

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

COMMON SENSE PRESS INC
DBA POCKET JACKS COMICS

Petitioner-Plaintiff

v.

ANTONIO J. MALPICA, and
ETHAN VAN SCIVER

Registrants-Defendants

Cancellation No. 92075375

**DEFENDANT ETHAN VAN SCIVER'S FIRST SET
OF INTERROGATORIES TO PLAINTIFF**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant Ethan Van Sciver ("Van Sciver") propounds the following interrogatories to be answered under oath by Plaintiff Common Sense Press INC DBA Pocket Jacks Comics ("CSP").

DEFINITIONS

1. The term "CSP" or "you" refers to CSP, Preston Poulter and any employees, agents, representatives, attorneys, affiliates, successors, and assigns, and to persons and entities acting or purporting to act on behalf of CSP.
2. As used herein, the term "document" and is defined to be synonymous in meaning and equal in scope to the usage of this term in Rule 34(a) of the Federal Rules of Civil Procedure and thus includes electronically stored information. A draft or nonidentical copy is a separate document within the meaning of this term.
3. As used herein, the term "person" means any natural person or any business, legal or governmental entity or association.
4. As used herein, the term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
5. When used in reference to documents, the terms "identify", "identity" and "identification" shall mean to give, to the extent known, (1) the type of document, (2) the general subject matter, (3) the date of the document, (4) the author(s), (5) the addressee(s) and (6) the recipient(s).

6. When used in reference to a video or other communications, the terms "identify", "identity" and "identification" shall mean to give, to the extent known, (1) the nature of the video or communication, (2) the general subject matter, (3) the date of the video or communication, (4) the place of the video or communication, and (5) the identity of the persons involved in the video or communication.

7. The term "video" means any video available at one time or another on the internet, including, but not limited to, YouTube videos, videos on a private chat room, videos on a discord server, videos on any other platform.

8. When used in reference to persons, the terms "identify," "identity" and "identification" shall mean to give, to the extent known, (1) the person's full name, (2) the person's present or last known address, and, when referring to a natural person, (3) the person's present or last known place of employment.

9. The term "COMICSGATE" refers to both the single word COMICSGATE and the two words COMICS GATE. It includes, but is not limited to, use of the word in relation to both products and services within the comic book industry.

INSTRUCTIONS

1. The following rules of construction shall apply: (a) the use of the singular form of any word includes the plural and vice versa; and (b) the terms "all" and "each" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this set of interrogatories all information that might otherwise be construed to be outside of the scope of this set of interrogatories.

2. No specific interrogatory or interrogatories should be construed to limit the scope of any other interrogatory, or of any term defined above, and no subpart of any interrogatory should be construed to limit the scope of any other subpart of such interrogatory.

3. Along with each document responsive to the interrogatories below, produce any document which is or was appended to or enclosed with it.

4. These interrogatories are continuing and require supplemental responses to the full extent mandated by the Federal Rules of Civil Procedure.

INTERROGATORIES

Interrogatory No. 1

Identify every person affiliated with CSP, including, but not limited to any founders, owners, employees, agents, representatives, attorneys, affiliates, successors, and assigns, and to persons and entities acting or purporting to act on behalf of CSP.

Interrogatory No. 2

Identify every product made, sold, or otherwise distributed by CSP bearing the mark COMICSGATE, state the date(s) on which each such product was first produced, sold and distributed and was first offered for sale.

Interrogatory No. 3

Identify all videos or communications in which you discuss your application for the trademark COMICSGATE or otherwise claim legal rights to the trademark COMICSGATE, whether these videos are produced by you, or if produced by another, include you are a guest in the video.

Interrogatory No. 4

Identify all texts or chat sessions or the like, in which you discuss application for the trademark COMICSGATE or otherwise claim rights to the trademark COMICSGATE where ever they appear, whether on a discord server you control or on servers of others or on any other platform and for each chat session provide the full text.

Interrogatory No. 5

Describe, in complete detail, the legal theory by which you claim COMICSGATE trademark ownership rights superior to those of Ethan Van Sciver. If you have no such legal theory, then so state.

Interrogatory No. 6

You have threatened that you would force certain persons to stop using the COMICSGATE mark in commerce. Identify all such persons. Provide the documents containing these communications. Include not only communications containing direct threats but also communications containing implied threats.

Dated: April 8, 2022

Respectfully Submitted,

/s/ Scott Houtteman
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing has been emailed to:
Francis John Ciaramella, Esquire at frank@fjcp1lc.com on April 8, 2022.

/s/ Scott Houtteman