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

Proceeding no.	91301494
Party	Defendant Watermark Properties, LLC
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UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Brooks Sports, Inc., Opposer, v. Watermark Properties, LLC, Applicant.	Opposition No. 91301494 Application Serial No. 98940352 Mark: ADRENALINE FIEND

APPLICANT'S MOTION TO
QUASH DEPOSITION NOTICE FOR LACK OF REASONABLE NOTICE

Applicant Watermark Properties, LLC respectfully moves the Board pursuant to Federal Rules of Civil Procedure 26(c) and 30(b)(1) to quash Opposer's Notice of Remote Deposition of Corporate Representative served on July 24, 2026, scheduling a Rule 30(b)(6) deposition for August 4, 2026. Opposer provided only seven business days' notice for a deposition on the day before the end of the discovery period during a typical vacation period, designated 26 complex topics requiring substantial preparation and document review, provided no advance warning or coordination of the deposition date, and has thereby deprived Applicant of the reasonable notice required by the Federal Rules.

I. INTRODUCTION

Opposer has scheduled a Rule 30(b)(6) deposition for August 4, 2026—the eve of the discovery deadline —on a sweeping list of 26 complex topics covering virtually every aspect of this opposition. This schedule provides only seven business days' notice for a deposition requiring extensive document review, witness identification and preparation across topics ranging from corporate structure and trademark searches to financial projections and affirmative defenses. Opposer made no effort to coordinate the deposition date with Applicant before unilaterally setting it for the discovery deadline. The notice came as a complete surprise to Applicant's counsel, who had received no advance warning or consultation regarding the timing or scheduling of the deposition. The notice violates Federal Rule of Civil Procedure 30(b)(1)'s requirement of reasonable written notice and should be quashed.

II. LEGAL STANDARD

Federal Rule of Civil Procedure 30(b)(1) requires that a party "give reasonable written notice to every other party" before taking a deposition. The Rule does not establish a fixed notice period because reasonableness depends on the circumstances of the particular case. *In re Sulfuric Acid Antitrust Litig.*, 231 F.R.D. 320, 327 (N.D. Ill. 2005), citing 8A C. Wright & A. Miller, Federal Practice & Procedure: Civil § 2111 (1994). Courts should consider the time between notice and deposition with an eye toward preparation requirements. *Id.* A notice that fails to provide reasonable time may be quashed or the deposition may be avoided. *Kolon Indus. v. E.I. Dupont De Nemours & Co.*, 748 F.3d 160, 173 (4th Cir. 2014) (5 days' notice not reasonable); TBMP 410.

For Rule 30(b)(6) depositions specifically, the burden on the noticed party is substantial because the corporation must designate and prepare witnesses who are knowledgeable on the identified topics. *Resolution Trust Corp. v. S. Union Co.*, 985 F.2d 196, 197 (5th Cir. 1993). The reasonableness of a Rule 30(b)(6) notice turns on the number of topics, the scope of information sought by the topics, the complexity of the case, the amount of time allotted for the deposition, the nature of the subject matter, whether preparation may require expert or attorney input, and whether the information can be obtained more efficiently through other means. *Alvarado-Herrera v. Acuity A Mut. Ins. Co.*, 344 F.R.D. 103, 108 (D. Nev. 2023). The noticed organization cannot meet its obligation if inadequate notice prevents it from identifying the outer limits of the areas of inquiry and preparing compliant witnesses. *Goodyear Tire & Rubber Co. v. Ceva Logistics Singapore, Ltd.*, 348 F.R.D. 54, 72 (E.D. La. 2024). Scheduling a deposition at the discovery cut-off is a sign of unreasonableness. *Sulfuric Acid*, at 327.

Several federal courts have local rules specifying the minimum advance notice for a 30(b)(1) deposition:

- 21 days -- Western District of New York. Local Civil Rule 30(a).
- 14 days -- District of New Mexico. D.N.M. LR-Civ. 30.1
- 14 days (out of state) and 7 days (in-state) -- Southern District of Florida . S.D. Fla. L.R. 26.1.
- 11 days -- District of Colorado.
- 5 days – District of the District of Columbia. LCvR 30.1.

While a shorter period might be sufficient for an individual Rule 30(b)(1) witness, it may not be sufficient for a Rule 30(b)(6) deposition. *Kendall v. Doe*, 2023 U.S. Dist. LEXIS 41484 (D. Mass. 2023).

III. STATEMENT OF FACTS

Opposer Brooks Sports, Inc. filed its opposition here on September 3, 2025. 1 TTABVUE. Opposer is a regular before the Board – a simple search of TTABVUE shows over 250 cases. While some of these could be duplicates -- extensions of time to oppose followed by an opposition – it nonetheless is impressive.

Discovery in this case opened more than 19 months ago, on December 4, 2025. 2 TTABVUE 3. On the afternoon of Friday, July 24, 2026, Opposer served Applicant with a Notice of Remote Deposition of Corporate Representative pursuant to Federal Rule of Civil Procedure 30(b)(6). Sereboff decl. ¶ 4. The notice scheduled the deposition for August 4, 2026, at 9:30 AM PST via Zoom. Sereboff decl. ¶ 5. This was Opposer's first and only deposition notice in this proceeding. Sereboff decl. ¶ 6. August 5, 2026 is the final day of the discovery period in this opposition. 9 TTABVUE 1 (dates approved by the Board, 10 TTABVUE 1).

Opposer provided no advance warning or coordination regarding the deposition date before serving the notice. The notice came as a complete surprise to Applicant's counsel. Sereboff decl. ¶ 7. Opposer made no effort to contact Applicant's counsel or anyone else at their firm to coordinate a mutually convenient deposition date, did not propose any alternative dates, did not inquire about Applicant's availability, and did not engage in any pre-notice consultation regarding the timing or scheduling of the deposition. Sereboff decl. ¶¶ 7, 8. Aside from serving its first round of discovery requests, Opposer has had no communication with Applicant regarding its desire for discovery from Applicant. Sereboff decl. ¶ 7.

The notice designates 26 separate deposition topics spanning 2½ pages. Exh. 1 to Sereboff decl. The topics are sweeping and complex. They include all studies and opinions relating to Applicant's Mark and Goods (Topic 1); Applicant's use and intended use in commerce (Topic 2); advertising plans, strategies, and advertisements in all media outlets (Topics 3-4); all third-party relationships and communications related to distribution and advertisement (Topic 5); circumstances and communications relating to selection, adoption, and revisions of the Mark (Topic 6); all searches conducted before development and selection (Topic 7); all factual information supporting Applicant's rights and distinctiveness claims (Topics 8-9); all customer

comments and opinions (Topic 10); the first time Applicant became aware of Opposer and all inspection and research into Opposer (Topics 11-12); all internal and third-party communications about Opposer (Topic 13); all studies, tests, documents, and opinions related to Opposer (Topic 14); actual or likelihood of confusion and dilution (Topics 15-16); market interface (Topic 17); sales and financial documents (Topic 18); internal profit and loss statements, balance sheets, income statements, projections, forecasts, business plans, cost accounting methods, contract bid documents, proposals, and sales (Topic 19); trade channels and target marketing (Topic 20); all factual information supporting affirmative defenses (Topic 21); all discussions, information, and documents that refer or relate to any claims in the proceeding (Topic 22); activities in connection with trademark, tradename, or business filings with the USPTO or state offices (Topic 23); the relevance and substance of all documents produced by Applicant (Topic 24); corporate ownership and organizational structure including all officers, directors, executives, parent corporations, subsidiaries, and related entities (Topic 25); and information discussed in Applicant's Answer (Topic 26).

Many of these topics require review of financial records, trademark search databases, advertising materials across multiple platforms, internal communications spanning the history of the mark, third-party distribution agreements, and legal analysis of affirmative defenses and claim elements. Applicant received the notice on July 24, 2026, providing only seven business days before the August 4, 2026 deposition date. In the seven business days afforded by Opposer's notice, Applicant's counsel cannot reasonably carry the burden of identifying knowledgeable witnesses and preparing them to give complete, knowledgeable, and binding testimony on 26 sweeping topics spanning the entire case on subjects ranging from corporate structure and financial projections to likelihood of confusion and affirmative defenses.

Applicant is a small business with one executive officer. Sereboff decl. ¶ 10. That critical person has already been unavailable for four of the eleven calendar days of the notice period – critical time for preparing for the deposition. *Id.*

The deposition as noticed also places a particularly heavy burden on Applicant's counsel. Sereboff decl. ¶ 11. Applicant's counsel is scheduled to be off of work and out of town with non-refundable plane tickets doing time-sensitive volunteer work. *Id.*

IV. ARGUMENT

The Board's guidance urges cooperation between the parties regarding discovery. Regarding depositions, the Board advises:

> As a matter of convenience and courtesy and to avoid scheduling conflicts, the parties should attempt to schedule depositions by agreement rather than have the deposing party unilaterally set a deposition date. However, it is not unusual for the deposing party to notice a deposition and subsequently discuss alternative dates with the party to be deposed.

Trademark Trial and Appeal Board Manual of Procedure (TBMP) 404.01. The guidance continues:

> It is strongly recommended that the deposing party contact the party sought to be deposed (or whose officer, director, etc., is sought to be deposed) well in advance of the proposed deposition in order to arrange a mutually convenient time for the deposition. The closing of a party's discovery period does not constitute a compelling need for failing to provide reasonable notice of deposition.

TBMP 404.05.

Opposer, with over 250 cases before the Board, surely knows this well. Opposer surely also knows the Board's distaste for shenanigans and gaming. Therefore, while the Board might sometimes give a party some leeway, this is not one of those situations.

A. The Notice Provides Insufficient Time for Applicant to Prepare Its Rule 30(b)(6) Deponent

The seven business days' notice Opposer has provided is insufficient under the circumstances of this case.[1] Courts have repeatedly found that comparable or longer notice periods fail to satisfy Rule 30(b)(1)'s reasonableness requirement when the deposition is complex or occurs immediately before the discovery deadline.

Here, Opposer's seven business days' notice, starting on a Friday afternoon, falls short of even the minimal benchmarks courts have recognized. Federal courts have routinely held that short notice periods are insufficient and unreasonable for Federal Rule of Civil Procedure 30(b)(6)

[1] Applicant recognizes that the Board counts calendar days, not business days. *Sunrider Corp. v. Raats*, No. 91156417, 83 USPQ2d 1648, 1653 (TTAB 2007). However, unless the Board is expecting Applicant and its counsel to work on four consecutive weekend days – a period which is more than 1/3 of the notice period -- the proper measure of reasonableness here is business days.

depositions, particularly because the responding entity requires adequate time to identify, designate, and prepare a corporate representative to testify on the listed topics. One court held that ten calendar days' notice was not reasonable for a Rule 30(b)(6) deposition. *Kilby v. CVS Pharmacy, Inc.*, 2017 U.S. Dist. LEXIS 63502 (S.D. Cal. 2017). Another court held that "nine days' notice is not reasonable for a Rule 30(b)(6) deposition." *Mancuso v. USAA Sav. Bank*, 2021 U.S. Dist. LEXIS 51078 (D. Nev. 2021) (over 30 different topics). Another stated, "Seven business days is not reasonable notice" to prepare a witness to testify on fourteen topics and thirteen sub-topics; even nine business days would not have been enough. *Nieman v. Grange Mut. Ins. Co.*, 2012 U.S. Dist. LEXIS 160753 (C.D. Ill. 2012).

Here, Opposer's seven business days' notice, starting on a Friday afternoon, falls short of even the minimal benchmarks courts have recognized. Rule 30(b)(6) depositions usually need more notice, so a Rule 30(b)(1) deposition can have a shorter notice period. *Kendall v. Doe*, 2023 U.S. Dist. LEXIS 41484 (D. Mass. 2023). Compared to the local rules for Rule 30(b)(1) notices, the seven business days here clearly is unreasonable.

This case presents precisely the circumstances that render short notice unreasonable. The deposition is scheduled for the eve of the discovery deadline, eliminating any margin for error or follow-up. The 26 topics are extraordinarily broad and complex, requiring Applicant to review trademark searches, financial records, advertising materials, third-party agreements, internal communications, and legal defenses. Many topics demand attorney input to prepare the witness on legal concepts such as likelihood of confusion, dilution, and the relevance of produced documents. Applicant must identify which officer, director or employee is most knowledgeable on each topic—or identify multiple designees if no single person possesses the requisite knowledge—and then prepare each designee to testify comprehensively and accurately.

The Rule 30(b)(6) burden is substantial because the corporation must designate and prepare witnesses who are knowledgeable, and failure to do so can result in sanctions under Rule 37(d) as if the corporation failed to appear. *Resolution Trust Corp. v. S. Union Co.*, 985 F.2d 196 (5th Cir. 1993). To meet this obligation, Applicant must review readily available records, identify knowledgeable individuals, and ensure those individuals are prepared to give complete, knowledgeable, and binding answers. *Id.* Seven business days is insufficient to discharge this duty when the topics span the entire case and require extensive document review and legal analysis.

B. The Scope and Complexity of the 26 Topics Render the Notice Unreasonably Burdensome

The reasonableness of a Rule 30(b)(6) notice turns on the number of topics, the scope of information sought, the complexity of the case, the nature of the subject matter, whether preparation requires expert or attorney input, and whether the information can be obtained more efficiently through other means. *Alvarado-Herrera v. Acuity A Mut. Ins. Co*., 344 F.R.D. 103 (D. Nev. 2023). Courts have found Rule 30(b)(6) notices with fewer topics excessive when the topics are expansive or the preparation burden is substantial.

In *HVI Cat Canyon*, a notice with 61 topics in an undisputedly complex environmental case with a 21-hour deposition limit was found unreasonably excessive. *United States v. HVI Cat Canyon, Inc.*, 2016 U.S. Dist. LEXIS 200353 (C.D. Cal. 2016). In more straightforward cases, courts have found significantly slimmer notices excessive, such as a notice with 22 topics in a mortgage dispute. *Alvarado-Herrera*, 344 F.R.D. 103.

Here, Opposer's 26 topics are not merely numerous — they are sweeping in scope, overlapping in coverage and redundant with Opposer's prior discovery requests. Topic 1 seeks all studies and opinions relating to the Mark and Goods. Topic 8 demands all factual information supporting Applicant's rights to the Mark. Topic 9 seeks all factual information supporting distinctiveness. Topic 21 covers all factual information supporting affirmative defenses. Topic 22 encompasses all discussions, information, and documents that refer or relate to any claims in the proceeding. Topic 24 asks for the relevance and substance of all documents produced by Applicant. Each of these topics, standing alone, could require days of preparation and review.

The financial topics are equally expansive. Topic 19 seeks internal profit and loss statements, balance sheets, income statements, projections, forecasts, business plans, cost accounting methods, contract bid documents, proposals, and sales relating to the Mark and Goods. This single topic requires Applicant to marshal and understand potentially years of financial records across multiple categories of documents.

The topics relating to Opposer add another layer of complexity. Topics 11 through 14 cover the first time Applicant became aware of Opposer, all inspection and research into Opposer, all communications about Opposer, and all studies, tests, documents, and opinions related to Opposer. Topics 15 and 16 require the witness to testify on actual or likelihood of confusion and dilution—legal standards that require attorney input to prepare a lay witness to address.

The notice also demands testimony on corporate structure, including all officers, directors, executives, parent corporations, subsidiaries, and related entities (Topic 25); all third-party relationships and communications (Topic 5); and activities in connection with trademark, tradename, or business filings with the USPTO or state offices (Topic 23).

For Rule 30(b)(6) to effectively function, the requesting party must designate with "painstaking specificity" the particular subject areas that are intended to be questioned and that are relevant to the issues in dispute. *Hartford Fire Ins. Co. v. P & H Cattle Co.*, 2009 U.S. Dist. LEXIS 82667 (D. Kan. 2009) (frequently cited by other courts). Otherwise, an overly broad notice subjects the noticed party to an impossible task because, if the noticed organization cannot identify the outer limits of the areas of inquiry, compliant designation is not feasible. *Id.* A Rule 30(b)(6) deposition notice is subject to the limitations under Federal Rule 26—deposition topics should be proportional to the needs of the case, not unduly burdensome or duplicative, and described with reasonable particularity. *Id.*

Opposer's 26 topics fail these standards. They are not described with painstaking specificity; instead, they sweep broadly across "all" factual information, "all" studies, "all" communications, and "all" documents. They are duplicative and overlapping—Topics 1, 8, 9, 21, 22, and 24 all seek factual information supporting Applicant's case, and Topics 11 through 14 all relate to Applicant's knowledge of Opposer. They are disproportionate to the needs of a trademark opposition, demanding testimony on internal financial projections, cost accounting methods, and contract bid documents that have marginal relevance to the likelihood-of-confusion analysis.

Opposer's topics largely recapitulates the written discovery already served -- interrogatories, requests for production and requests for admission, all served more than six months ago, on January 12, 2026. Exh. 2-4 to Sereboff decl. Many topics seek the same facts, documents, or admissions already covered, just in oral form from a corporate designee. The topics with high / direct overlaps are:

- Topic 2 redundant with ROG 2, ROG 10, ROG 19, RFP 1, RFP 9 and RFAs 4–13.
- Topic 3 and Topic 4 are redundant with ROG 2, ROG 9, ROG 15, RFP 3, RFP 7 and RFP 18.
- Topic 5 is redundant with ROG 20–21 and RFP 8.
- Topic 6 is redundant with ROG 3, ROG 5, RFP 15 and RFP 16.

- Topic 7 is redundant with ROG 22 and RFP 11.
- Topic 11 is redundant with ROG 16–17, RFP 20–21 and RFA 14.
- Topic 12 overlaps ROG 16–17, RFP 17 and RFP 20–21.
- Topic 13 is redundant with ROG 18, RFP 23 and RFP 24.
- Topic 18 and Topic 19 overlap ROG 13–15, RFP 2 and RFP 5.
- Topic 20 is redundant with ROG 6–7, ROG 11–12 and RFA 16 .
- Topic 23 overlaps RFP 12.
- Topic 24 is redundant with the entire document production, especially RFP 13–14, and with RFAs 1–3.
- Topic 26 overlaps RFP 13.

The topics with Moderate / Partial Overlaps are:

- Topic 1 and Topic 14 overlap with RFP 17, 20–21 and 25–26.
- Topic 8 and Topic 9 overlap RFP 28, ROG 5 and RFP 15.
- Topic 10 overlaps with ROG 11.
- Topic 15 and Topic 16 overlap RFP 25–26.
- Topic 17 overlaps ROG 6-7, ROG 11–12 and RFA 16.
- Topic 21 and Topic 22 are redundant with RFP 28 and RFPs 13–14.
- Topic 25 overlaps with ROG 1, ROG 3 and ROG 10.

When the number and scope of topics is combined with the seven business days' notice and their redundancy with Opposer's prior discovery requests, the burden becomes unreasonable as a matter of law. Applicant cannot identify knowledgeable witnesses, review the necessary documents, and prepare those witnesses to give complete and binding testimony on 26 sprawling topics in seven business days.

C. Opposer's Failure to Coordinate the Deposition Date Demonstrates that the Notice is Unreasonable

Courts consider whether the noticing party made efforts to coordinate the deposition date with opposing counsel. In *Paul v. WinCo Holdings, Inc.*, the court permitted a deposition scheduled eight business days before the discovery cutoff in part because the defendant had reached out to plaintiff and requested that she identify available dates within a three-week period, and only after several failed attempts to allow her to pick a date did defendant notice the deposition for six weeks in the future. *Paul v. WinCo Holdings, Inc.*, 249 F.R.D. 643 (D. Id. 2008). The court found that

the defendant's multiple attempts to find a convenient date and generous notice period of six weeks were well within the boundaries of reasonable notice. *Id.*

Here, Opposer made no effort whatsoever to coordinate the deposition date with Applicant before serving the notice. Aside from serving its first round of discovery requests, Opposer had no communication with Applicant regarding its desire for discovery from Applicant. For this deposition, Opposer did not propose dates, inquire about Applicant's availability, or engage in any pre-notice consultation. Instead, Opposer unilaterally scheduled the deposition for the eve of the discovery deadline and served the notice seven business days before that date. This lack of coordination, combined with the minimal notice period, demonstrates that Opposer's notice is unreasonable.

The surprise timing further prejudices Applicant. Discovery in this proceeding has been open for more than 19 months, yet Opposer waited until the final week and more than six months after serving interrogatories, requests for admission and requests for production to notice its sole Rule 30(b)(6) deposition. This 19-month delay, followed by an ambush notice on a Friday afternoon providing only seven business days to prepare for 26 complex topics, reveals a litigation strategy designed to maximize pressure on Applicant rather than facilitate orderly discovery.

The notice places a subjectively unreasonably burden on Applicant and its counsel. Applicant's sole executive has been unavailable since the date the notice was issued, so critical preparation time has already been lost. The scheduled deposition date falls within a period when Applicant's counsel is traveling, off of work volunteering in a poorly funded school, with non-refundable plane tickets. Opposer had 19 months to notice the deposition, so giving seven business days' notice for the eve of the discovery deadline is a further unreasonable burden on Applicant.

D. Scheduling the Deposition at the Discovery Deadline Compounds the Unreasonableness of the Notice

Opposer has scheduled the deposition for August 4, 2026—the eve of the discovery deadline. This timing effectively eliminates any possibility of follow-up discovery, prevents Applicant from seeking relief, and forecloses any opportunity to address scheduling conflicts or emergencies that might arise. See e.g., *In re Sulfuric Acid Antitrust Litig.*, 231 F.R.D. 320 (N.D. Ill. 2005); *Wyles v. Sussman*, 445 F. Supp. 3d 751 (C.D. Cal. 2020).

This timing is not accidental—it is designed to maximize pressure on Applicant and foreclose any meaningful opportunity to challenge the scope or conduct of the deposition. Combined with the seven business days' notice and the 26 complex topics, the deadline-eve scheduling renders the notice unreasonable.

V. CONCLUSION

Opposer's Notice of Remote Deposition violates Federal Rule of Civil Procedure 30(b)(1)'s requirement of reasonable written notice. Seven business days is insufficient time for Applicant to identify knowledgeable witnesses, review the voluminous documents implicated by 26 sweeping topics, and prepare those witnesses to give complete and binding testimony on subjects ranging from corporate structure and financial projections to likelihood of confusion and affirmative defenses. Opposer is a highly experienced litigant before the Board, yet made no effort to coordinate the deposition date before unilaterally scheduling it for the eve of the discovery deadline, eliminating any margin for error or follow-up. The notice is unreasonable as a matter of law and should be quashed.

VI. PRAYER FOR RELIEF

WHEREFORE, Applicant Watermark Properties, LLC respectfully requests that the Board quash Opposer's Notice of Remote Deposition of Corporate Representative served on July 24, 2026.

Respectfully submitted,

July 28, 2026

/s/ Steven C. Sereboff

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Certificate of Service

I hereby certify that a true and complete copy of the foregoing APPLICANT'S MOTION TO QUASH DEPOSITION NOTICE FOR LACK OF REASONABLE NOTICE has been served on Opposer's counsel by forwarding said copy on 07/28/2026 via email to: Govinda.Davis@brooksrunning.com; runningdocket@dinsmore.com; trademarks@brooksrunning.com; helen.calacci@brooksrunning.com.

July 28, 2026 /s/ Nicole Abeloe

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

Brooks Sports, Inc., Opposer, v. Watermark Properties, LLC, Applicant.	Opposition No. 91301494 Application Serial No. 98940352 Mark: ADRENALINE FIEND

DECLARATION OF STEVEN C. SEREBOFF IN SUPPORT OF APPLICANT'S MOTION TO QUASH DEPOSITION NOTICE FOR LACK OF REASONABLE NOTICE

I, STEVEN C. SEREBOFF, declare under penalty of perjury as follows:

1. I am an attorney duly admitted to practice law before the courts of the State of California, Bar Number 156,731, and I am a partner of SoCal IP Law Group LLP, counsel of record for Applicant Watermark Properties, LLC in this opposition proceeding.

2. I am over the age of eighteen years and competent to testify to the matters set forth herein. I have personal knowledge of the facts stated in this declaration and, if called as a witness, I could and would testify competently thereto.

3. I make this declaration in support of Applicant's Motion to Quash Deposition Notice for Lack of Reasonable Notice.

4. On the afternoon of Friday, July 24, 2026, I received Opposer's Notice of Remote Deposition of Corporate Representative for Watermark Properties, LLC via email, which is attached hereto as Exhibit 1.

5. The deposition notice was served pursuant to Federal Rule of Civil Procedure 30(b)(6) and schedules the deposition for August 4, 2026, at 9:30 am.

6. This is Opposer’s first and only deposition notice in this proceeding.

7. The deposition notice came as a complete surprise to me as counsel for Applicant. Prior to serving the notice, Opposer made no effort to contact me or anyone else at my firm to coordinate a mutually convenient deposition date. Aside from serving its first round of discovery requests, Opposer has had no communication with Applicant regarding its desire for discovery from Applicant.

8. Opposer did not propose any alternative dates, inquire about Applicant's availability, or engage in any pre-notice consultation regarding the timing or scheduling of the deposition.

9. In the seven business days afforded by Opposer's notice, I cannot reasonably carry the burden of identifying knowledgeable witnesses and preparing them to give complete, knowledgeable, and binding testimony on 26 sweeping topics spanning the entire case on subjects ranging from corporate structure and financial projections to likelihood of confusion and affirmative defenses.

10. Applicant is a small business with one executive officer. As of the time of filing this motion to quash, I have received no communication from Applicant. In my experience with Applicant, the executive is usually responsive, but notably less so when they are on vacation. Given the time of year, I believe that the executive is on vacation right now.

11. The deposition as noticed places a particularly heavy burden on me as counsel. The date noticed falls squarely in the middle of my own scheduled plans to be away from work: I have a non-refundable flight to visit my daughter, a first grade school teacher. My daughter teaches in a poorly funded school. I am going to visit her for three days to provide her with critical help in setting up her classroom for the new school year. I did last year, too. Time is of the essence with my volunterring in the classroom.

12. Opposer served document requests, interrogatories and requests for admission on January 12, 2026, attached as Exhibits 2, 3 and 4.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true.

July 28, 2026 /s/ Steven C. Sereboff
Steven S. Sereboff

Exhibit 1

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

Brooks Sports, Inc.,	)	
Opposer,	)	Opposition No. 91301494
	)	Ser. No. 98/940,352
vs.	)	Mark: ADRENALINE FIEND
Watermark Properties, LLC,	)	
Applicant.	)	

OPPOSER'S NOTICE OF REMOTE DEPOSITION OF CORPORATE REPRESENTATIVE FOR WATERMARK PROPERTIES, LLC

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6), the undersigned counsel for Opposer, Brooks Sports, Inc. will take the deposition upon oral examination of Applicant, Watermark Properties, LLC, by and through one or more of its officers, directors, managing agents, or other persons designated by Applicant who is most knowledgeable to testify on its behalf as to the subject matter in the attached Exhibit A. Pursuant to Fed. R. Civ. P. 30(b)(4), the deposition will be held virtually via Zoom and will commence on the date set forth below or another date to be mutually agreed upon by the parties.

DEPONENT: Corporate Representative for Applicant, Watermark Properties, LLC
DATE: August 4, 2026
TIME: 9:30 AM PST
LOCATION: Zoom, link to be provided at a later date.

The deposition will be taken under oath before a certified court reporter or notary public duly authorized to administer oaths. The deposition will be recorded by stenographic means and may be video recorded, and the noticing party reserves the right to use the instant visual display of the testimony during the deposition.

EXHIBIT A

DEFINITIONS, INSTRUCTIONS AND DEPOSITION TOPICS

I. DEFINITIONS.

A. As used herein, the term "Applicant," "Watermark," "You" and "Your" includes Watermark Properties, LLC, and all its predecessors in interest, successors in interest, divisions, subsidiaries, and related organizations, and the officers, directors, employees, agents and representatives thereof.

B. As used herein, the term "Opposer" or "Brooks" includes Brooks Sports, Inc., its predecessors in interest, successors in interest, divisions, subsidiaries and related organizations, and the officers, directors, employees, agents and representatives thereof.

C. As used herein, the term "Applicant's Mark" refers to ADRENALINE FIEND, the subject of Application Serial No. 98940352 in the name of Watermark Properties, LLC.

D. As used herein, the term "Applicant's Goods" includes those Class 25 goods which Applicant offers for sale or plans to offer for sale in connection with Applicant's Mark, including but not limited to aprons, hats, hoodies, shoes, shorts, socks, sweatpants, sweatshirts, T-shirts, tank tops, and wristbands as clothing.

E. As used herein, the term "Opposer's Marks" refers to Opposer's registered and common law trademarks for its ADRENALINE and ADRENALINE GTS marks as identified in the Notice of Opposition.

F. As used herein, the term "Opposer's Goods" refers to all of Brooks' goods identified in Opposer's Marks.

G. "Identify" as to natural persons, where not otherwise specified, shall refer to the full name and present or last known address of such person, and the present or last known employer and position held by such person both presently and at the time in question.

H. "Identify" as to any businesses and/or entities, where not otherwise specified, shall refer to the legal name or any trade name or names it may use; its address and principal place of business; and the identification of its chief executive officer or proprietor.

I. As used herein, "and" as well as "or" shall be construed disjunctively and conjunctively as necessary in order to bring within the scope of the request all documents which might otherwise be construed to be outside its scope.

J. "Communication(s)" means any of the following: (i) any letter, memorandum, or e-mail; (ii) any telephone call between two or more persons (whether such was by chance or prearranged, formal or informal); (iii) any conversation or discussion or meeting between two or more persons (whether such conversation was by chance or prearranged, formal or informal); and (iv) any other transmittal of information (in the form of facts, ideas, suggestions, inquiries, responses or otherwise) between two or more persons.

K. "Document(s)" has the broadest meaning consistent with the usage of this term in Federal Rule of Civil Procedure 34(a). "Document" includes, without limitation, any written, printed, typed, stored, photographed, recorded, or otherwise reproduced communication, compilation, or reproduction, including computer or electronically generated or stored information or data, whether asserted privileged or not. A draft or non-identical copy is a separate document within the meaning of this term. "Document" specifically includes all forms of electronically stored information or data.

L. As used herein, the singular shall include the plural and the present tense shall include the past tense and vice versa in order to bring within the scope of the request all information which might otherwise be construed to be outside its scope.

II. TOPICS.

1. All studies and opinions relating to the use of Applicant's Mark and/or Applicant's Goods.

2. Applicant's use and/or intended use in commerce of Applicant's Mark.

3. Applicant's advertising plans and strategies and advertisements of Applicant's Goods in any and all media outlets.

4. Applicant's advertisement of Applicant's Goods in any and all media outlets prior to the commencement of this proceeding.

5. All third party relationships and communications related to the distribution and/or advertisement of Applicant's Goods.

6. The circumstances and communications, whether written or oral, relating to Applicant's selection, adoption, and revisions of Applicant's Mark or any variation thereof to date.

7. All searches conducted before the development and selection of Applicant's Mark.

8. All factual information supporting Applicant's rights to Applicant's Mark.

9. All factual information supporting Applicant's claim that Applicant's Mark is distinctive from Opposer's Marks.

10. All customer comments and opinions, whether written or oral, related to Applicant's Mark and/or Applicant's Goods.

11. The first time Applicant became aware of Opposer and/or Opposer's Marks, including the circumstances and communications, whether written or oral, relating thereto.

12. Applicant's inspection and research, if any, into Opposer and/or Opposer's Marks.

13. Applicant's communications, if any, internally or with any third party about Opposer and/or Opposer's Marks.

14. All studies, tests, documents, and opinions related to Opposer, Opposer's Marks, and/or Opposer's Goods.

15. Actual or likelihood of confusion in the marketplace between any products or goods sold by Applicant and Opposer.

16. Actual or likelihood of dilution to Opposer's Marks by Applicant's use or intended use of Applicant's Mark.

17. The market interface between Applicant and Opposer.

18. Applicant's sales of Applicant's Goods in connection with Applicant's Mark, including any financial documents produced by Applicant.

19. Applicant's internal profit and loss statements, balance sheets, income statements, projections, forecasts, business plans, cost accounting methods, contract bid documents, proposals, and sales relating to Applicant's Mark and/or Applicant's Goods.

20. Applicant's trade channels and target marketing for the sale of the Applicant's Goods.

21. All factual information supporting Applicant's affirmative defenses.

22. All discussions, information, and documents that refer or relate to any or all of the claims in this proceeding.

23. Applicant's activities in connection with trademark, tradename, or business filings made by Applicant with the United States Patent and Trademark Office or with any state Secretary of State offices.

24. The relevance and substance of all documents produced by Applicant in this proceeding.

25. Corporate ownership and organizational structure (including affiliated companies), including all officers, directors, and executives and their respective roles at Watermark Properties, LLC, as well as its parent corporations, subsidiaries and related entities.

26. Information discussed in Applicant's Answer served on Opposer in this proceeding.

Dated: July 24, 2026

Respectfully submitted,

/ *Govinda M. Davis* /

Govinda M. Davis
Corporate Counsel, IP & Litigation
Brooks Sports, Inc.
3400 Stone Way N, 5th Floor
Seattle, WA 98103
Govinda.davis@brooksrunning.com

Attorney for Opposer Brooks Sports, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSER'S NOTICE OF REMOTE DEPOSITION OF CORPORATE REPRESENTATIVE FOR WATERMARK PROPERTIES, LLC has been served upon the following by e-mail as of July 24, 2026:

STEVEN S. SEREBOFF
SOCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD., SUITE 120
WESTLAKE VILLAGE, CA 91362
sseresboff@socalip.com
Attorney for Applicant Watermark Properties, LLC

/*Govinda M. Davis/*
Govinda M. Davis

Exhibit 2

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

Mark: ADRENALINE FIEND
Applicant: WATERMARK PROPERTIES, LLC
Serial No. 98/940,352
Filed: January 6, 2025
Published: June 10, 2025

BROOKS SPORTS, INC., Opposer, v. WATERMARK PROPERTIES, LLC, Applicant.	**Opposition No. 91301494**

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and TBMP § 405.01, Opposer Brooks Sports, Inc., by its attorneys, hereby serves the following interrogatories upon Applicant, Watermark Properties, LLC, to be answered under oath within thirty (30) days of service hereof. If any interrogatory or definition is not clear, promptly contact undersigned counsel and, if possible, the interrogatory or portion thereof will be clarified in a reply letter. Any such reply may be treated as a modification of the request or portion thereof.

DEFINITIONS

1. The terms "Applicant", "you" or "your" mean Watermark Properties, LLC, Applicant in the above-identified proceeding, and all their subsidiaries, predecessors, successors, and/or affiliates thereof, past or present, and all past and present officers, directors, employees, members, managers, agents, consultants, representatives, and/or any other person or entity acting on their behalf.

2. The term "Opposer" means Brooks Sports, Inc., Opposer in the above-identified proceeding.

3. The term "Opposition" means this Opposition Proceeding No. 91301494 filed in the U.S. Patent and Trademark Office Trademark Trial and Appeal Board by Opposer on September 3, 2025.

4. The term "identify" shall mean:

   a. When used with respect to a natural person, to state his or her full name, present or last known address, present or last known business position or affiliation, and present or last known business telephone number;

   b. When used with respect to any other entity, to state its full name, the address of its principal place of business and the name of its chief executive officer;

   c. When used with respect to a document, to state the name or title of the document, the type of document, its subject matter, its number of pages, its date, the identity of the person(s) who authored the document, the identity of the person(s) to whom it was addressed and/or sent, the identity of the person(s) who otherwise saw or received the document, its present location,

and its present custodian;

d. When used with respect to a communication, to state its date, the identity of the person(s) delivering it, the identity of the person(s) to whom it was delivered, the identity of anyone else present when it was delivered, and its content; and

e. When used with respect to a meeting, to identify the date and place of the meeting, the persons invited to attend the meeting, the persons attending the meeting, all other persons having knowledge of the meeting, to state the substance of the subject matter discussed, and to identify each document relating to the meeting or prepared as a consequence thereof.

5. The term "document" shall have the meaning ascribed to it in the Federal Rules of Civil Procedure and shall include, by way of example and not limitation, any tangible thing upon which information is or has been stored, recorded, or communicated, and any written, printed, typed, electronic, and visually or aurally reproduced material of any kind, whether or not privileged, such as (by way of example and not by way of limitation) correspondence, letters, notes, memoranda, diaries, invoices, purchase orders, records, minutes, bills, contracts, agreements, orders, receipts, price lists, studies, drawings or sketches, tapes or discs capable of being mechanically read, films, pictures, photographs, electronic mail, advertising or promotional literature, operating manuals or instructions, bulletins, voice recordings, cables or telegrams, maps, charts, surveys, tape or other recordings, test data, HTML code, website pages and reports; every copy of every such writing or record where the original is not in the possession, custody, or control of Applicant, and every copy of every such writing or record where such copy is not an identical copy of the original or where such copy contains any commentary that does not appear in the original.

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

7. The term "thing" shall mean all tangible objects of any type, composition, construction or nature.

8. The term "person" shall include both natural persons and any corporate or other business entities, legal or governmental entities, or associations, whether or not in Applicant's employ, and the acts and knowledge of a person are defined to include the acts and knowledge of that person's directors, officers, members, employees, representatives, agents and attorneys.

9. The term "concerning" means relating to, referring to, describing, evidencing or constituting.

10. A document or thing "relating" or which "relates" to any given subject means any document or thing that comprises, constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject, including, without limitation, documents concerning the preparation of other documents.

11. The terms "all" and "each" shall be construed to include both all and each.

12. The term "and" shall be construed to include "or" and vice versa, and shall be the logical equivalent of "and/or."

13. The use of the singular form of any word also includes the plural and vice versa.

14. The term "trademark" or "mark" includes trademarks, service marks, collective marks, certification marks and trade names, including as these terms are defined in 15 U.S.C. §1127.

15. The term "in the U.S." shall mean use in interstate and/or intrastate commerce in the United States.

16. The term "Challenged Mark" shall mean and refer to the Watermark Properties, LLC Mark identified in U.S. Application No. 98/940,352.

17. The term "Challenged Application" shall mean and refer to U.S. Application No. 98/940,352.

18. The term "Applicant's Goods" shall refer to the Class 25 goods identified in U.S. Trademark Application No. 98/940,352.

19. The term "Opposer's Goods" shall refer to the goods advertised, promoted, marketed, offered for sale, planned to be offered for sale or sold by Opposer under Opposer's federal trademark registration for the ADRENALINE GTS mark, U.S. Reg. No. 6,090,577 and trademark application for the ADRENALINE mark, U.S. Ser. No. 98/618,309 (the "ADRENALINE Marks").

20. The terms "Customer" shall mean any person that can purchase or use, or has purchased or used, any of Applicant's Goods.

GENERAL INSTRUCTIONS

1. If you claim that any information requested or any portion thereof is privileged, please provide all information falling within the scope of the Interrogatory which is not privileged, and state:

a. the bases on which the privilege is claimed;

b. the person who is the custodian of this information; and

c. the general subject matter of the information.

You are not requested to provide privileged information or portions thereof.

2. Applicant's responses are to be promptly supplemented to include subsequently acquired information and/or documentation in accordance with the requirements of Rule 26(e) of the Federal Rules of Civil Procedure.

INTERROGATORIES

INTERROGATORY NO. 1: Describe in detail the nature and full scope of Applicant's present business.

INTERROGATORY NO. 2: Describe the intended marketing activities made by Applicant with the Challenged Mark for Class 25 goods.

INTERROGATORY NO. 3: Identify each person with information concerning Applicant's selection of the Challenged Mark.

INTERROGATORY NO. 4: Identify the meaning of the Challenged Mark.

INTERROGATORY NO. 5: Identify Applicant's reasons for adopting the Challenged Mark.

INTERROGATORY NO. 6: Identify each physical location where goods bearing the Challenged Mark are intended to be sold.

INTERROGATORY NO. 7: Identify each online location where goods bearing the Challenged Mark are intended to be sold.

INTERROGATORY NO. 8: Identify the locations where each of Applicant's Goods are manufactured.

INTERROGATORY NO. 9: Identify any websites, social media pages or search engines that the Applicant intend to use to advertise products with the Challenged Mark.

INTERROGATORY NO. 10: Identify each person with information concerning Applicant's intent to use the Challenged Mark.

INTERROGATORY NO. 11: Identify and describe the intended classes of customers for each of Applicant's Goods.

INTERROGATORY NO. 12: Identify and describe the intended channels of trade for each of Applicant's Goods.

INTERROGATORY NO. 13: Identify and describe the intended cost of each of Applicant's Goods.

INTERROGATORY NO. 14: Identify Applicant's proposed monthly sales figures for Class 25 goods sold in connection with the Challenged Mark from the date of first use to three (3) years after the date of first use.

INTERROGATORY NO. 15: Identify Applicant's proposed annual advertising figures for Class 25 goods sold in connection with the Challenged Mark from the date of first use to three (3) years after the date of first use.

INTERROGATORY NO. 16: Identify any inquiries made to Applicant concerning Opposer.

INTERROGATORY NO. 17: Identify any inquiries made to Applicant concerning Opposer's Marks.

INTERROGATORY NO. 18: Identify and describe Applicant's internal communications (other than communications protected by attorney-client privilege) concerning Opposer's Marks.

INTERROGATORY NO. 19: Describe in detail all steps taken by Applicant to prepare to use the Challenged Mark in commerce, from the time of filing the Challenged Application to the present.

INTERROGATORY NO. 20: Identify all third parties with whom Applicant communicated regarding the sale of goods under the Challenged Mark.

INTERROGATORY NO. 21: Describe the nature of each communication that Applicant had with third parties regarding the sale of goods under the Challenged Mark.

INTERROGATORY NO. 22: Identify all trademark searches performed before filing the Challenged Application.

INTERROGATORY NO. 23: Identify any trademarks previously or currently used by Applicant with the same or similar goods as those listed in the Challenged Application.

INTERROGATORY NO. 24: Identify and describe the actual or anticipated annual expenditures incurred by Applicant for the promotion of any and all goods offered by Applicant in U.S. commerce under Applicant's Mark for the next three (3) years.

INTERROGATORY NO. 25: Identify and describe the actual or anticipated dollar volume of sales in the United States of all goods sold by Applicant bearing Applicant's Mark for the next three (3) years.

INTERROGATORY NO. 26: Identify and describe the steps Applicant have taken to prepare to use the mark for the goods identified in the Challenged Application, including but not limited to the creation of plans, specifications, proposals, correspondence, memoranda, and samples that refer to Applicant's Mark for the relevant goods.

INTERROGATORY NO. 27: Identify each person who assisted in providing the answers to these Interrogatories, excluding legal counsel for Applicant.

Date: January 12, 2026

BROOKS SPORTS, INC.

/s/ Govinda M. Davis
Govinda M. Davis
3400 Stone Way North
5th Floor
Seattle, WA 98103
Email: Govinda.Davis@brooksrunning.com,
Trademarks@brooksrunning.com

Attorney for Opposer Brooks Sports, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT** was served on Applicant via email on the date set forth below at:

Watermark Properties, LLC
c/o Steven S. Sereboff
Social IP Law Group LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362
United States
Email: ssereboff@socalip.com

Date: January 12, 2026

/s/ Govinda M. Davis
Govinda M. Davis

Exhibit 3

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

Mark: ADRENALINE FIEND
Applicant: WATERMARK PROPERTIES, LLC
Serial No. 98/940,352
Filed: January 6, 2025
Published: June 10, 2025

BROOKS SPORTS, INC., Opposer, v. WATERMARK PROPERTIES, LLC, Applicant.	**Opposition No. 91301494**

OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION TO APPLICANT

Pursuant to 37 CFR §§ 2.116 and 2.120 and Rules 26 and 36 of the Federal Rules of Civil Procedure and TBMP § 407.01, Opposer Brooks Sports, Inc., by its attorneys, requests that Applicant, Watermark Properties, LLC (hereinafter "Applicant"), provide written responses to the following requests within thirty (30) days hereof.

DEFINITIONS AND INSTRUCTIONS

Opposer hereby incorporates, where appropriate, the Definitions and Instructions set forth in its First Set of Interrogatories to Applicant.

REQUESTS FOR ADMISSION

REQUEST NO. 1: Admit that all documents and things produced by Applicant in response to any discovery request in this proceeding are authentic pursuant to the Federal Rules of Evidence.

REQUEST NO. 2: Admit that all documents and things produced in response to any discovery request in this proceeding are part of the business records of Applicant kept in the normal course of Applicant's business.

REQUEST NO. 3: Admit that all documents and things produced in response to any discovery request in this proceeding are admissible as evidence in this proceeding under the Federal Rules of Evidence, subject to any objections of Applicant on the grounds of relevance.

REQUEST NO. 4: Admit that Applicant did not intend to use the Challenged Mark in commerce with all of the goods contained in Class 25 of the Challenged Application on January 6, 2025.

REQUEST NO. 5: Admit that on January 6, 2025, Applicant had not entered into any agreements with manufacturers for any of the goods contained in the Challenged Application.

REQUEST NO. 6: Admit that on January 6, 2025, Applicant had not entered into any agreements with suppliers for any of the goods contained in the Challenged Application.

REQUEST NO. 7: Admit that on January 6, 2025, Applicant had not entered into any agreements with distributors for any of the goods contained in the Challenged Application.

REQUEST NO. 8: Admit that on January 6, 2025, Applicant had not entered into any agreements with manufacturers for all of the goods contained in the Challenged Application.

REQUEST NO. 9: Admit that on January 6, 2025, Applicant had not entered into any agreements with suppliers for all of the goods contained in the Challenged Application.

REQUEST NO. 10: Admit that on January 6, 2025, Applicant had not entered into any agreements with distributors for all of the goods contained in the Challenged Application.

REQUEST NO. 11: Admit that Applicant did not have a written business plan referencing the Challenged Mark on January 6, 2025.

REQUEST NO. 12: Admit that Applicant did not have any promotional materials for goods bearing the Challenged Mark for all of the goods contained in the Challenged Application on January 6, 2025.

REQUEST NO. 13: Admit that Applicant have not sold any goods under the Challenged Mark to date.

REQUEST NO. 14: Admit that Applicant were aware of Opposer's Marks prior to January 6, 2025.

REQUEST NO. 15: Admit that Applicant do not license the Challenged Mark to any third party.

REQUEST NO. 16: Admit that the target consumers for goods under the Challenged Mark include consumers and potential consumers of the goods offered by Opposer.

REQUEST NO. 17: Admit that at goods contained in the Challenged Application are similar or the same as goods offered by Opposer under Opposer's Marks.

Date: January 12, 2026

BROOKS SPORTS, INC.

/s/ Govinda M. Davis
Govinda M. Davis
3400 Stone Way North
5th Floor
Seattle, WA 98103
Email: Govinda.Davis@brooksrunning.com,
Trademarks@brooksrunning.com
Attorney for Opposer Brooks Sports, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION TO APPLICANT** was served on Applicant via email on the date set forth below at:

Watermark Properties, LLC
c/o Steven S. Sereboff
Social IP Law Group LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362
United States
Email: ssereboff@socalip.com

Date: January 12, 2026

/s/ *Govinda M. Davis*
Govinda M. Davis

Exhibit 4

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

Mark: ADRENALINE FIEND
Applicant: WATERMARK PROPERTIES, LLC
Serial No. 98/940,352
Filed: January 6, 2025
Published: June 10, 2025

BROOKS SPORTS, INC., Opposer, v. WATERMARK PROPERTIES, LLC, Applicant.	**Opposition No. 91301494**

OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION TO APPLICANT

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and TBMP § 406.01, Opposer Brooks Sports, Inc., by its attorneys, requests that Applicant Watermark Properties, LLC produce the documents and things sought herein. Opposer requests that production be made in accordance with the following Definitions, Instructions, and Requests at Brooks Sports, Inc., 3400 Stone Way North, 5th Floor, Seattle, WA 98103, within thirty (30) days hereof.

DEFINITIONS

Opposer hereby incorporates, where appropriate, the Definitions and Instructions set forth in its First Set of Interrogatories to Applicant.

GENERAL INSTRUCTIONS

1. If you claim that any document requested or any portion thereof is privileged, please provide all information on such document falling within the scope of the Request which is not privileged, and identify with sufficient particularity for purposes of a Motion to Compel a Response for Production of each item, document or thing, separately, with respect to which you claim a privilege, and state:

a. the bases on which the privilege is claimed;

b. the author of the document;

c. each individual or other person to whom the document or copy thereof was sent or otherwise disclosed;

d. the date of the document; and

e. the general subject matter of the document.

You are not requested to provide privileged documents or portions thereof for which you claim privilege, but only to identify such information, document or thing.

2. Applicant's responses are to be promptly supplemented to include subsequently acquired information and/or documentation in accordance with the requirements of Rule 26(e) of the Federal Rules of Civil Procedure.

REQUESTS

REQUEST NO. 1: All documents relating to the Applicant's intent to use the Challenged Mark in commerce as of the filing date of the Challenged Application.

REQUEST NO. 2: All business plans referencing the Challenged Mark or any goods identified in the Challenged Application.

REQUEST NO. 3: All marketing plans referencing the Challenged Mark or any goods identified in the Challenged Application.

REQUEST NO. 4: All documents regarding the development of any goods under the Challenged Mark.

REQUEST NO. 5: All documents regarding the sale of any goods under the Challenged Mark.

REQUEST NO. 6: All drafts or mock-ups of product packaging using the Challenged Mark.

REQUEST NO. 7: All drafts or mock-ups of advertising using the Challenged Mark.

REQUEST NO. 8: All agreements with third parties relating to the manufacture and sale of the goods identified in the Challenged Application.

REQUEST NO. 9: All documents showing steps taken to commercialize any product under the Challenged Mark.

REQUEST NO. 10: Documents sufficient to identify any websites or social media accounts created for use in connection with the Challenged Mark.

REQUEST NO. 11: All trademark clearance or search reports concerning the Challenged Mark.

REQUEST NO. 12: All documents submitted to or received from the USPTO regarding the Challenged Application for the Challenged Mark.

REQUEST NO. 13: All documents which were identified or referenced in preparing Applicant's Answer to Opposer's Notice of Opposition.

REQUEST NO. 14: All documents which were identified or referenced in preparing Applicant's answers Opposer to First Set of Interrogatories to Applicant, and/or Applicant's answers to Opposer's First Set of Requests for Admission.

REQUEST NO. 15: All documents which relate in any way to Applicant's selection of the Challenged Mark.

REQUEST NO. 16: All documents which relate in any way to Applicant's adoption of the Challenged Mark.

REQUEST NO. 17: All documents within Applicant's possession, custody or control that reference or discuss Opposer.

REQUEST NO. 18: Representative samples of promotional materials and advertising Applicant uses, have used, or intend to use with Applicant's Goods.

REQUEST NO. 19: All documents that relate in any way to any other trademarks Applicant uses or considered for use with Applicant's Goods.

REQUEST NO. 20: All documents that relate in any way to Applicant's knowledge of Opposer before filing the Challenged Application.

REQUEST NO. 21: All documents that relate in any way to Applicant's knowledge of Opposer's Marks before filing the Challenged Application.

REQUEST NO. 22: All documents that relate to any licensing agreements Applicant has or have entered into with respect to Applicant's Mark or Opposer's Goods.

REQUEST NO. 23: All internal communications which refer to or discuss Opposer Marks, other than communication with Applicant's legal counsel.

REQUEST NO. 24: All communications with any/all third parties (other than Applicant's legal counsel) that Applicant was aware of which refer to or discuss Opposer's Marks.

REQUEST NO. 25: All documents, communications and things relating to any perceived connection or lack thereof between Opposer's Marks and Applicant or Applicant's Mark.

REQUEST NO. 26: All documents, communications and things regarding any instances of actual or possible confusion Applicant or Applicant's Goods and Opposer or Opposer's Marks.

REQUEST NO. 27: Documents sufficient to identify the top five people associated with Applicant who are most knowledgeable about Applicant's Goods offered for sale or intended to be offered for sale under the Challenged Mark.

REQUEST NO. 28: To the extent not already produced in response to the Document Requests above, produce all documents relating to all claims or defenses asserted by the parties in this Opposition.

Date: January 12, 2026

BROOKS SPORTS, INC.

/s/ Govinda M. Davis
Govinda M. Davis
3400 Stone Way North
5th Floor
Seattle, WA 98103
Email: Govinda.Davis@brooksrunning.com,
Trademarks@brooksrunning.com
Attorney for Opposer Brooks Sports, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION TO APPLICANT** was served on Applicant via email on the date set forth below at:

Watermark Properties, LLC
c/o Steven S. Sereboff
Social IP Law Group LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362
United States
Email: sereboff@socalip.com

Date: January 12, 2026

/s/ *Govinda M. Davis*
Govinda M. Davis