

EXHIBIT O

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

Verde Ridge Homeowners Association, Inc.)	Opposition No.: 91225523
)	
Plaintiff,)	
vs.)	
)	
Alicea, Bonnie)	
)	
Defendant)	
)	
)	
)	

DECLARATION OF BONNIE ALICEA

BONNIE ALICEA, pursuant to 28 U.S.C. § 1746 and Trademark Rule 2.20, declares as follows:

1. I, Bonnie Alicea, am a United States individual whose home address and principal place of business is at 3033 Santa Maria Ave in Clermont, FL, with a ZIP Code of 34715;
2. I am over 18 years of age, suffer from no mental or physical infirmities which would affect my capacity to testify, and am otherwise competent by law and personal knowledge to make this Declaration.
3. I have a *bona fide* to use VERDE RIDGE, U.S. Serial No 86499294, in interstate commerce for the goods/services of “Advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes” as defined in the application for the trademark.
4. I started in the field of marketing in college. I worked for entertainment companies such as Discovery Zone, Laser Quest, Dinorex, and Rink Side Sports in marketing, sales, and management departments.

5. I build websites for instructional design – training and communications – such as projectchangeconsultants.com, Discoveryzone2.com, hukoosffc.com, pcctraining.com, and more.
6. I have owned multiple businesses in my career such as Euphoric Productions, Project Change Consultants, Cookies Family Fun enter, and Jobs Daughters.
7. I have a Bachelor's Degree in Applied Behavioral Science from National Louis University.
8. I have a Master's Degree from National Louis University and a PhD from Capella University in Industrial and Organizational Psychology.
9. I am certified as a Scrum Project Management Master.
10. I am certified as a Scrum Project Management Trainer.
11. I am certified as a Scrum Project Management Coach.
12. Scrum project management is a methodology for managing software delivery that comes under the broader umbrella of agile project management. It provides a lightweight process framework that embraces iterative and incremental practices, helping organizations deliver working software more frequently. Projects progress via a series of iterations called sprints; at the end of each sprint the team produces a potentially deliverable product increment.
13. I am certified in ADKAR Change management. ADKAR is an acronym that represents the five outcomes an individual must achieve for change to be successful: awareness, desire, knowledge, ability, reinforcement. When applied to organizational change, this model allows leaders and change management teams to focus their activities on what will drive individual change and therefore achieve organizational results.

14. I am certified in Six Sigma White Belt. Six Sigma is a quality management methodology that uses different theories and tools to improve upon the processes of a certain business.
15. I have a certificate from the D-Lab, Design and Development through MIT.
16. I have owned Project Change Consultants, LLC – its website is at <http://projectchangeconsultants.com> – for the last 5 years.
17. Project Change Consultants, LLC has 20-30 Fortune 500 companies as clients. These clients include, but are not limited to, Aetna, Wells Fargo, Walt Disney, IBM, Walmart, Finestra, Build-Ed, Pentaho, Anthem, State Farm, and Walgreens.
18. I also volunteer with the non-profit Job's Daughters International in the marketing department.
19. My duties include marketing and advertising for new members of Job's Daughters and about Job's Daughters, networking, and social planning activities.
20. For the last 5 years, I have been the social director for the Clermont and Groveland Masonic Lodges.
21. My education and my experience show that I know how to provide advertising services for businesses.
22. My education and my experience show that I know how to provide marketing and promotional services for businesses.
23. My education and my experience show that I know how to facilitate networking and socializing opportunities services for businesses.
24. From the beginning of this case, my position has been that the Opposer and I are in different goods/services. I have a bona fide intent to provide marketing and advertising services especially based upon my education and experiences. The Opposer is a housing

community – a homeowner's association and provides none of the services that I intend to.

25. That intent has been held by this proceeding.

26. While I had one use of the R-in-a-circle federal registration symbol at the bottom of the webpage at verderidge.com, that has been removed. (See EXHIBIT A.)

27. I have not sent any cease-and-desist letters after retaining counsel in order to understand trademark law better.

VERDE RIDGE

28. In the Opposer's answers to my First Set of Interrogatories (EXHIBIT B), the Opposer states this as its goods/services:

Opposer has not specifically claimed any particular recitation of goods and services in an actual trademark application, and the claims made in its Opposition speak for themselves. As stated, Opposer, Verde Ridge Home Owners Association, is a homeowners association responsible for maintaining, operating, and managing a residential community named "Verde Ridge" (the "community") located in the Greater Orlando, Florida area. Verde Ridge oversees the common areas of the Verde Ridge community, which is comprised of over four hundred (402) single family homes and approximately one thousand (1,000) residents. Each of these homeowners comprise the membership of the Verde Ridge Home Owners Association. Among the responsibilities of Opposer are to promote the well-being and common interests of the Verde Ridge Community and its owners. Concomitant and ancillary services include management, administration, and operation of a community of homeowners', residential and common properties; enactment, amendment and enforcement of governing documents and rules and regulations; communicating with residents of the community; holding Board meetings and other meetings concerning of the community; arranging for the provision of services to the community such as common area water and electricity, street lighting to the entire Community, sign posting, and the like; making communications with third parties to ensure police, fire, schooling, and other services; and the

placing of advertising and other materials to promote the community to those who are not residents.

I am not in the business of helping residents of any community – my trademark application is for marketing services as defined.

29. In its answer to Interrogatory No. 6 (EXHIBIT B), Opposer states that it has used the following variants of the its trademark: VERDE RIDGE, VERDE RIDGE HOMEOWNERS ASSOCIATION, VERDE RIDGE HOMEOWNERS ASSOCIATION, INC, VERDE RIDGE, VERDE RIDGE HAPPENINGS, VERDE RIDGE HOA, and THE RIDGE (for Opposer's current newsletter). Once again, I have never claimed to be a homeowners association or provide the services thereof.

30. In its answer to Interrogatory No. 12 (EXHIBIT B), Opposer states that its channels of trade "include but are not limited to real estate management, maintenance, related accounting and finance functions, contracting, public utilities and facilities, insurance, and related functions." By the nature of my services, I am not applying for use of a mark in real estate management, maintenance, related accounting and finance functions, contract, public utilities and facilities, insurance, and related functions. My use of the VERDE RIDGE application is for "Advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes," which is not in any of the channels of trade that the Opposer has described.

31. In its answer to my Interrogatory No. 17 (EXHIBIT B), Opposer states "Opposer does not sell its products or services to the public at large." I would need to sell marketing services to the public at large.

32. In its answers to my requests for the Production of Documents and Things (EXHIBIT C – submitted to show the requests themselves), Opposer says (EXHIBIT D) that it has no documents to the request of “Produce each survey, pilot test, focus group, or other form of consumer or market research conducted by or on behalf of the Opposer concerning the Opposer Mark, or Applicant’s Mark, or to those products or services Opposer offers or plans to offer under the Opposer Mark.” I do not understand why Opposer has no documents of this type because in order to claim that there would be confusion in consumers, Opposer would have to expand its offerings of services not just in general, but also to whom the Opposer would serve. As a professional in the marketing industry, I am surprised there would not be any documents to this request.
33. In the declaration of Ms. Theresa Bhoj, she discusses the history of the Opposer in this case. The Opposer is a housing development community – a homeowner’s association. The Opposer prints a newsletter for the community. According to paragraph 22 of her testimony, Ms. Bhoj states that the Opposer had problems in buying the website domain verderidge.com because that was already owned by another housing development in Arizona. So there is another housing development with VERDE RIDGE, even though the Opposer is trying to assert trademark rights against my application.
34. In absolutely zero of the paragraphs of Ms. Bhoj’s testimony and in absolutely zero of the exhibits attached to Ms. Bhoj’s testimony is there a discussion of the Opposer providing marketing services, advertising services, or business networking services.
35. In absolutely zero of the paragraphs of Ms. Bhoj’s testimony and in absolutely zero of the exhibits attached to Ms. Bhoj’s testimony is there a discussion of the possibility that I made any false statement in my VERDE RIDGE application.

36. In absolutely zero of the paragraphs of Ms. Bhoj's testimony and in absolutely zero of the exhibits attached to Ms. Bhoj's testimony is there a discussion of any misuse of the R-in-a-circle logo or inequitable conduct.
37. In the declaration of Ms. Amanda Dierking, she discusses much of the bad blood between the Opposer and me.
38. However, Ms. Dierking does not describe how the Opposer provides any services related to my goods/services description of "Advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes." Throughout her entire testimony, when Ms. Dierking is discussing the Opposer, the Opposer is a homeowner's association providing the services related to being a homeowner's association.
39. In absolutely zero of the paragraphs of Ms. Dierking's testimony and in absolutely zero of the exhibits attached to Ms. Dierking's testimony is there a discussion of the Opposer providing marketing services, advertising services, or business networking services.
40. In absolutely zero of the paragraphs of Ms. Dierking's testimony and in absolutely zero of the exhibits attached to Ms. Dierking's testimony is there a discussion of the possibility that I made any false statement in my VERDE RIDGE application.
41. In absolutely zero of the paragraphs of Ms. Dierking's testimony and in absolutely zero of the exhibits attached to Ms. Dierking's testimony is there a discussion of any misuse of the R-in-a-circle logo or inequitable conduct.
42. In the declaration from Mr. Burgess, he discusses the tenuous relationship between the Opposer and me, but he fails to explain any business issue between the Opposer and me.

43. In absolutely zero of the paragraphs of Mr. Burgess' testimony and in absolutely zero of the exhibits attached to Mr. Burgess' testimony is there a discussion of the Opposer providing marketing services, advertising services, or business networking services.
44. In absolutely zero of the paragraphs of Mr. Burgess' testimony and in absolutely zero of the exhibits attached to Mr. Burgess' testimony is there a discussion of the possibility that I made any false statement in my VERDE RIDGE application.
45. In absolutely zero of the paragraphs of Mr. Burgess' testimony and in absolutely zero of the exhibits attached to Mr. Burgess' testimony is there a discussion of any misuse of the R-in-a-circle logo or inequitable conduct.
46. In the declaration of Karen Wonsetler, she discusses her practice of real estate law, especially with condominiums and homeowners' association.
47. Ms. Wonsetler explicitly says that her expertise is not in trademark law.
48. In absolutely zero of the paragraphs of Ms. Wonsetler's testimony and in absolutely zero of the exhibits attached to Ms. Wonsetler's testimony is there a discussion of the Opposer providing marketing services, advertising services, or business networking services.
49. In absolutely zero of the paragraphs of Ms. Wonsetler's testimony and in absolutely zero of the exhibits attached to Ms. Wonsetler's testimony is there a discussion of the possibility that I made any false statement in my VERDE RIDGE application.
50. In absolutely zero of the paragraphs of Ms. Wonsetler's testimony and in absolutely zero of the exhibits attached to Ms. Wonsetler's testimony is there a discussion of any misuse of the R-in-a-circle logo or inequitable conduct.

I, the undersigned, Bonnie Alicea, being hereby warned that willful false statements and the like so made herein are punishable by fine or imprisonment or both, under Title 18 of the U.S. Code, Section 1001, and being hereby warned that such willful false statements may jeopardize the validity of the proceeding herein, do hereby declare that the facts set forth in this declaration are true, that all statements made of my own knowledge in this declaration are true, and that all statements made on information and belief in this declaration are believed to be true.

Dated: 04.15.18

B. Alicea

Bonnie Alicea

EXHIBIT A



EXHIBIT B

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

VERDE RIDGE HOMEOWNERS
ASSOCIATION, INC.,

Opposer,

v.

BONNIE ALICEA,

Applicant.

Opposition No: 91225523

**CERTIFICATE OF SERVICE OF
OPPOSER'S ANSWERS TO
APPLICANT'S FIRST SET OF INTERROGATORIES**

I HEREBY CERTIFY, pursuant to Rule 33 of the Federal Rules of Civil Procedure and Section 2.120 of the Code of Federal Regulations, that the original of Opposer, VERDE RIDGE HOMEOWNERS ASSOCIATION, INC.'s Answers to Applicant, BONNIE ALICEA's First Set of Interrogatories is being served on Applicant's counsel at his address of record, by first class mail, postage prepaid, to Anthony M. Verna III, Esq., Verna Law, P.C., 80 Theodore Fremd Dr., Rye, NY 10580, and by electronic transmission to Anthony@vernalaw.com, on this 20th day of October, 2016.

Respectfully submitted,



Date: October 20, 2016

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Walter Kubitz, Esq.
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Attorneys for Opposer
VERDE RIDGE HOMEOWNERS ASSOCIATION, INC.

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

**VERDE RIDGE HOMEOWNERS
ASSOCIATION, INC.,**

Opposer,

Y.

BONNIE ALICEA,

Applicant.

Opposition No: 91225523

**OPPOSER'S ANSWERS TO
APPLICANT'S FIRST SET OF INTERROGATORIES**

Opposer, VERDE RIDGE HOMEOWNERS ASSOCIATION, INC., pursuant to Rule 33 of the Federal Rules of Civil Procedure and Section 2.120 of the Code of Federal Regulations, hereby provides its Answers to Applicant BONNIE ALICEA's First Set of Interrogatories as follows:

INTERROGATORY NO. 1: Identify Opposer's goods/services.

ANSWER:

Opposer has not specifically claimed any particular recitation of goods and services in an actual trademark application, and the claims made in its Opposition speak for themselves. As stated, Opposer, Verde Ridge Home Owners Association, is a homeowners association responsible for maintaining, operating, and managing a residential community named "Verde Ridge" (the "community") located in the Greater Orlando, Florida area. Verde Ridge oversees the common areas of the Verde Ridge community, which is comprised of over four hundred (402) single family homes and approximately one thousand (1,000) residents. Each of these homeowners comprise the membership of the Verde Ridge Home Owners Association. Among the responsibilities of Opposer are to promote the well-being

and common interests of the Verde Ridge Community and its owners. Concomitant and ancillary services include management, administration, and operation of a community of homeowners', residential and common properties; enactment, amendment and enforcement of governing documents and rules and regulations; communicating with residents of the community; holding Board meetings and other meetings concerning of the community; arranging for the provision of services to the community such as common area water and electricity, street lighting to the entire Community, sign posting, and the like; making communications with third parties to ensure police, fire, schooling, and other services; and the placing of advertising and other materials to promote the community to those who are not residents.

INTERROGATORY NO. 2: Identify how Opposer did its research and due diligence to make the allegation in Paragraph 10 of the Notice of Opposition.

ANSWER:

Applicant hired counsel to evaluate the trademark ownership claims of Applicant. The nature, scope, and substance of those communications and efforts are protected by the attorney-client and work product privileges. To the extent this interrogatory seeks the content or substance of such communications, Opposer objects to this interrogatory.

Opposer also reviewed public documents, including the exhibits attached to its Notice of Opposition; reviewed and assessed the documents creating and governing the Verde Ridge Home Owners Association; reviewed records on line; researched home ownership records; and conducted discussions with residents and owners of the Community, some of whom have lived in the Verde Ridge community several years prior to Applicant moving into the community in June, 2012. This information all supports the conclusion that Opposer's rights to the VERDE RIDGE mark long predate and supersede any supposed rights that Applicant is claiming.

INTERROGATORY NO. 3: Identify how Opposer did its research and due diligence to make the allegation in Paragraph 25 of the Notice of Opposition.

ANSWER:

Opposer incorporates its answer to Interrogatory No. 2 above. Further, Opposer is empowered and compelled by the "Declaration for Verde Ridge" and by controlling law to perform certain duties and responsibilities on behalf of the Verde Ridge community. Opposer reviewed those documents and sought professional assistance from counsel.

INTERROGATORY NO. 4: Identify how Opposer did its research and due diligence to make the allegation in Paragraph 44 of the Notice of Opposition.

ANSWER:

Opposer incorporates its answer to Interrogatory No. 2 above.

INTERROGATORY NO. 5: Define the parts of the Opposer Mark.

ANSWER:

The Opposer mark is made up of two words: VERDE and RIDGE ("Verde Ridge").

INTERROGATORY NO. 6: Identify any variation of the Opposer Mark that You have used, or that You plan to use.

ANSWER:

Opposer at times has used the VERDE RIDGE mark as part of its whole name VERDE RIDGE HOMEOWNERS ASSOCIATION or VERDE RIDGE HOMEOWNERS ASSOCIATION, INC. Opposer has also used the terms: VERDE RIDGE, VERDE RIDGE HAPPENINGS, VERDE RIDGE HOA, and THE RIDGE (current newsletter).

INTERROGATORY NO. 7: Identify all states in which the Opposer Mark is used in commerce.

ANSWER:

Opposer objects to Interrogatory No. 7 to the extent that it seeks a legal conclusion, particularly since the phrase “used in commerce” is a term of art understood as having a particular meaning within trademark law. Without waiving that objection and without intending its answer to in any way be a limitation on its present or future rights, Opposer would state generally that its primary area of use of the mark VERDE RIDGE would be within the State of Florida. Opposer might be deemed to have rights to the mark outside of the State of Florida due to communications and activities directed to, or accessible from, outside the State of Florida.

INTERROGATORY NO. 8: For each variation identified in response to Interrogatory No. 5, state the date of first use in commerce (or planned date of first use in commerce) of any such variation.

ANSWER:

Opposer objects to Interrogatory No. 8 to the extent that it seeks a legal conclusion, particularly since the phrase “used in commerce” is a term of art understood as having a particular meaning within trademark law. Interrogatory No. 5 does not speak of variations on the mark. Opposer presumes the interrogatory was intended to be reference Interrogatory No. 6 which does speak of variations on the mark. Without waiving its objection, Opposer would claim rights to the variations on its VERDE RIDGE mark identified in answer to Interrogatory No. 6 going back to those of one or more real estate developers who were predecessors in title and right. The first use in commerce by Opposer’s predecessors in interest goes back to at least as early as April of 2005. This would have been by Pulte Home Corporation, its partners, predecessors, affiliates and or assigns. VERDE RIDGE HAPPENINGS was first used in or about 2008 and was used up until about 2010, at which point Opposer began using the various forms of the term VERDE RIDGE.

INTERROGATORY NO. 9: Identify each product or service that You have promoted, or plan to promote, using the Opposer Mark, including the date(s) that You first promoted each such product or service.

ANSWER:

Opposer incorporates its answer to Interrogatory No. 1 above regarding services it conducts and promotes. It plans to continue providing those identified services and maintaining those functions. Since the community was first publicly registered, on or before 2005, those services and responsibilities have been fulfilled by Opposer and or its predecessors in interest.

INTERROGATORY NO. 10: Explain how You can claim to have other goods/services when paragraph 2 of the Notice of Opposition limits Your use of the common-law mark to a housing association alone.

ANSWER:

Opposer objects to Interrogatory No. 10. This Interrogatory states that Paragraph 2 of the Notice of Opposition places a limits on the scope of Opposer's services, and implies that Opposer's right to oppose the registration should be similarly limited. Opposer denies the interpretation assigned in this interrogatory, and accordingly objects.

INTERROGATORY NO. 11: Identify the Person(s) most knowledgeable about Your use of the Opposer Mark, including but not limited to sales, advertising, and licensing by You of any products or services under the Opposer Mark.

ANSWER:

The persons most knowledgeable about Opposer's use of the mark VERDE RIDGE are its Board members: Amanda Dierking, Teresa Bhoj, Jeff Hosford, Nelson Wolbert, and Andrew Magnus.

INTERROGATORY NO. 12: Identify each of the channels of trade in which You offer for sale products and services under the Opposer Mark.

ANSWER:

The channels of trade in which Opposer offers its services would be those identified in connection with the services and responsibilities listed in Interrogatory No. 1 above. Further, Opposer offers its services within the electronic channels of trade as made available via the Internet and via social media postings. The trade channels include but are not limited to real estate management, maintenance, related accounting and finance functions, contracting, public utilities and facilities, insurance, and related functions.

INTERROGATORY NO. 13: Identify each of the channels of trade in which You plan to offer for sale products and services under the Opposer Mark.

ANSWER:

The channels of trade responsive to this Interrogatory No. 13 are the same as those identified in response to Interrogatory Nos. 1 and 12.

INTERROGATORY NO. 14: Identify (by medium and amount budgeted) each of the ways You plan to advertise Your products or services under the Opposer Mark in the calendar years 2014-2016.

ANSWER:

The ways that Opposer plans to advertise its products and services are the same as the ways identified in response to Interrogatory Nos. 1 and 12. There is no amount specifically budgeted for such advertising at present.

INTERROGATORY NO. 15: Identify (by medium and amount actually spent) each of the ways You have advertised Your products or services under the Opposer Mark in the calendar years 2014-2016.

ANSWER:

The ways that Opposer actually has advertised its products and services are the same as the ways identified in answer to Interrogatory Nos. 1 and 12. The amount spent for such advertising is unknown at this time but may be accessible from management records. In addition to its internet and social media presence, Opposer advertises two times a year for garage sale in several local newspapers, which is not expressly budgeted for. Opposer has also received funds from local businesses that have advertised in its community newsletter.

INTERROGATORY NO. 16: Identify Your sales volume (by dollars and units), for each year from in the calendar years 2013-2016, of each product or You have sold or plan to sell under the Opposer Mark in the U.S.

ANSWER:

Opposer has no real sales volume for products as such for the years 2013 through to the present point in 2016. It has received \$400.00 from 2014-2015 for advertisement space in its newsletter.

INTERROGATORY NO. 17: Identify the pricing (including wholesale and retail), for each year from 2013-2016, of each product or service You have sold or plan to sell under the Opposer Mark in the U.S.

ANSWER:

Opposer does not sell its products or services to the public at large. The services identified above are funded through maintenance dues and assessments paid by the members of Verde Ridge Home Owners Association.

INTERROGATORY NO. 18: Describe in detail the target purchasers to whom You direct Your sales efforts with respect to products and services sold under the Opposer Mark.

ANSWER:

Opposer does not direct "sales efforts". The recipients and beneficiaries of the services and responsibilities undertaken by Opposer are the residents and owners of the homes in the Verde Ridge community, third parties in the surrounding area who know of Opposer, as well as prospective buyers and sellers of property within Verde Ridge.

INTERROGATORY NO. 19: Describe in detail any instance known to You where any consumer has become confused as to the source of a product or service by reason of Your use of the Opposer Mark.

ANSWER:

Opposer knows of no instance where any consumer outside of the Verde Ridge community has become confused as to the source of a product or service by reason of Opposer's use of its own VERDE RIDGE. However, residents within the community have been confused by the rights and ownership over the VERDE RIDGE mark. The confusion is caused and perpetuated by demands, internet postings and threats made by Applicant against residents and community owners' use of the name VERDE RIDGE when discussing the community and services associated with Opposer as described in Interrogatory No. 1 above.

INTERROGATORY NO. 20: Describe in detail any instance of which You are aware in which a consumer has expressed the belief that there is an affiliation or relationship between the Applicant and You, or any products or services You sell or intend to sell under the Opposer Mark.

ANSWER:

Opposer incorporates in answer to Interrogatory No. 19 above, and will also produce copies of demand letters sent by Applicant asserting ownership rights over the community's name.

INTERROGATORY NO. 21: Define the term "Verde Ridge."

ANSWER:

Opposer objects to this Interrogatory No. 21 in that it is vague and seeks a definition for a compound term or phrase that has no commonly recognized or universal meaning. Without waiving this objection, Opposer understands the term Verde Ridge to describe itself as set forth above in Interrogatory No. 1 and in the Notice of Opposition. Beyond Opposer itself, the term "verde" is the Spanish word for "green"; "ridge" has various dictionary meanings, one of which is "an elevated portion of land."

INTERROGATORY NO. 22: Describe in detail the level of fame associated with the Opposer Mark.

ANSWER:

Opposer does not know the level of fame of its VERDE RIDGE; however, the community is very well known in the area in which it is located (the greater Orlando area), and including its owners, residents, developers, predecessors in interest, vendors, contractors, and local businesses.

INTERROGATORY NO. 23: Describe in detail when the Opposer was made aware of the Applicant and the Applicant Mark.

ANSWER:

Opposer first became aware of Applicant herself when Applicant moved into the "Verde Ridge" community in June, 2012.

It first became aware of incidental uses of the VERDE RIDGE mark by Applicant in or about October, 2014 when seeing the Internet website www.verderidge.com that Opposer believes is owned and or controlled by Applicant, and by seeing on that site certain displays that gave the appearance that this was an official site of Opposer when in fact it was not.

In January, 2015 Applicant sent cease-and-desist letters to Chris Burgess, Jeremy Ledet, Lisa Meseu, Jill Van Mechelen, and Carl Green, copied as Exhibits B through D with the Notice of Opposition. This was brought to the attention of Amanda Dierking, President of Opposer, at which point Opposer began investigating Applicant's trademark claims

INTERROGATORY NO. 24: Identify all surveys Opposer has conducted or has had conducted on its behalf concerning actual confusion or the likelihood of confusion by or between Opposer and Applicant, Opposer Mark and Applicant Mark, and/or Opposer's products and services and Applicant's products and services.

ANSWER:

Opposer has not conducted any surveys as inquired of in this Interrogatory No. 24.

INTERROGATORY NO. 25: Identify all activities through which you provide advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes.

ANSWER:

Opposer incorporates its answer to Interrogatory No. 1, 12 and 15.

INTERROGATORY NO. 26: Identify all persons who participated in the search for or preparation of answers or responses to each of the interrogatories, document requests, and requests for admissions in the first sets of discovery Opposer served to Registrant, including the corresponding interrogatory, document request, and/or request for admission numbers for each person.

ANSWER:

VERDE RIDGE Board members: Amanda Dierking, Teresa Bhoj, Jeff Hosford, Nelson Wolbert, and Andrew Magnus, with assistance from Kevin Markow, Becker & Poliakoff, 1 East Broward Blvd., Suite 1800, Ft. Lauderdale, FL 33301; and Walter Kubitz, Becker & Poliakoff, 8955 Center Street, Manassas, VA 20110.

VERIFICATION

Under penalty of perjury under the laws of the United States of America and the State of Florida, I declare that I have read the foregoing and that the facts alleged therein are true and correct to the best of my knowledge and belief. I understand that a false statement in this Verification will subject me to penalties of perjury.

By: _____
Verde Ridge Homeowners Association, Inc.

Date: October 20, 2016



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ACTIVE: V21767/373688-9054334_1

Investigating Applicant's trademark claims

INTERROGATORY NO. 24: Identify all surveys Opposer has conducted or has had conducted on its behalf concerning actual confusion or the likelihood of confusion by or between Opposer and Applicant, Opposer Mark and Applicant Mark, and/or Opposer's products and services and Applicant's products and services.

ANSWER:

Opposer has not conducted any surveys as inquired of in this Interrogatory No. 24.

INTERROGATORY NO. 25: Identify all activities through which you provide advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes.

ANSWER:

Opposer incorporates its answer to Interrogatory No. 1, 12 and 15.

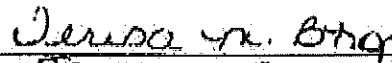
INTERROGATORY NO. 26: Identify all persons who participated in the search for or preparation of answers or responses to each of the interrogatories, document requests, and requests for admissions in the first sets of discovery Opposer served to Registrant, including the corresponding interrogatory, document request, and/or request for admission numbers for each person.

ANSWER:

VERDE RIDGE Board members: Amanda Dierking, Teresa Bhoj, Jeff Hosford, Nelson Wolbert, and Andrew Magnus, with assistance from Kevin Markow, Becker & Pollakoff, 1 East Broward Blvd., Suite 1800, Ft. Lauderdale, FL 33301; and Walter Kubitz, Becker & Pollakoff, 8955 Center Street, Manassas, VA 20110.

VERIFICATION

Under penalty of perjury under the laws of the United States of America and the State of Florida, I declare that I have read the foregoing and that the facts alleged therein are true and correct to the best of my knowledge and belief. I understand that a false statement in this Verification will subject me to penalties of perjury.


By: Teresa M. Bhoj
Verde Ridge Homeowners Association, Inc.

Date: October 20th, 2016


Kevin Markow, Esq.

EXHIBIT C

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

Verde Ridge Homeowners Association, Inc.)	Opposition No.: 91225523
)	
Plaintiff,)	
vs.)	
)	
Alicea, Bonnie)	
)	
Defendant)	
)	
)	
)	
)	

DEFENDANT'S FIRST DOCUMENT REQUEST

Pursuant to Fed. R. Civ. P. 34 and T.M.R.P. §2.120, Bonnie Alicea ("Defendant" or "Applicant" or "Giovannetti") hereby requests that Verde Ridge Homeowners Association, Inc. ("Plaintiff" or "Opposer") respond to the following requests for production within 30 days of service, and produce each of the requested categories of documents and things for inspection within a reasonable time, or at such time and manner as counsel for both parties may mutually agree upon.

INSTRUCTIONS

1. Pursuant to Fed. R. Civ. P. 34(b), please produce documents as they are kept in the usual course of business or organized and labeled to correspond with the number of each request to which a produced document is responsive.
2. Please produce all documents within the control of Opposer, regardless of whether such documents are possessed directly by Opposer or by any parent, subsidiary,

affiliated entity, officers, directors, employees, agents, representatives, present or former contractors, consultants or attorneys of Opposer.

3. For all documents called for by these requests, please produce together with such documents all file folders holding such documents, including all identifying tabs or labels on such folders.

4. Please perform selection of documents from the files and other sources and number such documents in such a manner as to enable the source and original location of each document to be determined.

5. Please do not separate documents attached to each other.

6. Please produce electronic records or computerized information in an intelligible format or together with a description of the system from which it was derived sufficient to permit the materials to be rendered intelligible.

7. With respect to each document or thing that Opposer contends is privileged or otherwise excludable from discovery, please make the claim expressly and describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable Elliott to assess the applicability of the privilege or protection.

DEFINITIONS

1. "Including" means "including but not limited to."

2. "Communication" and variants thereof mean any transfer of information, ideas, opinions, or thoughts made by any means, at any time or place, under any circumstance. "Communication" is not limited to direct transfers between persons but includes other transfers and memorializations, such as records and memoranda to the file. "Communication" may be

embodied in any means or media, including writing, computer-readable files, electronic mail, voice mail, digital recordings, or sound recordings.

3. "Person" means any individual, partnership, corporation, firm, association, or other business, governmental, or legal entity.

4. "Document" means, in the broadest sense, all forms of tangible expression, including those falling within the scope of Fed. R. Civ. P. 34; any written, typed, punched, encoded, printed, recorded, magnetic, graphic, or photographic material, however produced, recorded, or reproduced; any recording of any oral material; any sound or visual recording; any drawing, sketch, or schematic rendering or other descriptive materials; any retrievable data or information, however stored, recorded, or coded; any electronic mail or other computer-generated messages or communications; any Internet domain, website, web page, or file; or any non-identical copies of any of the above.

5. "And" and "or" should be construed as both disjunctive and conjunctive, as needed, and shall not be unreasonably construed so as to exclude from the scope of a request any matter that would reasonably be within its scope.

6. "Each," "every," "any," and "all," should be construed as inclusively as necessary, and shall not be unreasonably construed so as to exclude from the scope of a request any matter that would reasonably be within its scope.

7. Any word written in the singular shall be reasonably construed as plural, and vice-versa, and shall not be unreasonably construed so as to exclude from the scope of a request any matter that would reasonably be within its scope.

8. "Identify" means:

- a. With reference to a natural person, furnish information sufficient to enable propounding party to know the identity of and to locate the person, including, to the extent the information is available, the full name and present or last known address and business address of the person.
 - b. With reference to an entity, furnish information sufficient to enable propounding party to know the identity of and to locate the entity, including, to the extent the information is available, the present or last known full name, corporate or business form, and business address of the entity or of any successor entity.
9. "Alicea Mark" or "Applicant Mark" means any mark that is protected by, or whose use is the basis of any of the following:
 - a. Serial No. 86499294: VERDE RIDGE.
10. "Opposer Mark" means any mark that is protected by, or whose use is the basis of any of the following:
 - a. Common-law use of VERDE RIDGE, as defined by paragraph 2 of the Notice of Opposition.

REQUESTS FOR PRODUCTION

1. All documents relating to due diligence of this proceeding.
2. All documents helping to answer any questions in **DEFENDANT'S**

FIRST SET OF INTERROGATORIES.

3. All documents helping to answer any paragraphs in **DEFENDANT'S FIRST REQUESTS TO ADMIT**.

4. All documents relating to the sale of goods or services represented by the Opposer Mark.

5. All documents relating to the marketing of goods or services represented by the Opposer Mark.

6. Documents that are representative samples of your actual or intended uses of the Opposer Mark, including representative samples from any website (including social media sites) using the Opposer Mark, as well as each different television, radio, internet, printed, or other advertisement that you have run, for Opposer Mark and/or for products and services offered or planned to be offered under those marks. Photographs or color copies may be produced where the production of a sample is impossible or impractical under the circumstances.

7. All documents relating to the licenses of the Opposer Mark that you have granted.

8. All documents relating to the sale of products that the Opposer Mark represents.

9. All documents relating to the connotation the Opposer Mark represents.

10. Documents sufficient to establish the date that you first used the Opposer Mark on or in connection with each product or service you offer or have offered under such mark.

11. Documents sufficient to show the channels of trade through which you sell or provide, have sold or provided, or have plans to sell or provide, products and/or services under the Opposer Mark, and the class of customer for each such product and/or service.

12. Produce each survey, pilot test, focus group, or other form of consumer or market research conducted by or on behalf of the Opposer concerning the Opposer Mark, or Applicant's Mark, or to those products or services Opposer offers or plans to offer under the Opposer Mark.

13. Produce any marketing surveys that Opposer has performed in relationship to Opposer Mark.

14. Produce all documents concerning any instance in which you have objected in any way to a third party's use, registration, or application for registration of a mark, product name, or designation that you claimed was confusingly similar to the Registrant Mark, including all documents showing the outcome of any such objection.

15. Produce all documents concerning any instances in which a third party has objected in any way to your use, registration, or application for registration of the Opposer Mark.

16. Produce all documents concerning any third-party marks or names that you contend are relevant to this proceeding.

17. Produce all documents related to the goods/services of advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes.

18. Produce all documents related to the relationship between the goods/services that Opposer sells and advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes.

Dated: August 26, 2016

/s/ Anthony M. Verna III
Anthony M. Verna III, Esq
Verna Law, P.C.

80 Theodore Fremd Ave.
Rye, NY 10580

Anthony M. Verna III, Esq.
Verna Law, P.C.
80 Theodore Fremd Ave.
Rye, NY 10580

IN THE TRADEMARK TRIAL AND APPEALS BOARD

Verde Ridge Homeowners Association, Inc.)	Opposition No.: 91225523
)	
Plaintiff,)	
vs.)	
)	
Alicea, Bonnie)	
)	
Defendant)	
)	
)	
)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 26th day of August, 2016, a copy of the foregoing Request was served via First Class Mail, postage prepaid, on the following:

Walter E. Kubitz; Kevin N. Markow
Becker & Poliakoff, P.A.
8955 Center Street
Manassas, VA 20110

Respectfully submitted,
Dated this August 26, 2016

/s/ Anthony M. Verna III
Anthony M. Verna III, Esq.
Verna Law, P.C.
80 Theodore Fremd Ave.
Rye, NY 10580

EXHIBIT D

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

VERDE RIDGE HOMEOWNERS
ASSOCIATION, INC.,

Opposer,

V.

BONNIE ALICEA,

Applicant.

Opposition No: 91225523

**OPPOSER'S RESPONSE TO APPLICANT, BONNIE ALICEA'S, FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS**

Applicant's First Request for Production and states:

PRELIMINARY STATEMENT

1. All documents which are to be produced pursuant to this Response shall be available for inspection and/or copying at the Law Offices of Becker & Poliakoff, LLP, 1 East Broward Blvd., 18th Floor, Ft. Lauderdale, FL 33301 during regular business hours upon reasonable notice, or alternatively, as they are maintained in the ordinary course of business. In lieu of inspecting and/or copying the requested documents in person, Applicant may request a diskette(s) or electronic file containing the requested documents as they are maintained in the ordinary course of business.

2. Opposer is continuing to pursue an investigation and analysis of the facts and the law pertaining to this action and have not yet completed such investigation. Thus, the responses set forth herein are given without prejudice to its right to subsequently produce relevant documents

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1 EAST BROWARD BLVD., SUITE 1800 • FT. LAUDERDALE, FL. 33301
TELEPHONE (954) 987-7550

or to add, modify or otherwise change or amend responses made herein. The information contained in these responses is also subject to correction for omissions or errors. A response to any Request does not constitute an agreement to any descriptions, allegations, or characterizations contained in any Request.

3. No incidental or implied admissions of fact are intended by the responses below. Opposer's submission of these responses does not admit the relevance or materiality of the subject matter of the requested documents. Opposer's objections are made expressly subject to, and without waiver of any objections to competency, relevancy, materiality, privilege, or admissibility as evidence or for any other purpose of any to the responses given herein, or of the subject matter thereof, in any proceeding. The objections are also made subject to Opposer's right to object to any further discovery involving or relating to the subject matter of the Requests.

4. Plaintiff's agreement to produce a document or category of documents below does not mean that such a document exists or is in Plaintiff's possession, custody or control.

5. This preliminary statement is incorporated into each of the responses set forth below.

GENERAL OBJECTIONS

1. Plaintiff objects to the "Definitions" and "Instructions" set forth in the Requests to the extent that they seek to impose on Plaintiff any duties or requirements in excess of those specified by applicable law or rule, including, but not limited to, those specified in the Federal Rules of Civil Procedure, regulations and controlling law in this matter.

2. Opposer objects to the breadth of the information sought in the Requests as overbroad, vague, unduly burdensome, harassing, irrelevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence.

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3. Opposer objects to disclosure of any documents to the extent that they call for Plaintiff to divulge information protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege or protection available under state statutory, constitutional or common law. The inadvertent disclosure of such information in response to any of the Requests shall not be deemed a waiver of the applicable privilege or protection.

4. Opposer objects to the Requests to the extent that they purport to impose discovery obligations that differ from or exceed the discovery obligations imposed by the Federal Rules of Civil Procedure and other controlling law.

5. Opposer objects to these Requests to the extent they are directed to, or seek to impose upon Opposer, an obligation to seek or respond with information from any person or entity other than Opposer, including those not employed by it or otherwise under Opposer's control.

6. Opposer responds to these Requests based on a review of sources that are known or reasonably available to it and reasonably likely to have responsive and relevant information.

7. Opposer objects to these Requests to the extent they seek a legal conclusion and/or present a question of law.

8. Opposer objects to these Requests to the extent they call for a premature expert opinion.

9. Opposer objects to the Requests to the extent that they call for information more practically and easily obtained through other methods of discovery.

10. Opposer objects to the Requests to the extent that they purport to seek information more properly sought from persons or entities other than Opposer or concern documents created by persons other than Opposer.

12. Opposer objects to any Requests that seek disclosure of documents that are matters of public record, for which the burden of production of Applicant is equal to that of Opposer. Any such request will be viewed as harassing, and Applicant and its counsel are directed to seek production of the requested documents from the appropriate public records.

13. Opposer objects to the Requests to the extent that they purport to seek documentation which is in the possession, custody, or control of Applicant.

14. These objections and limitations are incorporated by reference into each of the responses set forth below. The assertion of the same, similar or additional objections in Opposer's specific objections to individual Document Requests, or the failure to assert any additional objections to a particular Document Request, does not waive any of Opposer's objections set forth in this section or the following sections.

Individual Responses

1. Opposer objects to the request set forth in paragraph 1. Documents responsive to this request are protected by the Attorney-Client Privilege. The request is also vague, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence.

2. Documents in Opposer's possession, custody or control responsive to request number 2, will be produced.

3. Documents in Opposer's possession, custody or control responsive to request number 3, will be produced.

4. Opposer objects to the request set forth in paragraph 4. This request is vague, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer will produce reasonable documents responsive to this request in its possession, custody or control; however the request as phrased is objectionable as stated,

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5. Documents in Opposer's possession, custody or control responsive to request number 5, will be produced.

6. Documents in Opposer's possession, custody or control responsive to request number 6, will be produced.

7. Opposer is not in possession, custody or control of any documents responsive to request number 7.

8. Opposer objects to the request set forth in paragraph 8. This request is vague, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer will produce reasonable documents responsive to this request in its possession, custody or control; however the request as phrased is objectionable as stated.

9. Opposer objects to the request set forth in paragraph 9 due to vagueness. To the extent the request seeks documents relating to the meaning of the Verde Ridge mark Opposer is not currently in possession, custody or control of any documents.

10. Documents in Opposer's possession, custody or control responsive to request number 10, will be produced.

11. Documents in Opposer's possession, custody or control responsive to request number 11, will be produced.

12. Opposer is not in possession, custody or control of any documents responsive to request number 12.

13. Opposer is not in possession, custody or control of any documents responsive to request number 13.

14. Opposer is not in possession, custody or control of any documents responsive to request number 14.

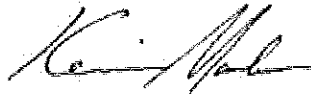
15. Documents in Opposer's possession, custody or control responsive to request number 15, will be produced.

16. Documents in Opposer's possession, custody or control responsive to request number 16, will be produced.

17. Opposer objects to the request set forth in paragraph 17. This request is vague, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer will produce reasonable documents responsive to this request in its possession, custody or control; however the request as phrased is objectionable.

18. Opposer objects to the request set forth in paragraph 18. This request is vague, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. To the extent this request seeks documents regarding marketing, networking, or promotion in connection with Opposer and its mark, Opposer will produce reasonable documents responsive to this request in its possession, custody or control; however the request as phrased is objectionable as stated.

Respectfully submitted,



Date: October 20, 2016

Kevin Markow, Esq.
Walter Kubitz, Esq.
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Fort Lauderdale, Florida 33301
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e-mail: KMarkow@bplegal.com; efile@4patent.com

Attorneys for Opposer
VERDE RIDGE HOMEOWNERS ASSOCIATION, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on this 20 day of October, 2016, the original of this OPPOSER'S RESPONSE TO APPLICANT, BONNIE ALICEA'S, FIRST REQUEST FOR PRODUCTION OF DOCUMENTS is being served on Applicant's counsel at his address of record, by first class mail, postage prepaid, correctly and legibly addressed, to Anthony M. Verna III, Esq., Verna Law, P.C., 80 Theodore Fremd Dr., Rye, NY 10580, and by electronic transmission to Anthony@vernalaw.com.



Date: October 20, 2016

Kevin Markow, Esq.
Walter Kubitz, Esq.
BECKER & POLIAKOFF, P.A.

ACTIVE: V21767/373688-9049338_1

Trademark Trial and Appeal Board Electronic Filing System. <http://esfta.uspto.gov>

ESTTA Tracking number: **ESTTA890194**

Filing date: **04/16/2018**

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

Proceeding	91225523
Party	Defendant Bonnie Alicea
Correspondence Address	ANTHONY M VERNA III VERNA LAW PC 80 THEODORE FREMD AVE RYE, NY 10580-2891 UNITED STATES Email: anthony@vernalaw.com
Submission	Other Motions/Papers
Filer's Name	Anthony M. Verna III
Filer's email	anthony@vernalaw.com
Signature	/s Anthony M. Verna III s/
Date	04/16/2018
Attachments	Applicant Declaration - Alicea.pdf(2618073 bytes)