

ESTTA Tracking number: **ESTTA586765**

Filing date: **02/11/2014**

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

Proceeding	91199193
Party	Defendant Alejandro E. Del Real
Correspondence Address	ALEJANDRO E DEL REAL PO BOX 480494 DELRAY BEACH, FL 33446 9538 UNITED STATES ADelReal@GoToYourSite.com
Submission	Opposition/Response to Motion
Filer's Name	Alejandro E. Del Real
Filer's e-mail	ADelReal@GoToYourSite.com
Signature	/Alejandro E. Del Real/
Date	02/11/2014
Attachments	GTYSvCTXS_OppositionTo_CTXS-MotionToCompel.pdf(378811 bytes) EXHIBIT-A1_CTXS_Interrogatories_1st-SET_July-12-2011.pdf(49934 bytes) EXHIBIT-A2_CTXS_Req-For-Admission_1st-SET_July-12-2011.pdf(39467 bytes) EXHIBIT-A3_CTXS_Req-Production-Documents_1st-SET_July-12-2011.pdf(42630 bytes) EXHIBIT-B1_CTXS_Interrogatories_2nd-SET_June-20-2013.pdf(63681 bytes) EXHIBIT-B2_CTXS_Req-For-Admission_2nd-SET_June-20-2013.pdf(50892 bytes) EXHIBIT-B3_CTXS_Req-Production-Documents_2nd-SET_June-20-2013.pdf(52338 bytes)

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

CITRIX ONLINE LLC,)
Opposer,)
v.)
ALEJANDRO E. DEL REAL,)
Applicant.)

Consolidated Opposition No. 91199193 (Parent File)
Serial No. 85/029,036 (GOTOYOURSITE)

CITRIX ONLINE LLC,)
Petitioner,)
v.)
GOTOYOURSITE.COM, LLC,)
ALEJANDRO E. DEL REAL)
Respondent.)

Cancellation No. 92054768
*Registration Nos: 3523791, 3520471, 3505161,
3611297, 3611298, 3611296, 3611325, 3611299,
3611301, 3611327, 3608381, 3684966, 3520499,
3520480*

ALEJANDRO E. DEL REAL,)
Opposer,)
v.)
CITRIX ONLINE LLC,)
Applicant.)

Opposition No. 91204641
85430869 (GOTOMYPERSONALCLOUD)

**Alejandro E. Del Real, GoToYourSite.com LLC,
and/or GoToYourSite/MD Corporation**

**OPPOSITION TO
CITRIX ONLINE'S MOTION TO COMPEL**

Alejandro E. Del Real, **GoToYourSite.com LLC and/or GoToYourSite/MD Corporation** (collectively "GTYS-DELREAL"), also responding instead of Adcuent Inc¹, hereby respectfully **oppose** to Citrix Online's **Motion To Compel**. This opposition is filed in "**good faith**" and it is also "**timely filed**". The grounds for this Opposition are as follows:

As a general Objection, GTYS-DELREAL here denies all the malicious allegations from Citrix Online LLC and/or Citrix Systems Inc (collectively "CITRIX") in it's Motion To Compel, on the grounds that they are false and/or could not be corroborated. CITRIX has abusively bombarded GTYS-DELREAL with Interrogatories, Request for Admission and production of documents, in excess to what the Fed. Rules of Procedure mandate as to Discovery Requests.

1. Adcuent Inc has released itself from the Registered Marks intended to be cancelled, by Citrix Online LLC, in Cancellation Proceeding No: 92054768. See ¶¶1-5 on **Declaration I** filed on June 19th 2013 in Cancellation Proceeding No: 92054768. The marks belong now to GTYS-DELREAL.

Contrary to CITRIX's misrepresentations in its motion, GTYS-DELREAL has responded to the discovery requests (see attached). The problem is that CITRIX has exceeded the discovery limit, so GTYS-DELREAL is not in obligation to respond to the excess of discovery. Furthermore, CITRIX made no attempt to narrow the excess discovery prior to GTYS-DEL REAL responding, as required by Trademark Rule 2.120(e). For these reasons, CITRIX's motion should be denied.

I. Facts Relating to CITRIX's Motion.

CITRIX failed to respond entirely to discovery served by GTYS-DELREAL. CITRIX responses are evasive and CITRIX has not produced any documents requested. Within the attempts among the parties to resolve the issues, CITRIX continues to evade answering to the discovery requests and to the request for production of documents from GTYS-DELREAL.

GTYS-DELREAL denies all the FALSE and MALICIOUS allegations from CITRIX against GTYS-DELREAL. Furthermore, GTYS-DELREAL states here that the parties never entered into any settlement negotiations. CITRIX threatened GTYS-DELREAL, that if GTYS-DELREAL was not going to sell all its marks and domain names and company names to CITRIX, then CITRIX was going to use the USPTO/TTAB as a TOOL of WAR against GTYS-DELREAL, with the purpose to REMOVE GTYS-DELREAL from its alleged CITRIX TERRITORY.

II. CITRIX's Motion to Compel is Improper and Should Be Denied.

A. GTYS-DELREAL responded CITRIX's Discovery Requests.

As set forth above, GTYS-DELREAL has responded to CITRIX's discovery requests. Nevertheless, CITRIX decided to bombard GTYS-DELREAL with excessive additional discovery requests. Meanwhile CITRIX continues to disregard its own discovery obligations by evading answering and has not produced any of the documents requested.

B. CITRIX made No Effort to NARROW its requests prior to GTYS-DELREAL responding.

Trademark Rule 2.120(e) requires that CITRIX make a good faith effort to narrow its discovery requests and failed to do so prior to GTYS-DELREAL responding. In light of the above, GTYS-DELREAL respectfully requests that the Board deny CITRIX's motion to compel and grant any such other relief that the Board deems appropriate in light of CITRIX abusive and harassing behavior disregarding the rules and orders applicable to this proceeding.

By: /Alejandro E. Del Real/
Alejandro E. Del Real
GoToYourSite.com, LLC
GoToYourSite/MD Corporation

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the within to be mailed or e-mailed/faxed to: Deborah J. Peckham and/or Sara Y. Beccia at 125 Summer Street, Boston, MA 02110 on this 11 day of February, 2014.

By: /Alejandro E. Del Real/
Alejandro E. Del Real
GoToYourSite.com, LLC
GoToYourSite/MD Corporation
P.O.Box 480494
Delray Beach, FL 33448
Telephone: 561.441-2505

EXHIBIT A

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.