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

Proceeding	91120453
Party	Defendant CHARLES BROWNING WILSON
Correspondence Address	Robert Steckman The Law office of Robert Steckman 111 John Street, Suite 800 New York, NY 10038 UNITED STATES
Submission	Testimony For Defendant
Filer's Name	Robert Steckman
Filer's e-mail	robert@steckmanlaw.com
Signature	/Robert Steckman/
Date	07/07/2008
Attachments	Applicants response to XExam.pdf (17 pages)(141323 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIALS AND APPEALS BOARD

HEARST COMMUNICATIONS, INC. and HEARST MAGAZINES PROPERTY, INC.	:	Opposition No. 91120453
Opposers,	:	
v.	:	
CHARLES BROWNING WILSON	:	
Applicant	:	

APPLICANT'S RESPONSES TO OPPOSERS' CROSS-EXAMINATION ON WRITTEN QUESTIONS.

Applicant CHARLES BROWNING WILSON ("Cosmo" or "Applicant") hereby responds, to Opposers, HEARST COMMUNICATIONS, INC. and HEARST MAGAZINES PROPERTY, INC. (collectively "Hearst") cross-examination on written questions, as follows.

GENERAL OBJECTIONS

1. Applicant objects to the Opposers's definition of "Opposed Mark" on the basis that is prejudicial and unduly restrictive. Throughout the answers to Opposers's questions in this document, Applicant will revert to use its original definition of "Applicant's Mark" as set forth in Applicant's Written Cross-Examination to Opposers.

2. Applicant objects to Opposers's Written Cross-Examination questions in their entirety and to each questions to the extent that the information sought is protected by the attorney-client privilege, accountant/client privilege or the work product doctrine or would disclose the mental impressions, conclusions, opinions or legal theories of counsel and, as such are protected.

3. Applicant objects to Opposers's Written Cross-Examination questions in their entirety and

to each questions to the extent that they attempt to impose obligations upon Applicant inconsistent to greater than the Federal Rules of Civil Procedure or the Trademark Rules of Practice.

4. Applicant objects to Opposers's Written Cross-Examination questions in their entirety and to each questions to the extent that they seek disclosure of confidential information or proprietary business information or trade secrets of the Applicant.

5. To the extent that Opposers' Written Cross-Examination questions in their entirety and to each questions to the extent are unlimited in time, Applicant objects that such requests are overbroad and unduly burdensome or seek information not within the possession, custody or control of Applicant

6. Opposers's Written Cross-Examination questions in their entirety and to each questions to the extent

7. By responding to Opposers's Written Cross-Examination questions, Applicant does not waive nor intend to waive all objections, but instead preserves any and all objections available to Applicant.

8. Applicant reserves the right to supplement or amend these responses based upon later recollections, the recollections of persons presently unidentified or unavailable, or upon the discovery of additional documents or information.

SPECIFIC RESPONSES

Question No. 1

Identify all the goods and services currently or formerly offered by Applicant in connection with the Opposed Mark listing the dates of use for each good or service identified.

Response to Question No. 1
Providing on-line information on travel and available entertainment in various cities worldwide. Applicant first commenced such use in or about January, 1998.

Question No. 2
Identify any Person with knowledge of Applicant's first use of the Opposed Mark.

Response to Question No. 2
Shela Wilson, Richard Wilson, Mark Wilson, Jeffrey Wilson, Shawn Wilson, Richie Wilson , Angie Graves.

Question No. 3
Identify any Person with knowledge of Applicant's current uses of the Opposed Mark.

Response to Question No. 3
Applicant has approximately 36,000 registered users who have signed up for email accounts, and Applicant's website receives approximately 10,000 visitors per day. In addition Applicant has discussed his use of his Proposed Mark with several hundred personal friends and acquaintances.

Question No. 4
Identify any documents evidencing Applicant's current uses of the Opposed Mark.

Response to Question No. 4
Applicant objects to this request on the grounds that is inappropriate subject matter for cross-examination written questions. Notwithstanding the foregoing, Applicant directs Opposers to his website: www.cosmo.com as well as to Applicant's Notice of Reliance for proof of current uses of his pending trademark.

Question No. 5
Describe the basis and reasons for Applicant's selection and adoption of the Opposed Mark.

Response to Question No. 5
See Applicant's Declaration, dated April 4, 2007, paragraphs 2-6.

Question No. 6
Describe the basis and reasons for Applicant's decision to apply for registration of the Opposed Mark.

Response to Question No. 6
Subject to, and in addition to Applicant's General Objections, Applicant objects to this question on the basis that it is vague, unduly burdensome and not relevant to this proceeding which relates to the registration of the trademark at issue, not the mental state of applicant at the time his registration was filed.

Question No. 7
Identify the date on which the Wikipedia entry attached as Exhibit B to Applicant's Notice of

Reliance first appeared.

Response to Question No. 7
June 22, 2006

Question No. 8
Identify any contributions made by Applicant to the Wikipedia entry attached as Exhibit B to Applicant's Notice of Reliance.

Response to Question No. 8
Applicant has made various edits to such entry in order to ensure that the information contained therein was accurate and up to date, however, applicant did not create such page on Wikipedia, and additionally, is not the only contributor to same. Opposers is directed to http://en.wikipedia.org/w/index.php?title=Cosmo_Wilson&action=history for a complete history of changes made to same.

Question No. 9
Identify any contributions made by third parties at Applicant's direction, or with the assistance of Applicant, to the Wikipedia entry attached as Exhibit B to Applicant's Notice of Reliance.

Response to Question No. 9
See response to Question No 8.

Question No. 10
Identify all authors of, or contributors to, the Wikipedia entry attached as Exhibit B to Applicant's Notice of Reliance of which Applicant is aware.

Response to Question No. 10
See response to Question No. 8

Question No. 11
Identify the date on which the IMDB entry attached as Exhibit C to Applicant's Notice of Reliance first appeared.

Response to Question No. 11
Unknown.

Question No. 12
Identify any contributions made by Applicant to the IMDB entry attached as Exhibit C to Applicant's Notice of Reliance.

Response to Question No. 12
None.

Question No. 13
Identify any contributions made by third parties at Applicant's direction, or with the assistance of

Applicant, to the IMDB entry attached as Exhibit C to Applicant's Notice of Reliance.

Response to Question No. 13
None. IMDB does not accept any third party contributions.

Question No. 14
Identify all authors of, or contributors to, the IMDB entry attached as Exhibit C to Applicant's Notice of Reliance of which Applicant is aware.

Response to Question No. 14
Unknown.

Question No. 15
Identify all rights to COSMO.COM as a trademark or service mark that Applicant may claim other than in connection with the services recited in Applicant's application.

Response to Question No. 15
Applicant objects to this question on the basis that it is vague, unduly burdensome and irrelevant because it seeks information outside the scope of this proceeding as well as information protected by attorney/client privilege and the work product doctrine.

Question No. 16
Identify the date on which Applicant became aware of the article attached as Exhibit K to Applicant's Notice of Reliance.

Response to Question No. 16
In or about 1998

Question No. 17
Describe the relevance to this Opposition of the article attached as Exhibit K to Applicant's Notice of Reliance.

Response to Question No. 17
Applicant objects to this question on the grounds that it is overbroad, unduly burdensome and merely harassment. In addition thereto, Applicant objects to this question on the basis that it seeks information protected by the attorney/client privilege and/or attorney work product doctrine. Subject to, as limited by and without waiving the foregoing objections or any of the General Objections, Applicant directs Opposers to the description of such document Applicant's Notice of Reliance which indicates that such article demonstrates Opposers's awareness of the ownership and use of cosmo.com by third-parties since 1996, and further demonstrates Opposers actual knowledge of third-party use of the Applicant's Mark, Opposers failure to make any effort to protect any purported common law and/or Federal trademarks rights to Applicant's Mark as well as Opposers abandonment of any purported Federal and/or common law rights to Applicant's Mark. .

Question No. 18
Describe how Applicant first became aware of the availability of the cosmo.com domain for

purchase from The Domain Dealer a/k/a DD King.

Response to Question No. 18
Applicant searched the Network Solutions database and determined that "DD King" had registered the domain. Thereafter, Applicant contacted "DD King", and after a short negotiation, obtained the domain.

Question No. 19
Describe the relevance to this Opposition of the negotiations between Opposers and The Domain Dealer a/k/a DD King registrations alleged in paragraph 7 of Applicant's Declaration.

Response to Question No. 19
Applicant objects to this question on the grounds that it is overbroad, unduly burdensome and merely harassment. Moreover, Applicant objects to this question on the basis that it calls for a legal conclusion, requests information subject to the attorney/client privilege and/or work product doctrines. Subject to, as limited by and without waiving the foregoing objections or any of the General Objections, Applicant states that Opposers negotiations with The Domain Dealer a/k/a DD King demonstrates Opposers actual knowledge of third-party use of the Applicant's Mark, Opposers failure to make any effort to protect any purported common law and/or Federal trademarks rights to Applicant's Mark as well as Opposers abandonment of any purported Federal and/or common law rights to Applicant's Mark.

Question No. 20
Describe the relevance to this Opposition of the allegation in paragraph 9 of Applicant's Declaration that "Opposers did not undertake any significant efforts to secure the cosmo.com domain for their own use."

Response to Question No. 20
See response to Question 19.

Question No. 21
Identify the date on which Applicant first provided online content accessible at the cosmo.com domain, describe the content available on that date, and describe any changes to the content that have taken place since that date.

[*remainder of page intentionally left blank*]

Response to Question No. 21
In or about March of 1998. At such time content available on Applicant's website was as follows:

Bands on Tour- list of bands and their itineraries
City Information- List of restaurants in different cities
Sports schedules- list of sports teams schedules
Online shopping Mall- links to other Websites to buy stuff
Classified ads- a place where people could sell stuff
News and Sports Highlights- a link to CNN.com

Since March 1998, the only major additions have been the inclusion of the Cosmo.com email service and Cosmo Wilson's"Road Diary".

Question No. 22
Describe the target audience for the website accessible at the cosmo.com domain.

Response to Question No. 22
General Public, including, but not limited to individuals who enjoy travel and entertainment.

Question No. 23
Describe the actual audience for the website accessible at the cosmo.com domain.

Response to Question No. 23
See response to Question No. 22.

Question No. 24
For each year after it became active, state the number of hits received by the website accessible at the cosmo.com domain.

Response to Question No. 24
Applicant objects to this question on the grounds that it is overbroad, unduly burdensome and merely harassment. Subject to, as limited by and without waiving the foregoing objections or any of the General Objections, Applicant states that it has received approximately 10,000 hits per day since inception.

Question No. 25
Describe in detail any sources of revenue Applicant receives from the "Travel Mall" portion of Applicant's website, including a description of Applicant's relationship with advertisers on Applicant's website.

Response to Question No. 25
Since it's inception, Amazon.com has paid Applicant a total of $96.45.

Question No. 26
Describe the circumstances under which Applicant first began to participate in the sale of magazine subscriptions through the "Travel Mall" portion of Applicant's website, including but not limited to

subscriptions for Cosmopolitan magazine.

Response to Question No. 26
Applicant objects to this question on the grounds that it is overbroad, unduly burdensome and merely harassment. Subject to, as limited by and without waiving the foregoing objections or any of the General Objections, Applicant states that The Cosmo.com Travel Mall is an Amazon.com built store, which has several categories of merchandise that are recommended and controlled by Amazon. As of May, 2007, Applicant has ceased all magazine sales via the cosmo.com "Travel Mall".

Question No. 27
Describe the circumstances under which Applicant first began to participate in the advertising of magazine subscriptions through the "Travel Mall" portion of Applicant's website, including but not limited to subscriptions for Cosmopolitan magazine.

Response to Question No. 27
See response to Question No. 26.

Question No. 28
Describe any relationships Applicant has with publishers of magazines or vendors of subscriptions to magazines, including but not limited to Cosmopolitan magazine.

Response to Question No. 28
None.

Question No. 29
State the revenue that Applicant has enjoyed through sales of magazine subscriptions on Applicant's website for each year since those sales began.

Response to Question No. 29
One subscription to Cosmopolitan magazine was sold on November 8, 2005. Applicant received $0.72 cents. One subscription for Glamour magazine was sold on January 27, 2007. Applicant received $0.60 cents. No other revenue has been received by Applicant relating to sales of magazine subscriptions.

Question No. 30
State the revenue that Applicant has enjoyed through the advertising of magazine subscriptions on Applicant's website for each year since that advertising began.

Response to Question No. 30
None.

Question No. 31
Describe the relevance to this Opposition of the lack of contact between the parties alleged in paragraph 10 of Applicant's Declaration.

Response to Question No. 31
Applicant objects to this question on the grounds that it is overbroad, unduly burdensome and merely harassment. Moreover, Applicant objects to this question on the basis that it calls for a legal conclusion, requests information subject to the attorney/client privilege and/or work product doctrines. Subject to, as limited by and without waiving the foregoing objections or any of the General Objections, Applicant states that Opposers failed to make any effort to contact Applicant prior to Applicant's filing of its trademark application, including a complete failure to identify any purported common law rights available to Opposers, despite Opposers indisputable knowledge of Applicant's ownership and use of Applicants Mark and further demonstrates Opposers actual knowledge of Applicant's use of Applicant's Mark, Opposers failure to make any effort to protect any purported common law and/or Federal trademarks rights to Applicant's Mark as well as Opposers abandonment of any purported Federal and/or common law rights to Applicant's Mark.

Question No. 32
Describe the relevance to this Opposition of the investment alleged in paragraph 14 of Applicant's Declaration.

Response to Question No. 32
Applicant objects to this question on the grounds that it is overbroad, unduly burdensome and merely harassment. Moreover, Applicant objects to this question on the basis that it calls for a legal conclusion, requests information subject to the attorney/client privilege and/or work product doctrines. Subject to, as limited by and without waiving the foregoing objections or any of the General Objections, Applicant states that his investment in the cosmo.com website demonstrates the fact that Opposers's failure to provide any notice of any claim to Applicant's Mark resulted in Applicant's expenditure of significant sums to promote and improve his website, as well as to market and develop same.

Question No. 33
State the percentage of the $200,000 investment alleged in paragraph 14 of Applicant's Declaration attributable to server fees.

Response to Question No. 33
Seventeen percent.

Question No. 34
State the percentage of the $200,000 investment alleged in paragraph 14 of Applicant's Declaration attributable to web developer fees.

Response to Question No. 34
Twenty-two percent.

Question No. 35
State the percentage of the $200,000 investment alleged in paragraph 14 of Applicant's Declaration attributable to legal fees.

Response to Question No. 35
Forty-eight percent.

Question No. 36
State the percentage of the $200,000 investment alleged in paragraph 14 of Applicant's Declaration attributable to accounting fees.

Response to Question No. 36
Six percent.

Response to Question No. 37
State the percentage of the $200,000 investment alleged in paragraph 14 of Applicant's Declaration attributable to general advertising and promotion.

Response to Question No. 37
None.

Question No. 38
Describe the relevance to this Opposition of the absence of an infringement action brought by Opposers against Applicant alleged in paragraph 17 of Applicant's Declaration.

Response to Question No. 38
Applicant objects to this question on the grounds that it is overbroad, unduly burdensome and merely harassment. Moreover, Applicant objects to this question on the basis that it calls for a legal conclusion, requests information subject to the attorney/client privilege and/or work product doctrines. Subject to, as limited by and without waiving the foregoing objections or any of the General Objections, Applicant states that Opposers' failure to identify any purported claim to Applicant's Mark, including but not limited to issuance of any 'cease and desist' letters and/or commencement of any legal proceeding against Applicant outside the herein Opposition proceeding, despite Opposers indisputable knowledge of Applicant's ownership and use of Applicants Mark demonstrates failure to make any effort to protect and/or enforce any purported common law and/or Federal trademarks rights to "Cosmo" as well as demonstrating Opposers abandonment of any purported Federal and/or common law rights to Applicant's Mark. In addition thereto, it is submitted that given Applicant's nine year use of Applicant's Mark, that Opposers has failed to commence any such action within the applicable statute of limitations, and as such, has lost all rights to any colorable claim to Applicant's mark under the doctrines of latches, waiver and/or estoppel.

Question No. 39
Describe the relevance to this Opposition of the absence of a UDRP proceeding alleged in paragraph 17 of Applicant's Declaration.

Response to Question No. 39
Applicant objects to this question on the grounds that it is overbroad, unduly burdensome and merely harassment. Moreover, Applicant objects to this question on the basis that it calls for a legal conclusion, requests information subject to the attorney/client privilege and/or work product doctrines. Subject to, as limited by and without waiving the foregoing objections or any of the

General Objections, Applicant states that the absence of a UDRP proceeding demonstrates Opposers failure to make any effort to protect any purported common law and/or Federal trademarks rights to Applicant's Mark, Opposers abandonment of any purported Federal and/or common law rights to Applicant's Mark and Opposers' acceptance of Applicant's rights to use the cosmo.com domain irrespective of the outcome of this proceeding..

Question No. 40
Describe the relevance to this Opposition of the action of the examining attorney alleged in paragraph 18 of Applicant's Declaration.

Response to Question No. 40
Applicant objects to this question on the grounds that it is overbroad, unduly burdensome and merely harassment. Moreover, Applicant objects to this question on the basis that it calls for a legal conclusion, requests information subject to the attorney/client privilege and/or work product doctrines. Subject to, as limited by and without waiving the foregoing objections or any of the General Objections, Applicant refers Opposers to its statement in paragraph 18 of Applicant's Declaration, and further states that the examining attorney did not find any likelihood of confusion between Applicant's Mark and any of Opposers' federally registered trademarks, and as a result,

Question No. 41
Describe the basis for the assertion in paragraph 20 of Applicant's testimony that "Opposers have failed to . . . file registrations with the Patent and Trademark Office seeking trademark rights for [the COSMOPOLITAN and COSMO GIRL marks]."

Response to Question No. 41
Applicant objects to this question on the grounds that it is overbroad, unduly burdensome and merely harassment. Moreover, Applicant objects to this question on the basis that it calls for a legal conclusion, requests information subject to the attorney/client privilege and/or work product doctrines. Subject to, as limited by and without waiving the foregoing objections or any of the General Objections, Applicant refers Opposers to its statements in paragraphs 15-17 of Applicant's Declaration.

Question No. 42
Describe the relevance to this Opposition of the registrations identified in paragraph 19 of Applicant's Declaration.

Response to Question No. 42
Applicant objects to this question on the grounds that it is overbroad, unduly burdensome and merely harassment. Moreover, Applicant objects to this question on the basis that it calls for a legal conclusion, requests information subject to the attorney/client privilege and/or work product doctrines. Subject to, as limited by and without waiving the foregoing objections or any of the General Objections, Applicant states that the registrations identified in paragraph 19 of Applicant's Declaration demonstrates Opposers' actual knowledge of third-party use and federal trademark registration of the phrase "Cosmo" thereby demonstrating Opposers failure to make necessary efforts to protect any purported common law and/or Federal trademarks rights to the phrase "Cosmo" as well as Opposers abandonment of any purported Federal and/or common law rights to

the phrase “Cosmo”.

Question No. 43
Describe any efforts made by Applicant to confirm whether the marks underlying the registrations identified in paragraph 19 of Applicant's Declaration are actually in use in commerce.

Response to Question No. 43
Applicant objects to this question on the grounds that it is overbroad, unduly burdensome and merely harassment. Applicant did not allege actual current use in commerce of any trademark listed in paragraph 19 of Applicant’s Declaration.

Question No. 44
Identify any evidence that the marks underlying the registrations identified in paragraph 19 of Applicant's Declaration are actually in use in commerce.

Response to Question No. 44
Applicant objects to this question on the grounds that it is overbroad, unduly burdensome and merely harassment. Applicant did not allege actual current use in commerce of any trademark listed in paragraph 19 of Applicant’s Declaration.

Question No. 45
In light of the articles submitted by Opposers at Tabs 25-75 of Opposers' Notice of Reliance, Exhibits 9-15 to Opposers' Second Notice of Reliance, and Exhibit A to Opposers' Responses And Objections To Applicant's Written Cross-Examination, describe the basis for the assertion in paragraph 21 of Applicant's Declaration that "the Opposers['] sole proof of the general public's knowledge of the phrase `COSMO' are the self-serving statements of Opposers' own Vice-President."

Response to Question No. 45
See paragraph 21 of Applicant’s Declaration.

Question No. 46
46. In light of the articles submitted by Opposers at Tabs 25-75 of Opposers' Notice of Reliance, Exhibits 9-15 to Opposers' Second Notice of Reliance, and Exhibit A to Opposers' Responses And Objections To Applicant's Written Cross-Examination, describe the basis for the assertion in paragraph 21 of Applicant's Declaration that "the only evidence submitted in support of Opposers' claims are references made by Opposers themselves in their own magazines."

Response to Question No. 46
See paragraph 21 of Applicant’s Declaration.

Question No. 47
In light of the documentary evidence attached as Exhibit E to Opposers' Notice of Reliance, describe the basis of the assertion in paragraph 21 of Applicant's Declaration that "the statements made in the `First Declaration of Stephen Rodgers' is [sic] not supported by ... any communications from Opposers's customers indicating that they were misled and/or confused by my cosmo.com website."

Response to Question No. 47
See paragraph 21 of Applicant's Declaration.

Question No. 48
Describe the basis for the assertion in paragraph 23 of Applicant's Declaration that "Opposers appear to assert that they should be the sole users of the phrase `COSMO' in all International Classes throughout the world ...."

Response to Question No. 48
See paragraph 23 of Applicant's Declaration.

Question No. 49
To the extent that it has not been stated in responses to previous questions, describe the basis for the assertion in paragraph 24 of Applicant's Declaration that "Opposers are.. unable to demonstrate a clear likelihood of confusion between their `COSMOPOLITAN' magazine and my cosmo.com website."

Response to Question No. 49
Applicant objects to this question on the grounds that it is overbroad, unduly burdensome and merely harassment.

Question No. 50
Identify any searches, surveys, marketing studies, reports, or other documents relating to the availability of the mark COSMO or variations thereof, including COSMO.COM.

Response to Question No. 50
Plaintiffs objects this question on the ground that this question is entirely unintelligible.

Question No. 51
Identify any searches, surveys, marketing studies, reports, or other documents relating to the likelihood of confusion between Opposers' Marks and the Opposed Mark.

Response to Question No. 51
None.

Question No. 52
Identify any instances of actual confusion between Opposers' Marks and the Opposed Mark, including but not limited to any instances of misdirected e-mail communications.

Response to Question No. 52
None.

Question No. 53
Identify the date on which Applicant first became aware of Opposers.

Response to Question No. 53
Plaintiffs objects this question on the ground that this question is entirely unintelligible. Subject to, as limited by and without waiving the foregoing objections or any of the General Objections, Applicant states that he is unaware of the date on which Applicant first became aware of Opposers, except to the extent that Applicant first learned certain information relating to Opposers, specifically, William Randolph Hearst, founder of Opposers' corporations, in his American history class during high school in connection with Mr. Hearst's efforts to publish false and misleading articles with the intention of fomenting war between the United States and the Kingdom of Spain in or about 1898 in order to sell additionally copies of Opposers' newspapers and magazines to the general public.

Question No. 54
Identify the date on which Applicant first became aware of Opposers' rights in and to Opposers' Marks.

Response to Question No. 54
Unknown.

Question No. 55
Describe the types of advertising and marketing that Applicant has utilized to promote services provided under the Opposed Mark.

Response to Question No. 55
Exchange based Internet advertising, such as "Google Words" and "Link Exchange" as well as word of mouth.

Question No. 56
Identify all domain names previously or currently registered or owned by Applicant.

Response to Question No. 56
Cosmokazi.com, MyCosmo.com, Cosmosaic.com, Cosmonot.com, CosmoWilson.com, DetailParts.com, SweetMelissa.com, SweetMelissa.net, Dodgyboiler.com, OrlandoArena.com, MyDawgie.com, RobertReedy.com, Wolfys.com, Freemasons.org, CosmoLighting.com, CosmoLuv.com, Cosmomatic.com, CosmoRocks.com, CosmosHobby.com, CosmoTours.com, Entours.com, CosmoTropics.com, CosmoTropix.com, CosmoVideo.com, DiscoPanties.com, GigInfo.com, SantasRoadies.com and SantasRoadies.org.

Question No. 57
Identify all predecessors, successors, parent companies, subsidiaries, fictitious business names, trade names, and former names of Applicant.

Response to Question No. 57
None.

Question No. 58
Identify all Persons who participated in any way in the preparation of responses to these questions.

Response to Question No. 58

Applicant objects to this question on the basis that it calls for a legal conclusion, requests information subject to the attorney/client privilege and/or work product doctrines. Notwithstanding the foregoing, Applicant participated in the preparation of responses to these questions.

Dated: New York, New York
July 6, 2006

Respectfully submitted,

LAW OFFICE OF ROBERT STECKMAN, P.C.

_____/s/_____

By: Robert M. Steckman
Attorney for Applicant
111 John Street, Suite 800
New York, NY 10038
(212) 313-9898

To: Ted Davis
Kilpatrick Stockton, LLP
Attorneys for Opposers
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIALS AND APPEALS BOARD

HEARST COMMUNICATIONS, INC. and HEARST MAGAZINES PROPERTY, INC. Opposers, v. CHARLES BROWNING WILSON Applicant	Opposition No 91120453 CERTIFICATION

I, CHARLES BROWNING WILSON, Applicant in the above-referenced proceeding, hereby certifies under penalty of perjury, and being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. §1001, declares that I have reviewed the answers to specific questions listed in the accompanying APPLICANT'S RESPONSES TO OPPOSERS' CROSS-EXAMINATION ON WRITTEN QUESTIONS, and know the contents thereof and state them to be true to my knowledge, except those matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true.

Dated: July 3, 2008

CHARLES "COSMO" BROWNING WILSON

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIALS AND APPEALS BOARD

HEARST COMMUNICATIONS, INC. and HEARST MAGAZINES PROPERTY, INC.	:	Opposition No. 91120453
Opposers,	:	CERTIFICATE OF SERVICE
v.	:	
CHARLES BROWNING WILSON	:	
Applicant	:	

It is hereby certified that a true copy of the within Applicant's Written Cross-examination To Opposers Hearst Communications, Inc. and Hearst Magazines Property, Inc., was served upon counsel for Opposers on July 6, 2006, by first class mail, postage prepaid, at the address set forth below:

Ted Davis
Kilpatrick Stockton, LLP
Attorneys for Opposers
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530

Dated: New York, New York
July 6, 2006

/s/
Robert M. Steckman