example, the AMAZON[®] mark recently ranked #62 on the Interbrand list of top 100 Brands and #61 in Millward Brown Optimor's list of the Top 100 Brands in the world. To protect its significant investment in its famous AMAZON[®] mark, Amazon (and its affiliates) have obtained over a thousand trademark registrations throughout the world for its AMAZON[®] mark and AMAZON-inclusive marks, including U.S. Trademark Registration Nos. 2559936, 2518043, 3411872, and 3414814 covering various financial services in Class 36. A copy of such U.S. trademark registrations are enclosed for your reference.

It has recently come to our attention that you have filed Trademark Application No. 78/001,126 for the mark AMAZON VENTURES based on your intent to use the mark in connection with the following financial services in Class 36: "*investment management, raising venture capital for others, investments consultation, and capital investment consultation.*" In addition, we are aware of your ownership and use of the domain name www.amazonventures.com.

Mr. Jeffrey S. Wax

August 6, 2008

Page -2-

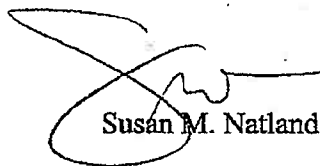
We believe that your use and domain name registration of AMAZON VENTURES violates a number of laws that protect trademark owners, including the Federal Trademark Act, the Federal Trademark Dilution Act, and the Anticybersquatting Consumer Protection Act (ACPA). In addition, your planned use of the AMAZON VENTURES mark in connection with the services covered under pending Trademark Application No. 78/001,126 will similarly be in violation of these laws. To preserve our client's rights in this matter, we have already filed an Extension of Time to Oppose your U.S. trademark application for the AMAZON VENTURES mark.

Prior to resorting to legal action, however, we would like to offer you an opportunity to quickly settle this matter. We will consider this matter resolved if you promptly abandon Trademark Application No. 78/001,126 for the mark AMAZON VENTURES, transfer the www.amazonventures.com domain name to our client, and agree to cease use of the AMAZON VENTURES mark and to not, use, register or attempt to register any AMAZON-inclusive domain name and/or trademark in the future.

Please respond to this letter by August 18, 2008 to indicate whether you would like to settle this matter in accordance with the above offer. We trust that you understand our client's concerns and look forward to hearing from you.

The requests asserted in this letter are without prejudice to, and with full reservation of, all other rights or remedies Amazon may have in this matter. If you have any questions regarding this matter, please feel free to contact us.

Sincerely,



Susan M. Natland

Enclosures

cc: Amazon

5735475

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

AMAZON TECHNOLOGIES, INC.,

Opposer

v.

JEFFREY S. WAX and STEVEN M. FREELAND,

Applicants.

Opposition No.: 91187118

Serial No.: 78/001,126

Mark: AMAZON VENTURES

**APPLICANTS' RESPONSES TO OPPOSER'S SECOND SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS, NOS. 77-266**

Applicants, JEFFREY S. WAX and STEVEN M. FREELAND, do hereby respond to OPPOSER'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS, NOS. 77-266, as follows:

RESPONSE TO DOCUMENT REQUEST NO. 77

Amazon Ventures letter to client regarding venture capital raising for patent ideas/inventions, sent to Sekerez Group, Corporate Headquarters, 116 West Clark Street, Crown Point, Indiana 46307, contact Randy Sekerez. The date and a copy of the genuine letter to Sekerez Group is under investigation, being searched and will be provided.

RESPONSE TO DOCUMENT REQUEST NO. 78

See Exhibit A.

RESPONSE TO DOCUMENT REQUEST NO. 79

See Exhibit A.

RESPONSE TO DOCUMENT REQUEST NO. 80

See Exhibit A.

RESPONSE TO DOCUMENT REQUEST NO. 81

Besides previously submitted Exhibits, see Exhibit B.

RESPONSE TO DOCUMENT REQUEST NO. 82

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 83

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 84

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 85

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 86

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 87

See previously submitted Exhibits.

Amazon Ventures letter to client regarding venture capital raising for patent ideas/inventions, sent to Sekerez Group, Corporate Headquarters, 116 West Clark Street, Crown Point, Indiana 46307, contact Randy Sekerez. The date and a copy of the genuine letter to Sekerez Group is under investigation, being searched and will be provided.

RESPONSE TO DOCUMENT REQUEST NO. 88

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 89

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 90

None.

RESPONSE TO DOCUMENT REQUEST NO. 91

None.

RESPONSE TO DOCUMENT REQUEST NO. 92

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 93

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 94

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 95

None.

RESPONSE TO DOCUMENT REQUEST NO. 96

None.

RESPONSE TO DOCUMENT REQUEST NO. 97

See Exhibit A.

RESPONSE TO DOCUMENT REQUEST NO. 98

See Exhibit A.

RESPONSE TO DOCUMENT REQUEST NO. 99

None.

RESPONSE TO DOCUMENT REQUEST NO. 100

None.

RESPONSE TO DOCUMENT REQUEST NO. 101

None.

RESPONSE TO DOCUMENT REQUEST NO. 102

See Exhibit C.

RESPONSE TO DOCUMENT REQUEST NO. 103

See Exhibit C.

RESPONSE TO DOCUMENT REQUEST NO. 104

See Exhibit D.

RESPONSE TO DOCUMENT REQUEST NO. 105

See Exhibit D.

RESPONSE TO DOCUMENT REQUEST NO. 106

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 107

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 108

None.

RESPONSE TO DOCUMENT REQUEST NO. 109

None.

RESPONSE TO DOCUMENT REQUEST NO. 110

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 111

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 112

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 113

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 114

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 115

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 116

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 117

None.

RESPONSE TO DOCUMENT REQUEST NO. 118

None.

RESPONSE TO DOCUMENT REQUEST NO. 119

None.

RESPONSE TO DOCUMENT REQUEST NO. 120

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 121

See previously submitted Exhibits.

RESPONSE TO DOCUMENT REQUEST NO. 122

None.

RESPONSE TO DOCUMENT REQUEST NO. 123

None.

RESPONSE TO DOCUMENT REQUEST NO. 124

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 125

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 126

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 127

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 128

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 129

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 130

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 131

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further,

Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 132

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 133

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 134

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 135

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 136

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 137

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 138

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 139

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 140

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its

discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 141

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 142

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 143

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 144

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 145

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 146

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 147

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 148

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 149

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its

discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 150

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 151

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 152

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 153

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 154

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 155

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 156

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 157

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 158

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its

discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 159

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 160

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 161

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 162

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 163

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 164

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 165

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 166

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 167

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its

discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 168

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 169

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 170

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 171

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 172

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 173

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 174

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 175

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 176

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its

discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 177

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 178

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 179

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 180

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 181

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 182

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 183

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 184

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 185

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its

discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 186

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 187

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 188

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 189

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 190

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 191

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 192

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 193

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 194

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its

discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 195

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 196

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 197

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 198

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 199

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 200

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 201

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 202

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 203

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its

discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 204

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 205

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 206

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 207

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 208

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 209

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 210

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 211

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 212

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its

discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 213

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 214

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 215

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 216

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 217

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 218

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 219

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 220

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 221

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its

discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 222

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 223

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RESPONSE TO DOCUMENT REQUEST NO. 224

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 225

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 226

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 227

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 228

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 229

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 230

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its

discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 231

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 232

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 233

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RESPONSE TO DOCUMENT REQUEST NO. 234

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RESPONSE TO DOCUMENT REQUEST NO. 235

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 236

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RESPONSE TO DOCUMENT REQUEST NO. 237

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RESPONSE TO DOCUMENT REQUEST NO. 238

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RESPONSE TO DOCUMENT REQUEST NO. 239

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RESPONSE TO DOCUMENT REQUEST NO. 240

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 241

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RESPONSE TO DOCUMENT REQUEST NO. 242

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RESPONSE TO DOCUMENT REQUEST NO. 243

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RESPONSE TO DOCUMENT REQUEST NO. 244

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RESPONSE TO DOCUMENT REQUEST NO. 245

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 246

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 247

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RESPONSE TO DOCUMENT REQUEST NO. 248

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its

discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 249

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 250

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 251

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 252

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RESPONSE TO DOCUMENT REQUEST NO. 253

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 254

Objection. A party need not specify in discovery the evidence it intends to present in support of its case. *Charrette Corp. v. Bowater Communication Papers Inc.*, 13 USPQ2d 2040. Further, Applicants have not yet completed their investigation of facts related to this proceeding, its discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 255

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RESPONSE TO DOCUMENT REQUEST NO. 256

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RESPONSE TO DOCUMENT REQUEST NO. 257

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discovery in this action, or its preparation for trial. Accordingly, Applicants reserves all rights to specify evidence at a later time.

RESPONSE TO DOCUMENT REQUEST NO. 258

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RESPONSE TO DOCUMENT REQUEST NO. 259

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RESPONSE TO DOCUMENT REQUEST NO. 260

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RESPONSE TO DOCUMENT REQUEST NO. 261

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RESPONSE TO DOCUMENT REQUEST NO. 262

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RESPONSE TO DOCUMENT REQUEST NO. 263

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RESPONSE TO DOCUMENT REQUEST NO. 264

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RESPONSE TO DOCUMENT REQUEST NO. 265

See previously submitted Exhibits, including newly submitted Exhibit C.

RESPONSE TO DOCUMENT REQUEST NO. 266

See previously submitted Exhibits, including newly submitted Exhibit D.

Applicants reserve the right to amend these Responses should any further information be uncovered from storage or otherwise located.

The undersigned hereby states that **APPLICANTS' RESPONSES TO OPPOSER'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS** are true and correct.

Dated: June 8, 2009



Jeffrey S. Wax
Wax Law Group
1017 L Street #425
Sacramento, CA 95814
Applicant

Exhibit A

TRADEMARK ASSIGNMENT

I, Steven M. Freeland, co-applicant of:

U.S. Trademark Application Serial No. 78/001,126,
filed March 27, 2000,

for the mark:

AMAZON VENTURES,

for good and valuable consideration, including the release and discharge of all past and future liabilities, damages and costs associated with the above identified mark and application, the receipt and sufficiency of which is hereby acknowledged, do hereby, assign and transfer unto:

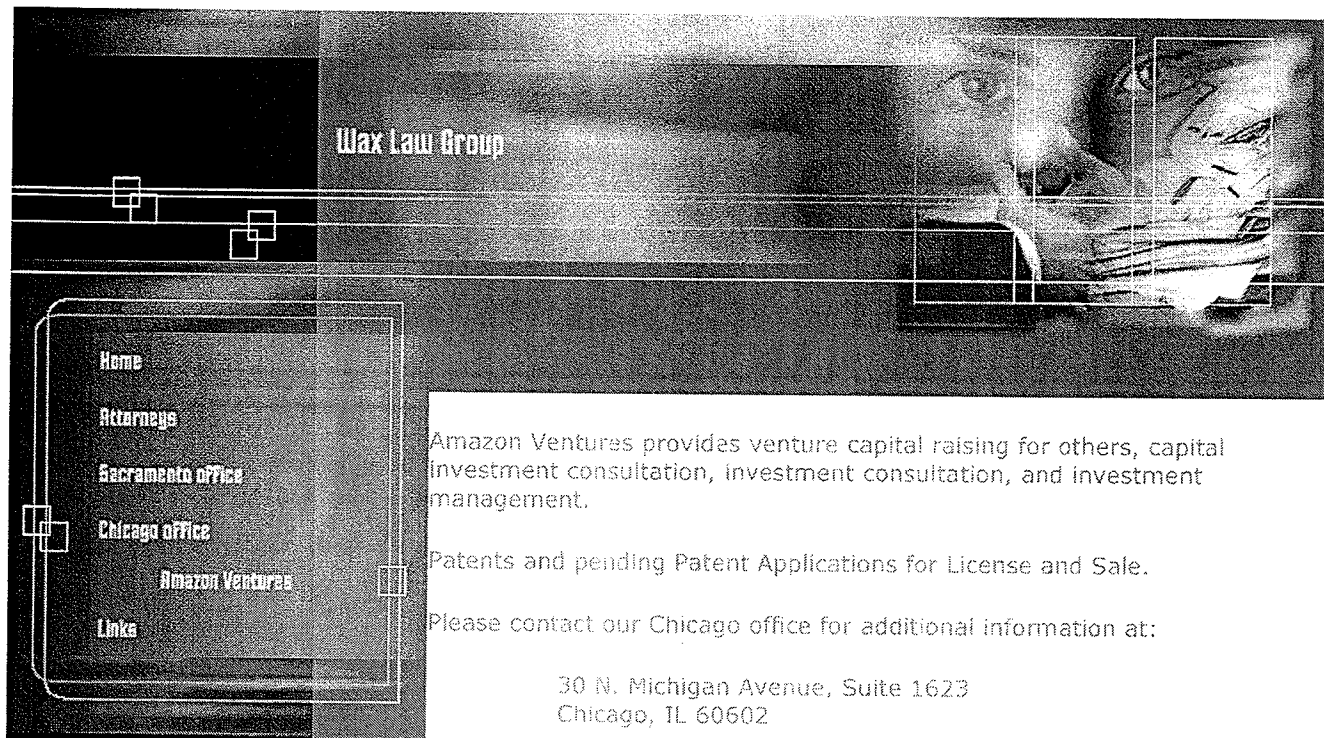
Jeffrey S. Wax,

the entire right, title and interest in and to said mark, together with any goodwill symbolized by the mark, the right to sue for and recover all damages and other remedies in respect of any infringement of the mark which may have occurred prior to the date of this Assignment, and the above identified mark and Trademark application.

Effective this 20 day of October, 2008.

By: 

Name: Steven M. Freeland



Wax Law Group

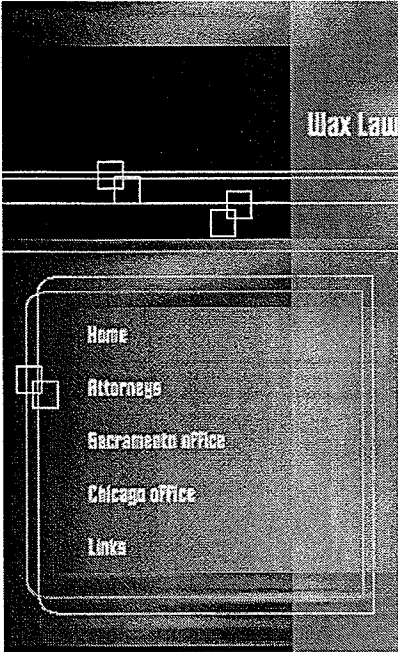
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Chicago, IL 60602
Tel. (312) 346-0707



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- Links

Jeffrey S. Wax

Education:

Purdue University
Bachelor of Science in Electrical Engineering

Indiana University
Bachelor of Science in Biology

UCalifornia Western School of Law, 1990
Juris Doctor
Dean's Honor List

Areas of Practice: He focuses on the procurement, protection and management of intellectual property rights for high technology companies. He has handled the preparation and prosecution of numerous patent applications for NASDAQ companies.

In particular, he has experience across a broad spectrum of technical fields including analog and digital electronics, communications systems, processors, hard drives, semiconductor technologies, networks, hardware, software, signal processing, aerospace technologies, powerplants, mechanical engineering and medical arts.


Other practice areas include intellectual property license agreements, patent infringement and validity opinions and related analysis, providing intellectual property litigation support, trademark clearance and registration, representation in trademark oppositions, and copyright issues.

Industry experience:
Previously employed with Teledyne Isotopes as a Laboratory Scientist

Litigation experience:
He has handled lawsuits as first chair through bench trials and jury trials. Currently, he applies his litigation experience to strategically handle patent applications and other intellectual property.

Admissions:
Registered patent attorney with the U.S. Patent and Trademark Office; Federal and State Courts of California; U.S. District Court for the Northern District of California; Federal and State Courts of Illinois; and U.S. District Court for the Northern District of Illinois.

Associations:
American Intellectual Property Law Association; Silicon Valley Intellectual Property Law Association; Association of Trial Lawyers of America; Institute of Electrical and Electronics Engineers, Inc. (IEEE); American Bar Association.



Steven M. Freeland

9330 Scranton Road
San Diego, California 92121

Education

- 1992—Brigham Young University, B.S. Electrical Engineering, Minor in Chemistry
- 1998—University of San Diego, Juris Doctor

Bar Admissions

- State of California
- U.S. Patent & Trademark Office

Court Admissions

- U.S. District Court for the Southern District of California

Professional Associations

- American Intellectual Property Law Association
- San Diego Intellectual Property Law Association
- American Bar Association

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **APPLICANTS' RESPONSES TO OPPOSER'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS, NO. 77-266** has been served on Susan M. Natland, counsel for Opposer on June 8, 2009, via Federal Express, postage prepaid to:

Susan M. Natland
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

June 8, 2009
Date

Wilson
Virginia Wilson

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

AMAZON TECHNOLOGIES, INC.,

Opposer

v.

JEFFREY S. WAX,

Applicant.

Opposition No.: 91187118

Serial No.: 78/001,126

Mark: AMAZON VENTURES

**APPLICANT'S RESPONSES TO OPPOSER'S THIRD SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS, NOS. 267-430**

Applicant, JEFFREY S. WAX, does hereby respond to OPPOSER'S THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS, NOS. 267-430, as follows:

RESPONSE TO DOCUMENT REQUEST NO. 267

As previously provided by counsel for Steven Freeland.

RESPONSE TO DOCUMENT REQUEST NO. 268

Objection. Opposer previously requested these documents. Applicant previously responded. See at least Opposer's Document Request 6.

RESPONSE TO DOCUMENT REQUEST NO. 269

Objection. Opposer previously requested these documents. Applicant previously responded. See at least Opposer's Document Request 8.

RESPONSE TO DOCUMENT REQUEST NO. 270

Objection. Opposer previously requested these documents. Applicant previously responded. See at least Opposer's Document Requests 81-84.

RESPONSE TO DOCUMENT REQUEST NO. 271

Objection. Opposer previously requested these documents. Applicant previously responded. See at least Opposer's Document Request 17.

RESPONSE TO DOCUMENT REQUEST NO. 272

Objection. Opposer previously requested these documents. Applicant previously responded. See at least Opposer's Document Request 79.

RESPONSE TO DOCUMENT REQUEST NO. 273

Objection. Opposer previously requested these documents. Applicant previously responded. See at least Opposer's Document Requests 81-84.

RESPONSE TO DOCUMENT REQUEST NO. 274

Objection. Opposer previously requested these documents. Applicant previously responded. See at least Opposer's Document Requests 81-84.

RESPONSE TO DOCUMENT REQUEST NO. 275

Objection. Opposer previously requested these documents. Applicant previously responded. See at least Opposer's Document Requests 81-84.

RESPONSE TO DOCUMENT REQUEST NO. 276

Objection. Opposer previously requested these documents. Applicant previously responded. See at least Opposer's Document Requests 81-84.

RESPONSE TO DOCUMENT REQUEST NO. 277

Objection. Opposer previously requested these documents. Applicant previously responded. See at least Opposer's Document Requests 81-84.

RESPONSE TO DOCUMENT REQUEST NO. 278

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 279

Applicant's trademark application for Amazon ventures, serial No.: 78/001,126 - previously provided to Opposer.

RESPONSE TO DOCUMENT REQUEST NO. 280

Objection. Opposer previously requested these documents. Applicant previously responded. See at least Opposer's Document Requests 102-105.

RESPONSE TO DOCUMENT REQUEST NO. 281

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 282

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 283

Objection. Opposer previously requested these documents. Applicant previously responded. See at least Opposer's Document Request 44.

RESPONSE TO DOCUMENT REQUEST NO. 284

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 285

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 286

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 287

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 288

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 289

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 290

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 291

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 292

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 293

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 294

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 295

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 296

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 297

Objection. Opposer's Request assumes facts not provided by Applicant.

RESPONSE TO DOCUMENT REQUEST NO. 298

Objection. Opposer's Request assumes facts not provided by Applicant.

RESPONSE TO DOCUMENT REQUEST NO. 299

Objection. Opposer's Request assumes facts not provided by Applicant.

RESPONSE TO DOCUMENT REQUEST NO. 300

Objection. Opposer's Request assumes facts not provided by Applicant.

RESPONSE TO DOCUMENT REQUEST NO. 301

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 302

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 303

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 304

None.

RESPONSE TO DOCUMENT REQUEST NO. 305

None.

RESPONSE TO DOCUMENT REQUEST NO. 306

None.

RESPONSE TO DOCUMENT REQUEST NO. 307

None.

RESPONSE TO DOCUMENT REQUEST NO. 308

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 309

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 310

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 311

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 312

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 313

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 314

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 315

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 316

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 317

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 318

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 319

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 320

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 321

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 322

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 323

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 324

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 325

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 326

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 327

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 328

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 329

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 330

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 331

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 332

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 333

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 334

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 335

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 336

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 337

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 338

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 339

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 340

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 341

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 342

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 343

Exhibit A – representative telephone bill for Amazon Ventures dedicated telephone line:
(312) 346-0707

RESPONSE TO DOCUMENT REQUEST NO. 344

As previously provided by counsel for Steven Freeland.

RESPONSE TO DOCUMENT REQUEST NO. 345

Exhibit A – representative telephone bill for Amazon Ventures dedicated telephone line:
(312) 346-0707

RESPONSE TO DOCUMENT REQUEST NO. 346

Business address of business Amazon Ventures (years 2000 to 2009): 30 N. Michigan Avenue, Suite 1623, Chicago, IL 60602. Shared lease between tenant Wax and 30 N. Michigan Avenue building, to be provided.

RESPONSE TO DOCUMENT REQUEST NO. 347

As previously provided by counsel for Steven Freeland.

RESPONSE TO DOCUMENT REQUEST NO. 348

Business address of business Amazon Ventures (years 2000 to 2009): 30 N. Michigan Avenue, Suite 1623, Chicago, IL 60602. Shared lease between Wax and 30 N. Michigan Avenue building, to be provided.

RESPONSE TO DOCUMENT REQUEST NO. 349

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 350

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 351

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 352

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 353

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 354

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RESPONSE TO DOCUMENT REQUEST NO. 355

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 356

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 357

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RESPONSE TO DOCUMENT REQUEST NO. 358

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RESPONSE TO DOCUMENT REQUEST NO. 359

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 360

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 361

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RESPONSE TO DOCUMENT REQUEST NO. 362

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 363

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 364

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 365

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 366

Objection. Incomprehensible. Applicant filed for Applicant's mark under the International trademark classification system as established and used by the USPTO.

RESPONSE TO DOCUMENT REQUEST NO. 367

Objection. Incomprehensible. Applicant filed for Applicant's mark under the International trademark classification system as established and used by the USPTO.

RESPONSE TO DOCUMENT REQUEST NO. 368

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RESPONSE TO DOCUMENT REQUEST NO. 375

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RESPONSE TO DOCUMENT REQUEST NO. 378

Objection. Incomprehensible. Applicant filed for Applicant's mark under the International trademark classification system as established and used by the USPTO.

RESPONSE TO DOCUMENT REQUEST NO. 379

None available. Firm closed.

RESPONSE TO DOCUMENT REQUEST NO. 380

As previously provided by counsel for Steven Freeland.

RESPONSE TO DOCUMENT REQUEST NO. 381

None available. Firm closed.

RESPONSE TO DOCUMENT REQUEST NO. 382

None available. Firm closed.

RESPONSE TO DOCUMENT REQUEST NO. 383

As previously provided by counsel for Steven Freeland.

RESPONSE TO DOCUMENT REQUEST NO. 384

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 385

As previously provided by counsel for Steven Freeland.

RESPONSE TO DOCUMENT REQUEST NO. 386

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 387

As previously provided by counsel for Steven Freeland.

RESPONSE TO DOCUMENT REQUEST NO. 388

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 389

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 390

As previously provided by counsel for Steven Freeland.

RESPONSE TO DOCUMENT REQUEST NO. 391

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 392

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 393

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 394

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 395

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 396

As previously provided by counsel for Steven Freeland.

RESPONSE TO DOCUMENT REQUEST NO. 397

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 398

None.

RESPONSE TO DOCUMENT REQUEST NO. 399

As previously provided by counsel for Steven Freeland.

RESPONSE TO DOCUMENT REQUEST NO. 400

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 401

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 402

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 403

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 404

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 405

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 406

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 407

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 408

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RESPONSE TO DOCUMENT REQUEST NO. 409

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 410

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 411

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 412

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 413

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 414

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 415

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 416

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 417

As previously provided by counsel for Steven Freeland.

RESPONSE TO DOCUMENT REQUEST NO. 418

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 419

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 420

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 421

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 422

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 423

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 424

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 425

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 426

Objection. Opposer previously requested these documents. Applicant previously responded.

RESPONSE TO DOCUMENT REQUEST NO. 427

Objection. Opposer's Request assumes facts not provided by Applicant.

RESPONSE TO DOCUMENT REQUEST NO. 428

Objection. Opposer's Request assumes facts not provided by Applicant.

RESPONSE TO DOCUMENT REQUEST NO. 429

Objection. Opposer's Request assumes facts not provided by Applicant.

RESPONSE TO DOCUMENT REQUEST NO. 430

Objection. Opposer previously requested these documents. Applicant previously responded.

Applicants reserve the right to amend or supplement these Responses should any further information be uncovered from storage or otherwise located.

The undersigned hereby states that **APPLICANTS' RESPONSES TO OPPOSER'S THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS, NOS. 267-430** are true and correct.

Dated: July 30, 2009



Jeffrey S. Wax
Wax Law Group
1017 L Street #425
Sacramento, CA 95814
Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **APPLICANTS' RESPONSES TO OPPOSER'S THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS, NOS. 267- 430** has been served on Susan M. Natland, counsel for Opposer on July 30, 2009, via Federal Express, postage prepaid to:

Susan M. Natland
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

July 30, 2009
Date



Virginia Wilson

EXHIBIT A



at&t

ARNOLD H WAX
30 N MICHIGAN AVE
STE 1623
CHICAGO, IL 60602-3666

Account Number 312 346-8667
Billing Date May 19, 2009

Web Site att.com

Invoice Number 3123468667

Monthly Statement

Apr 20 - May 19, 2009

Bill-At-A-Glance

Previous Bill	248.60
Payment Received 5-14 - Thank You!	248.60 CR
Adjustments	.00
Balance	.00
Current Charges	203.51
Total Amount Due	\$203.51
Current Charges Due in Full By	Jun 17, 2009

Billing Summary

Questions? Visit att.com

Plans and Services	198.00
1-800-660-3000	
Repair Service:	
1-800-727-2273	
For more information on products and services call	
1-800-660-3000	
NETWORK CONNECTIONS USA	5.51
1-888-891-8378	
Total of Current Charges	203.51

News You Can Use Summary

- PREVENT DISCONNECT
 - LONG DISTANCE INFO
 - RATE INCREASE
 - LOCAL TOLL INFO
 - PAYMENT OPTIONS
- See "News You Can Use" for additional information.

Plans and Services

Promotions and Discounts

No.	Description	
1	Reward for Linebacker for Bill Period May 19, 2009.	4.48 CR

Monthly Service - May 19 thru Jun 18
Charges for 312 346-8667

Monthly Charges	50.30
LINE-BACKER@	9.95
Federal Access Charge	4.52

Arnold Wax Office Telephone

Charges for 312 346-0707

Monthly Charges	28.95
LINE-BACKER@	9.95
Federal Access Charge	4.52

Amazon Ventures telephone Dedicated line years 2000-2009

Charges for 312 346-8667

Monthly Charges	13.70
LINE-BACKER@	9.95
Federal Access Charge	4.52
Total Monthly Service	136.36

Local Calls

Direct Dialed Calls

0-8 Miles

171 Initial Minutes	9.42
37 Additional Minutes	1.51

Over 8 Miles

18 Initial Minutes	1.93
15 Additional Minutes	.90

Local Toll - Over 15 Miles

103 Minute(s) All Day, Every Day	18.54
Total for Direct Dialed Calls	32.30

Arnold Wax office Telephone

223 Call(s) made this month averaged 8.1448 per call
Total Local Calls 32.30

Information Charges

411 and 555-1212

1 Call(s) made to 1-411	
1 Call(s) billed at \$1.50 each	1.50

Surcharges and Other Fees

9-1-1 Emergency System	
Billed for Chicago	7.50
State Infrastructure Maintenance Fee	.69
State Additional Charges	.10
Federal Universal Service Fee	1.95
IL Universal Service Fee	.33
IL Telecom Relay Svc and Eqp	.18
Total Surcharges and Other Fees	10.75

Local Services provided by AT&T Illinois, AT&T Indiana, AT&T Michigan, AT&T Ohio or AT&T Wisconsin based upon the service address location.

U.S. Pat. D410,950 and D414,510

Printed on Recyclable Paper

Return bottom portion with your check in the enclosed envelope.

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

AMAZON TECHNOLOGIES, INC.

Opposer,

v.

**JEFFREY S. WAX and STEVEN M.
FREELAND**

Applicant.

Opposition No. 91187118

**APPLICANT STEVEN M.
FREELAND'S RESPONSES TO
OPPOSER REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
THINGS (NOS. 1-23)**

PROPOUNDING PARTY: AMAZON TECHNOLOGIES, INC.

RESPONDING PARTY: STEVEN M. FREELAND

Applicant STEVEN M. FREELAND ("Applicant") hereby responds and objects to Amazon Technologies, Inc.'s ("Opposer's") Requests for Production of Documents and Things (Nos. 1-23) ("Requests") pursuant to 37 C.F.R. § 2.120, Federal Rule of Civil Procedure 34, and the applicable TTAB rules, as follows:

GENERAL OBJECTIONS

The following general objections apply to each of the Requests and are incorporated by reference in each of Applicant's specific responses thereto:

1. Applicant objects to every Request that purports to impose obligations on Applicant beyond the requirements of the C.F.R., Federal Rules of Civil Procedure, and applicable TTAB rules, which will govern Applicant's responses.

2. Applicant objects to the Requests to the extent they seek materials prepared in anticipation of litigation, or which contain or reflect or call for the disclosure of the mental

impressions, conclusions, opinions or legal theories of any attorney for Applicant, or any other information protected by the Federal Rules of Civil Procedure, California Code of Evidence, and the applicable TTAB rules.

3. Applicant objects to the Requests to the extent that they seek documents protected from discovery under the attorney-client privilege, the work product doctrine, the accountant-client privilege, or any other privilege recognized under the law. Applicant will not produce such documents.

4. Applicant objects to the Requests to the extent they seek trade secrets or other confidential or proprietary research, development, commercial, or business information.

5. Applicant objects to the Requests to the extent that they are not relevant to any claim or defense of the parties and they do not appear reasonably calculated to lead to the discovery of admissible evidence.

6. Applicant objects to the Requests to the extent that they call for identification or production of information that is a matter of public record and is equally available to the requesting party.

7. In responding, Applicant does not concede that any Request to which Applicant responds is relevant to the subject matter of this litigation or reasonably calculated to lead to the discovery of admissible evidence. Applicant expressly reserves both the right to object to further discovery into evidence of responses to these Requests. Applicant also reserves the right to question the authenticity, relevancy, materiality, privilege, and admissibility as evidence for any purpose of the information provided and the documents identified and/or produced in response to these Requests, which may arise in any subsequent proceeding in, or the trial of, this or any other action.

8. Applicant reserves the right to amend, supplement, or revise its responses as necessary up to and including the time of hearing.

9. Applicant objects to the instructions provided with the Requests to the extent that they purport to be directed not only to Applicant, but also to other individuals and entities that are separate and distinct from Applicant.

10. Applicant objects to the Requests in that are in violation of TTAB Rule 406.01.

11. Applicant objects to the definition of the term "Applicant," "Applicant's," "you," or "your" contained in the Requests to the extent that the definition incorporates individuals and entities that are separate and distinct from Applicant.

12. In responding to the Requests, Applicant states that it has conducted a diligent search, reasonable in scope, of those files and records in its possession or control believed to be the most likely to contain documents responsive to the Requests and has solicited relevant information from those individuals employed or otherwise affiliated with Applicant believed to be the most likely to have information responsive to the Requests. Applicant has not, however, undertaken to search or review all of the files and records in Applicant's possession, custody or control, nor has Applicant solicited documents or information from every individual employed by or otherwise affiliated with Applicant because to do so would be unduly burdensome and expensive. In the event, therefore, that further information, documents, records or files responsive to any of the Requests are identified or brought to Applicant's attention, Applicant reserves the right to amend or supplement these responses.

13. Applicant objects to the demand that it produce materials responsive to these requests at a particular time and place. Applicant will produce any materials at a reasonable, mutually agreed time and place.

Subject to the foregoing, and without waiving same, Applicant hereby responds to the Requests as follows:

RESPONSES TO SPECIFIC REQUESTS FOR PRODUCTION

REQUEST NO. 1:

All documents and things sufficient to identify each person who participated in Applicants' adoption, development, creation, or selection of the mark AMAZON VENTURES.

RESPONSE TO REQUEST NO. 1:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the

request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 2:

All documents and things indicating any business plan, proposal or other forecast involving the mark AMAZON VENTURES.

RESPONSE TO REQUEST NO. 2:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request is overly broad, and seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent that it seeks trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party. Applicant further objects to this request as the term "indicating" is vague and ambiguous.

REQUEST NO. 3:

All documents and things that demonstrate Jeffrey S. Wax's and Steven M. Freeland's joint provision or intention to jointly provide any goods or services.

RESPONSE TO REQUEST NO. 3:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing

confidential and/or privileged information of a third party.

REQUEST NO. 4:

All documents and things sufficient to establish Jeffrey S. Wax's, Steven M. Freeland's or Applicants' date of first use of the mark AMAZON VENTURES.

RESPONSE TO REQUEST NO. 4:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

REQUEST NO. 5:

All documents and things evidencing the assignment or negotiations related to the assignment transferring Steven M. Freeland's interest in U.S. Trademark Application Serial No. 78/001,126 to Jeffrey S. Wax.

RESPONSE TO REQUEST NO. 5:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01.

REQUEST NO. 6:

All documents and things concerning any business, organization or entity formed by Jeffrey S. Wax and Steven M. Freeland for the purpose of jointly providing any goods or services.

RESPONSE TO REQUEST NO. 6:

Applicant objects to this request to the extent that it calls for the production of information

that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request on the ground that the term “concerning” is vague and ambiguous. Applicant further objects to this request to the extent that the request is overly broad and seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that it seeks trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

REQUEST NO. 7:

All documents and things that demonstrate Jeffrey S. Wax's and Steven M. Freeland's joint provision or intention to jointly provide investment management, raising venture capital for others, investment consultation, and capital investment consultation.

RESPONSE TO REQUEST NO. 7:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request is overly broad and seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 8:

All documents and things that demonstrate Jeffrey S. Wax's and Steven M. Freeland's joint provision or intention to jointly provide investment management, raising venture capital for others, investment consultation, and capital investment consultation under the mark AMAZON VENTURES.

RESPONSE TO REQUEST NO. 8:

Applicant objects to this request to the extent that it calls for the production of information

that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request is overly broad and seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

REQUEST NO. 9:

All documents and things concerning any business, organization or entity formed by Jeffrey S. Wax and Steven M. Freeland's for the purpose of jointly providing investment management, raising venture capital for others, investment consultation, and capital investment consultation.

RESPONSE TO REQUEST NO. 9:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

REQUEST NO. 10:

All documents and things concerning any business, organization or entity formed by Jeffrey S. Wax and Steven M. Freeland for the purpose of jointly providing investment management, raising venture capital for others, investment consultation, and capital investment consultation under the mark AMAZON VENTURES.

RESPONSE TO REQUEST NO. 10:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege

recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request is overly broad and seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

REQUEST NO. 11:

All documents and things sufficient to establish the amount of money spent or the investment made in the AMAZON VENTURES mark by Jeffrey S. Wax, Steven M. Freeland or Applicants.

RESPONSE TO REQUEST NO. 11:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 12:

All documents and things identifying the business to which Jeffrey S. Wax and Steven M. Freeland were both or separately "President" of at the time of filing U.S. Trademark Application Serial No. 78/001,126.

RESPONSE TO REQUEST NO. 12:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 13:

All documents and things evidencing the education and employment history of Steven M. Freeland and Jeffrey S. Wax, including, but not limited to, resumes, Curriculum Vitae (CV), and/or other biographic information.

RESPONSE TO REQUEST NO. 13:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the as the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 14:

All documents and things bearing the mark AMAZON VENTURES or any variation thereof.

RESPONSE TO REQUEST NO. 14:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 15:

All agreements between Jeffrey S. Wax or Steven M. Freeland concerning the mark AMAZON VENTURES.

RESPONSE TO REQUEST NO. 15:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the

request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 16:

All documents and things referring, or relating to Jeffrey S. Wax's, Steven M. Freeland's or Applicants' first awareness of Opposer's Marks.

RESPONSE TO REQUEST NO. 16:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

REQUEST NO. 17:

All documents and things that support or tend to support that Steven M. Freeland is qualified or experienced in providing investment management, raising venture capital for others, investment consultation, and capital investment consultation.

RESPONSE TO REQUEST NO. 17:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects that the terms "support" and "tend to support" are vague and ambiguous. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 18:

All documents and things that support or tend to support that Jeffrey. S. Wax is qualified or experienced in providing investment management, raising venture capital for others,

investment consultation, and capital investment consultation.

RESPONSE TO REQUEST NO. 18:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects that the terms "support" and "tend to support" are vague and ambiguous. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 19:

All documents and things concerning Steven M. Freeland's obligation(s) as an employee and/or partner with Fitch Even Tabin & Flannery, including but not limited to, partnership agreements, employee agreements and employee handbooks.

RESPONSE TO REQUEST NO. 19:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request is overly broad and seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent that it seeks trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

REQUEST NO. 20:

All documents and things which support or tend to support Applicants' contentions and allegations in its Answer to the Notice of Opposition (U.S. Opposition No. 91187118 filed with the Trademark Trial and Appeal Board on October 22, 2008), including but not limited to, all

documents and things which support or tend to support each and every Affirmative Defense therein.

RESPONSE TO REQUEST NO. 20:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects that the terms “support” and “tend to support” are vague and ambiguous. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent that it seeks trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

REQUEST NO. 21:

All communication between Steven M. Freeland and others, including, but not limited to, between Steven M. Freeland and Jeffrey S. Wax regarding or relating to the AMAZON VENTURES mark.

RESPONSE TO REQUEST NO. 21:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request on the ground that the terms “regarding” and “relating to,” as defined, are vague and ambiguous. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that it seeks trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant also objects to this request to the extent that it calls for the

production of documents containing confidential and/or privileged information of a third party.

REQUEST NO. 22:

Any and all documents, including but not limited to, paycheck stubs, W-2 forms or other related forms regarding or related to income or other compensation received by you from employers, from self-employment, or from partnership activities, from March 27, 2000 to the present.

RESPONSE TO REQUEST NO. 22:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request on the ground that the terms “regarding” and “related to,” as defined, are vague and ambiguous. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent that it seeks trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

REQUEST NO. 23:

Any and all tax records and other related documents and things filed with any federal, state, municipality, or other government entity regarding income or other compensation received by you from employers, from self-employment, or from partnership activities from May 27, 2000 to the present.

RESPONSE TO REQUEST NO. 23:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request on the ground that the terms “related to,” as defined, are vague and ambiguous. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to

the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent that it seeks trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

DATED: June 25, 2009

GRAVES LAW OFFICE P.C.

By: /s/ Philip J. Graves
Philip J. Graves
Pablo D. Arredondo
Attorneys for Defendant
STEVEN M. FREELAND

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

AMAZON TECHNOLOGIES, INC.

Opposer,

v.

**JEFFREY S. WAX and STEVEN M.
FREELAND**

Applicant.

Opposition No. 91187118

**APPLICANT STEVEN M.
FREELAND'S SUPPLEMENTAL
RESPONSES TO OPPOSER
REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS (NOS. 1-
23)**

PROPOUNDING PARTY: AMAZON TECHNOLOGIES, INC.

RESPONDING PARTY: STEVEN M. FREELAND

Applicant STEVEN M. FREELAND ("Applicant") hereby responds and objects to Opposer's Requests for Production of Documents and Things (Nos. 1-23) ("Requests") pursuant to 37 C.F.R. § 2.120, Federal Rule of Civil Procedure 34, and the applicable TTAB rules, as follows:

GENERAL OBJECTIONS

The following general objections apply to each of the Requests and are incorporated by reference in each of Applicant's specific responses thereto:

1. Applicant objects to every Request that purports to impose obligations on Applicant beyond the requirements of the C.F.R., Federal Rules of Civil Procedure, and applicable TTAB rules, which will govern Applicant's responses.
2. Applicant objects to the Requests to the extent they seek materials prepared in anticipation of litigation, or which contain or reflect or call for the disclosure of the mental

impressions, conclusions, opinions or legal theories of any attorney for Applicant, or any other information protected by the Federal Rules of Civil Procedure, California Code of Evidence, and the applicable TTAB rules.

3. Applicant objects to the Requests to the extent that they seek documents protected from discovery under the attorney-client privilege, the work product doctrine, the accountant-client privilege, or any other privilege recognized under the law. Applicant will not produce such documents.

4. Applicant objects to the Requests to the extent they seek trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant will produce such information, if requested and not otherwise objectionable, only after entry of a suitable protective order.

5. Applicant objects to the Requests to the extent that they are not relevant to any claim or defense of the parties and they do not appear reasonably calculated to lead to the discovery of admissible evidence.

6. Applicant objects to the Requests to the extent that they call for identification or production of information that is a matter of public record and is equally available to the requesting party.

7. In responding, Applicant does not concede that any Request to which Applicant responds is relevant to the subject matter of this litigation or reasonably calculated to lead to the discovery of admissible evidence. Applicant expressly reserves both the right to object to further discovery into evidence of responses to these Requests. Applicant also reserves the right to question the authenticity, relevancy, materiality, privilege, and admissibility as evidence for any purpose of the information provided and the documents identified and/or produced in response to these Requests, which may arise in any subsequent proceeding in, or the trial of, this or any other action.

8. Applicant reserves the right to amend, supplement, or revise its responses as necessary up to and including the time of hearing.

9. Applicant objects to the instructions provided with the Requests to the extent that they purport to be directed not only to Applicant, but also to other individuals and entities that are separate and distinct from Applicant.

10. Applicant objects to the Requests in that they were served combined with a notice of a deposition scheduled in less than thirty days , in violation of TTAB Rule 406.01

11. Applicant objects to the definition of the term "Applicant," "Applicant's," "you," or "your" contained in the Requests to the extent that the definition incorporates individuals and entities that are separate and distinct from Opposer.

12. In responding to the Requests, Applicant states that it has conducted a diligent search, reasonable in scope, of those files and records in its possession or control believed to be the most likely to contain documents responsive to the Requests and has solicited relevant information from those individuals employed or otherwise affiliated with Applicant believed to be the most likely to have information responsive to the Requests. Applicant has not, however, undertaken to search or review all of the files and records in Applicant's possession, custody or control, nor has Applicant solicited documents or information from every individual employed by or otherwise affiliated with Applicant because to do so would be unduly burdensome and expensive. In the event, therefore, that further information, documents, records or files responsive to any of the Requests are identified or brought to Applicant's attention, Applicant reserves the right to amend or supplement these responses.

13. Applicant objects to the demand that it produce materials responsive to these requests at a particular time and place. Applicant will produce any materials at a reasonable, mutually agreed time and place.

Subject to the foregoing, and without waiving same, Applicant hereby responds to the Requests as follows:

RESPONSES TO SPECIFIC REQUESTS FOR PRODUCTION

REQUEST NO. 1:

All documents and things sufficient to identify each person who participated in Applicants' adoption, development, creation, or selection of the mark AMAZON VENTURES.

RESPONSE TO REQUEST NO. 1:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiting Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 2:

All documents and things indicating any business plan, proposal or other forecast involving the mark AMAZON VENTURES.

RESPONSE TO REQUEST NO. 2:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent that it seeks trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party. Applicant further objects to this request as the term "indicating" is vague and ambiguous.

Subject to and without waiting Applicant's general and specific objections, Applicant will

produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 3:

All documents and things that demonstrate Jeffrey S. Wax's and Steven M. Freeland's joint provision or intention to jointly provide any goods or services.

RESPONSE TO REQUEST NO. 3:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

Subject to and without waiving Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 4:

All documents and things sufficient to establish Jeffrey S. Wax's, Steven M. Freeland's or Applicants' date of first use of the mark AMAZON VENTURES.

RESPONSE TO REQUEST NO. 4:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible

evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

Subject to and without waiting Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 5:

All documents and things evidencing the assignment or negotiations related to the assignment transferring Steven M. Freeland's interest in U.S. Trademark Application Serial No. 78/001,126 to Jeffrey S. Wax.

RESPONSE TO REQUEST NO. 5:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01.

Subject to and without waiting Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 6:

All documents and things concerning any business, organization or entity formed by Jeffrey S. Wax and Steven M. Freeland for the purpose of jointly providing any goods or services.

RESPONSE TO REQUEST NO. 6:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request on

the ground that the term "concerning" is vague and ambiguous. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that it seeks trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

Subject to and without waiting Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 7:

All documents and things that demonstrate Jeffrey S. Wax's and Steven M. Freeland's joint provision or intention to jointly provide investment management, raising venture capital for others, investment consultation, and capital investment consultation.

RESPONSE TO REQUEST NO. 7:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request is overly broad and seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiting Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 8:

All documents and things that demonstrate Jeffrey S. Wax's and Steven M. Freeland's joint provision or intention to jointly provide investment management, raising venture capital for others, investment consultation, and capital investment consultation under the mark AMAZON VENTURES.

RESPONSE TO REQUEST NO. 8:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request is overly broad and seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

Subject to and without waiving Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 9:

All documents and things concerning any business, organization or entity formed by Jeffrey S. Wax and Steven M. Freeland's for the purpose of jointly providing investment management, raising venture capital for others, investment consultation, and capital investment consultation.

RESPONSE TO REQUEST NO. 9:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant

also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

Subject to and without waiting Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 10:

All documents and things concerning any business, organization or entity formed by Jeffrey S. Wax and Steven M. Freeland for the purpose of jointly providing investment management, raising venture capital for others, investment consultation, and capital investment consultation under the mark AMAZON VENTURES.

RESPONSE TO REQUEST NO. 10:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request is overly broad and seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

Subject to and without waiting Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 11:

All documents and things sufficient to establish the amount of money spent or the investment made in the AMAZON VENTURES mark by Jeffrey S. Wax, Steven M. Freeland or Applicants.

RESPONSE TO REQUEST NO. 11:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiting Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 12:

All documents and things identifying the business to which Jeffrey S. Wax and Steven M. Freeland were both or separately "President" of at the time of filing U.S. Trademark Application Serial No. 78/001,126.

RESPONSE TO REQUEST NO. 12:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiting Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 13:

All documents and things evidencing the education and employment history of Steven M. Freeland and Jeffrey S. Wax, including, but not limited to, resumes, Curriculum Vitae (CV),

and/or other biographic information.

RESPONSE TO REQUEST NO. 13:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request on the ground that the terms “refer to” and “relate to,” as defined, are vague and ambiguous.

Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the as the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiting Applicant’s general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant’s possession, custody, or control.

REQUEST NO. 14:

All documents and things bearing the mark AMAZON VENTURES or any variation thereof.

RESPONSE TO REQUEST NO. 14:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiting Applicant’s general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant’s possession, custody, or control.

REQUEST NO. 15:

All agreements between Jeffrey S. Wax or Steven M. Freeland concerning the mark AMAZON VENTURES.

RESPONSE TO REQUEST NO. 15:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 16:

All documents and things referring, or relating to Jeffrey S. Wax's, Steven M. Freeland's or Applicants' first awareness of Opposer's Marks.

RESPONSE TO REQUEST NO. 16:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

Subject to and without waiving Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 17:

All documents and things that support or tend to support that Steven M. Freeland is qualified or experienced in providing investment management, raising venture capital for others, investment consultation, and capital investment consultation.

RESPONSE TO REQUEST NO. 17:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects that the terms "support" and "tend to support" are vague and ambiguous. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 18:

All documents and things that support or tend to support that Jeffrey. S. Wax is qualified or experienced in providing investment management, raising venture capital for others, investment consultation, and capital investment consultation.

RESPONSE TO REQUEST NO. 18:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects that the terms "support" and "tend to support" are vague and ambiguous. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiting Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 19:

All documents and things concerning Steven M. Freeland's obligation(s) as an employee and/or partner with Fitch Even Tabin & Flannery, including but not limited to, partnership agreements, employee agreements and employee handbooks.

RESPONSE TO REQUEST NO. 19:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request to the extent that the request is overly broad and seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent that it seeks trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

Subject to and without waiving Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 20:

All documents and things which support or tend to support Applicants' contentions and allegations in its Answer to the Notice of Opposition (U.S. Opposition No. 91187118 filed with the Trademark Trial and Appeal Board on October 22, 2008), including but not limited to, all documents and things which support or tend to support each and every Affirmative Defense therein.

RESPONSE TO REQUEST NO. 20:

Applicant objects to this request to the extent that it calls for the production of information

that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects that the terms “support” and “tend to support” are vague and ambiguous. Applicant object to this request as it is in violation of TTAB Rule 406.01. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent that it seeks trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

Subject to and without waiving Applicant’s general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant’s possession, custody, or control.

REQUEST NO. 21:

All communication between Steven M. Freeland and others, including, but not limited to, between Steven M. Freeland and Jeffrey S. Wax regarding or relating to the AMAZON VENTURES mark.

RESPONSE TO REQUEST NO. 21:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request on the ground that the terms “refer to” and “relate to,” as defined, are vague and ambiguous. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this

request to the extent that it seeks trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

Subject to and without waiving Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 22:

Any and all documents, including but not limited to, paycheck stubs, W-2 forms or other related forms regarding or related to income or other compensation received by you from employers, from self-employment, or from partnership activities, from March 27, 2000 to the present.

RESPONSE TO REQUEST NO. 22:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request on the ground that the terms "refer to" and "relate to," as defined, are vague and ambiguous. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent that it seeks trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

Subject to and without waiving Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

REQUEST NO. 23:

Any and all tax records and other related documents and things filed with any federal, state, municipality, or other government entity regarding income or other compensation received by you from employers, from self-employment, or from partnership activities from May 27, 2000 to the present.

RESPONSE TO REQUEST NO. 23:

Applicant objects to this request to the extent that it calls for the production of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege recognized by the Federal Rules of Civil Procedure. Applicant further objects to this request on the ground that the terms "refer to" and "relate to," as defined, are vague and ambiguous. Applicant further objects to this request to the extent that the request seeks the production of materials that are not relevant to the claims or defenses of the parties and are not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent that it seeks trade secrets or other confidential or proprietary research, development, commercial, or business information. Applicant also objects to this request to the extent that it calls for the production of documents containing confidential and/or privileged information of a third party.

Subject to and without waiting Applicant's general and specific objections, Applicant will produce non-privileged documents to this request that are within Applicant's possession, custody, or control.

DATED: July 17, 2009

GRAVES LAW OFFICE P.C.

By: /s/ Philip J. Graves
Philip J. Graves
Pablo D. Arredondo
Attorneys for Defendant
STEVEN M. FREELAND