

ESTTA Tracking number: **ESTTA20389**

Filing date: **12/01/2004**

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

Proceeding	91160913
Party	Plaintiff Tiffany (NJ) Inc. ,
Correspondence Address	BARBARA A. SOLOMON FROSS ZELNICK LEHRMAN & ZISSU, P.C. 866 UNITED NATIONS PLAZA NEW YORK, NY 10017
Submission	Declaration in Support of Motion to Compel
Filer's Name	Laura Popp-Rosenberg
Filer's e-mail	lpopp-rosenberg@frosszelnick.com
Signature	/Laura Popp-Rosenberg/
Date	12/01/2004
Attachments	Declaration in Support of Opposer's Motion to Compel.pdf (113 pages)

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

-----x	:	
TIFFANY (NJ) INC.,	:	
	:	
Opposer,	:	
	:	
-against-	:	Opp. No. 91160913
	:	
ANTHONY SIRAGUSA and	:	
MICHAEL ROMANELLI,	:	
	:	
Applicants.	:	
-----x		

**DECLARATION OF LAURA POPP-ROSENBERG
IN SUPPORT OF OPPOSER’S MOTION TO COMPEL**

1. I am an attorney at Fross Zelnick Lehrman & Zissu, P.C., attorneys for Tiffany (NJ) Inc., Opposer in the above-captioned action (“Opposer”). I submit this declaration in support of Opposer’s Motion to Compel. I make this declaration based on my review of the history of these proceedings and on personal knowledge of the facts and circumstances set forth herein.

2. Opposer filed the Notice of Opposition in the above-captioned action on June 9, 2004. Under the trial schedule set by the Trademark Trial and Appeal Board (the “Board”), discovery in this proceeding opened on July 7, 2004. A true and correct copy of the scheduling order issued by the Board is attached hereto as Exhibit 1. Under a revised schedule proposed by consent motion of the parties and ordered by the Board on November 29, 2004, discovery will close on April 4, 2005. True and correct copies of the Motion to Extend Trial Dates With Consent filed by Opposer on November 18, 2004, and the Board Order of November 29, 2004, granting the motion are attached hereto as Exhibit 2.

3. On August 5, 2004, Opposer served, by first class mail, Opposer's First Set of Requests for the Production of Documents and Things to Applicants ("Opposer's Document Requests"). A true and correct copy of Opposer's Document Requests is attached hereto as Exhibit 3.

4. One day before Applicants' responses to Opposer's Discovery Requests were due, on September 8, 2004, Scott Charney, counsel for Applicants, telephoned Barbara Solomon, Opposer's counsel, to request a thirty-day extension of time to respond to Opposer's Document Requests. In connection with his request for additional time, Mr. Charney informed Ms. Solomon that Applicants had not yet begun the process of preparing the discovery responses or collecting the required information. By telephone call on September 9, 2004, Ms. Solomon consented to extend Applicants' time to respond through September 24, 2004.

5. On September 9, 2004, Applicants filed with the Board a Motion for Extension of Time to Respond to Opposer's Discovery Requests, seeking an additional thirty days to serve its responses. A true and correct copy of Applicants' motion is attached hereto as Exhibit 4. Opposer did not to oppose Applicants' motion, and the Board granted it as unopposed on November 1, 2004. A true and correct copy of the Board Order granting Applicants' motion for an extension is attached hereto as Exhibit 5.

6. Applicants served their responses to Opposer's Document Requests on October 11, 2004 ("Applicants' Responses"). A true and correct copy of Applicants' Responses is attached hereto as Exhibit 6.

7. On October 13, 2004, Ms. Solomon sent to Mr. Charney a letter respecting deficiencies in Applicants' Discovery Responses (the "October 13 Deficiency Letter").

A true and correct copy of the October 13 Deficiency Letter is attached hereto as Exhibit 7.

8. Ms. Solomon and Mr. Charney held a telephone conference on October 18, 2004, in which they discussed the deficiencies noted in the October 13 Deficiency Letter. During the conference, Mr. Charney stated that Applicants would be producing documents that same week.

9. Because Applicants produced no documents during the week of October 18, 2004, despite the promise to do so, Ms. Solomon wrote to Applicants' counsel on October 27, 2004, requesting production of documents by no later than October 29, 2004, in anticipation of depositions of the Applicants to be taken November 17 and 18, 2004. A true and correct copy of Opposer's October 27 letter is attached hereto as Exhibit 8.

10. Mr. Charney sent a written response on October 28, 2004, to the October 13 Deficiency Letter. A true and correct copy of Mr. Charney's October 28 letter is attached hereto as Exhibit 9. In that letter, Mr. Charney stated that Applicants "expected to be[gin] document production soon," but failed either to specify a timeframe or to explain why no documents had yet been produced.

11. On October 29, 2004, Mr. Charney sent Ms. Solomon a letter by fax attaching a draft protective order. Although the letter also referenced responsive documents, those documents were not faxed with the letter on October 29, 2004. A true and correct copy of Mr. Charney's October 29 letter and attached draft protective order, as sent by fax on that date, is attached hereto as Exhibit 10.

12. In a letter dated and faxed November 1, 2004, Ms. Solomon specified Opposer's objections to the draft protective order proposed by Mr. Charney. A true and correct copy of Ms. Solomon's November 1 letter is attached hereto as Exhibit 11.

13. On November 1, 2004, I sent Mr. Charney a letter by facsimile and mail respecting continued discovery deficiencies that had not been cleared by his October 28 letter (the "November 1 Deficiency Letter"). A true and correct copy of the November 1 Deficiency Letter is attached hereto as Exhibit 12.

14. Opposer's counsel received responsive documents from Applicants on November 2, 2004. True and correct copies of the nine pages of documents received on November 2, and the cover letter accompanying the production, are attached hereto as Exhibit 13.

15. On November 2, 2004, Ms. Solomon sent by facsimile and mail to Mr. Charney a letter objecting to Applicants' meager document production and requesting full production immediately. A true and correct copy of Ms. Solomon's November 2 letter is attached hereto as Exhibit 14.

16. After receiving no response to its November 2 letter, I left a voicemail message for Mr. Charney on November 8, 2004, following up on Applicants' document production and other unresolved issues between the parties. Mr. Charney never returned my call.

17. On November 16, 2004, Mr. Charney sent a letter to Ms. Solomon regarding certain discovery issues, primarily the issue of a protective order. However, the November 16 letter did not respond to Ms. Solomon's November 2 letter or otherwise

reference Applicants' document production in any way. A true and correct copy of Mr. Charney's November 16 letter is attached hereto as Exhibit 15.

18. In a letter dated November 18, 2004, I reminded Applicants' counsel of its document production deficiencies and requested either production or notification of a date for production by November 22, 2004. My November 18 letter also set forth Opposer's continuing objections to the draft protective order proposed by Mr. Charney. A true and correct copy of my November 18 letter is attached hereto as Exhibit 16. Mr. Charney has made no response to the November 18 letter as of the date set forth below.

19. On November 30, 2004, Opposer's counsel received additional responsive documents from Applicants. True and correct copies of the eleven pages of documents received on November 30, 2004, are attached hereto as Exhibit 17.

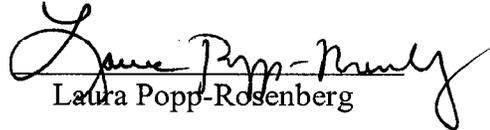
Dated: December 1, 2004
New York, New York



Laura Popp-Rosenberg

CERTIFICATE OF SERVICE

The undersigned, counsel for Opposer Tiffany (NJ) Inc., hereby certifies that a true and correct copy of the attached Declaration of Laura Popp-Rosenberg in Support of Opposer's Motion to Compel was filed with the Trademark Trial and Appeal Board on December 1, 2004 via the Electronic System for Trademark Trials and Appeals ("ESTTA") and was served by pre-paid first-class U.S. Mail on December 1, 2004, on Scott E. Charney, Esq., Lerner, David, Littenberg, Krumholz & Mentlik, LLP, 600 South Avenue West, Westfield, New Jersey 07090, counsel for Applicants Anthony Siragusa and Michael Romanelli.


Laura Popp-Rosenberg

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EXHIBIT 1

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UNITED STATES DEPARTMENT OF
COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: June 17, 2004

Opposition No 91160913
Serial No. 76520262

JONATHAN BICK
BRACH EICHLER
101 EISENHOWER PARKWAY
ROSELAND, NJ 07068-1032

Tiffany (NJ) Inc.

v.

Anthony Siragusa and Michael
Romanelli

BARBARA A. SOLOMON
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

Veronica White, Legal Assistant

A notice of opposition to the registration sought in the above-identified application has been filed. A copy of the notice is attached.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12,

2003). Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), are available at www.uspto.gov.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open: July 07, 2004

Discovery period to close: January 03, 2005

30-day testimony period for party
in position of plaintiff to close: April 03, 2005

30-day testimony period for party
in position of defendant to close: June 02, 2005

15-day rebuttal testimony period
for plaintiff to close: July 17, 2005

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may

be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

EXHIBIT 2

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

-----X
TIFFANY (NJ) INC., :
 :
 :
 Opposer, :
 :
 :
 -against- : Opp. No. 91160913
 :
 :
 ANTHONY SIGARUSA and :
 MICHAEL ROMANELLI, :
 :
 :
 Applicants. :
-----X

MOTION TO EXTEND TRIAL DATES WITH CONSENT

Opposer Tiffany (NJ) Inc., by its attorneys Fross Zelnick Lehrman & Zissu, P.C., hereby moves that the trial dates in this proceeding be extended for 90 days. This extension is necessary to allow Opposer and Applicant additional time to conduct discovery.

The new dates would be as follows:

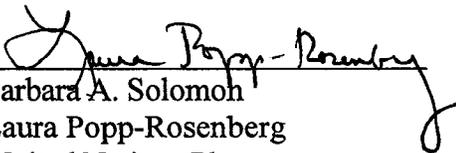
Period for discovery to close	April 4, 2005
Testimony period for party in position of plaintiff to close	July 5, 2005
Testimony period for party in position of defendant to close	August 31, 2005
Rebuttal testimony period to close	October 17, 2005

Applicants' attorneys, Lerner, David, Littenberg, Krumbolz & Mentlik, LLP, has consented to this extension by letter dated November 16, 2004.

Dated: New York, New York
November 18, 2004

Respectfully submitted,

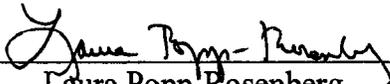
FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 
Barbara A. Solomon
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Opposer Tiffany (NJ) Inc.

CERTIFICATE OF SERVICE

The undersigned, counsel for Opposer Tiffany (NJ) Inc. hereby certifies that a true and correct copy of the attached Motion to Extend Trial Dates With Consent was filed with the Trademark Trial and Appeal Board on November 18, 2004 via the Electronic System for Trademark Trials and Appeals ("ESTTA") and was served by pre-paid first-class U.S. Mail on November 18, 2004, on Scott E. Charney, Esq., Lerner, David, Littenberg, Krumbolz & Mentlik, LLP, 600 South Avenue West, Westfield, New Jersey 07090, counsel for Applicants Anthony Siragusa and Michael Romanelli.


Laura Popp-Rosenberg

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**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

Mailed: November 29, 2004

Opposition No. 91160913

Tiffany (NJ) Inc.

v.

Anthony Siragusa and Michael
Romanelli

Clara Vela, Paralegal Specialist

Opposer's consented motion filed November 18, 2004 to extend discovery and trial dates is granted. Trademark Rule 2.127(a).

The discovery and trial dates are reset in accordance with opposer's motion.

EXHIBIT 3

9/19

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

In the Matter of Application Serial No. 76/520,262
Published in the *Official Gazette* on February 24, 2004

TIFFANY (NJ) INC.,

Opposer,

-against-

ANTHONY SIRAGUSA AND MICHAEL
ROMANELLI,

Applicants.

Opposition No. 91160913

**OPPOSER'S FIRST SET OF REQUESTS FOR THE PRODUCTION
OF DOCUMENTS AND THINGS TO APPLICANTS**

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 34 of the Federal Rules of Civil Procedure, Opposer Tiffany (NJ) Inc. ("Opposer" or "Tiffany") hereby requests that Applicants Anthony Siragusa and Michael Romanelli ("Applicants") collectively and individually respond to the following requests for production of documents and things by producing written responses within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure, and produce the documents and things specified herein for inspection and copying at the offices of Opposer's attorneys, Fross Zelnick Lehrman & Zissu P.C. at 866 United Nations Plaza, New York, New York 10017, Attn.: Barbara A. Solomon, Esq., simultaneously therewith or at another mutually agreed upon time and place.

DEFINITIONS

A. The definitions contained in Opposer's First Set of Interrogatories served August 5, 2004 are incorporated herein by reference as if fully set forth above.

INSTRUCTIONS

A. When a request asks for documents “concerning” an allegation, you must produce not only documents which support such allegation but also documents which tend to negate such allegation.

B. Unless otherwise stated, all document requests apply to activities in or in connection with the United States.

C. If Applicants object to furnishing documents in response to any request, or any part or portion thereof, Applicants should specifically state the basis of such objection, identify the documents to which each objection applies, and furnish all requested documents to which the objection does not apply.

D. If Applicants assert a claim of privilege in objecting to any document request, or part or portion thereof, and documents are withheld on the basis of such assertion:

i) Applicants shall, as a part of the objection to the document request, or part or portion thereof, identify the nature of the privilege which is being claimed, and, if the privilege is being asserted in connection with a claim or a defense governed by state law, indicate the state rule of privilege being invoked; and

ii) the following information shall be provided in the objection unless divulgence of such information would cause disclosure of the allegedly privileged information:
(a) the type of document; (b) the general subject matter of the document; (c) the date of the document; and (d) such other information as is sufficient to identify the document for a subpoena duces tecum, including, where appropriate, the author of the document, the addressee of the document, and, where not apparent, the relationship of the author and addressee to each other, as well as all other recipients of the document.

E. Any objection to any document request for which a basis has not been specifically stated within the time provided by the Federal Rules of Civil Procedure shall be waived.

F. For the convenience of the Board and the parties, you are requested to order and label the materials produced in accordance with the final paragraph of FED. R. CIV. P. 34(b).

G. These discovery requests are intended to be continuing as set forth in the federal rules. If at any time after you prepare and furnish the requested discovery you ascertain or acquire additional information, you are requested to produce such supplemental information to Opposer within thirty (30) days.

DOCUMENT REQUESTS

Request No. 1

All documents identified in response to Opposer's First Set of Interrogatories served in this opposition on August 5, 2004.

Request No. 2

Samples of menus, napkins, matchbook covers, and any other promotional items on which Applicants use Applicants' Mark.

Request No. 3

All documents in Applicants' possession, concerning or referring to Opposer or Opposer's Marks.

Request No. 4

Documents, including photographs, sufficient to show signage bearing or displaying Applicants' Mark.

Request No. 5

Samples or photographs of each of the items identified in response to Interrogatory No. 4.

Request No. 6

Documents sufficient to show where and to whom Applicants advertise their services under Applicants' Mark.

Request No. 7

Documents including financial, accounting or corporate records sufficient to establish the monies spent in advertising, marketing and promoting services provided under Applicants' Mark for the last five years.

Request No. 8

Documents concerning any licenses, franchise agreements, assignments, authorizations, consents, permissions, transfers of rights or other agreements entered into by or on behalf of Applicants concerning Applicants' Mark.

Request No. 9

All documents concerning attempts or plans by or on behalf of Applicants to franchise restaurants under Applicants' Mark including all filings made with any local, state or federal governmental agency or office concerning the same.

Request No. 10

All documents concerning any Market Research conducted by or caused to be conducted or obtained for Applicants which relate to Applicants' Mark or Opposer's Marks.

Request No. 11

Representative samples of magazine articles, newspaper articles, other publications and press kits, concerning or referring to restaurant services provided under Applicants' Mark.

Request No. 12

Documents sufficient to identify all persons or entities who own, operate, control, or have an interest in restaurants that provide services under Applicants' Mark.

Request No. 13

All documents evidencing, referring or relating to or analyzing the possibility of confusion between services provided under Applicants' Mark and goods and services provided under Opposer's Marks.

Request No. 14

All documents evidencing, referring or relating to or analyzing the likelihood of dilution or actual dilution of Opposer's Marks caused by Applicants' Mark.

Request No. 15

Documents sufficient to show the demographics of Applicants' consumers for services provided under Applicants' Mark.

Request No. 16

Documents sufficient to show Applicants' plans for expanding the nature or number of restaurants bearing the name "Tiffany's Restaurants."

Request No. 17

Documents sufficient to show the location of all restaurants currently doing business under the name "Tiffany's Restaurants" and the location of all planned Tiffany's Restaurants.

Request No. 18

All documents concerning or referring to Tiffany, to Opposer's Marks, or otherwise

relating to Applicants' knowledge of Tiffany and/or the activities of Tiffany under Opposer's Marks.

Request No. 19

Representative samples of advertisements (regardless of media), brochures, promotional materials, point-of-sale displays, table tents, or marketing materials showing the manner in which Applicants have used or currently use Applicants' Mark.

Request No. 20

All documents concerning Applicants' selection, creation, adoption, and development of Applicants' Mark.

Request No. 21

All documents concerning the meaning or commercial impression of Applicants' Mark.

Request No. 22

All documents concerning the meaning or significance of the word "TIFFANY'S" as used in Applicants' Mark.

Request No. 23

All trademark searches conducted by or on behalf of Applicants concerning Applicants' Mark or the right to register the same and all correspondence and other documents relating thereto.

Request No. 24

All opinion letters you received concerning the right to register Applicants' Mark.

Request No. 25

All documents (including, without limitation, any final or non-final office action or other correspondence from or to the United States Patent and Trademark Office) concerning any

application by Applicants to register Applicants' Mark.

Request No. 26

All documents concerning any investigations by or on behalf of you into the nature of Opposer's use of the TIFFANY marks pleaded in the Notice of Opposition or into any of the issues pleaded by Opposer.

Request No. 27

All documents consulted by, relied on by, concerning, or that support Applicants':

- (a) denial of the second sentence of paragraph 9 of the Notice of Opposition;
- (b) denial of the second sentence of paragraph 13 of the Notice of Opposition;
- (c) allegations in paragraph 33 of the Answer to the Notice of Opposition.

Request No. 28

All documents consulted by, relied on by, concerning, or that support Applicants' claim:

- (a) that having a restaurant service in the same retail location as the display and sale of jewelry would be inconsistent with the services provided by and associated with Opposer's TIFFANY mark as alleged in paragraph 31 of the Answer to the Notice of Opposition;
- (b) that there is low likelihood of Opposer bridging the gap as alleged in paragraph 32 of the Answer to the Notice of Opposition;
- (c) that there is a lack of overlap between consumers of Applicants' services and Opposer's goods and services as alleged in paragraph 32 of the Answer to the Notice of Opposition;
- (d) that the sophistication and knowledge of Applicants' and Opposer's customers will avoid confusion or dilution as alleged or referred to in paragraph 32 of the Answer to the Notice of Opposition.

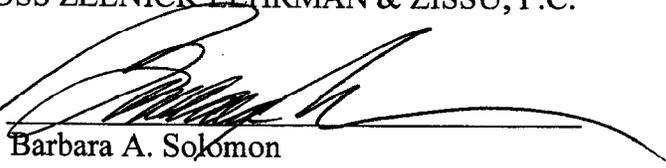
Request No. 29

Documents sufficient to show the nature, scope and extent of prejudice Applicants claim they would suffer as alleged in paragraph 34 of the Answer to the Notice of Opposition.

Dated: New York, New York
August 5, 2004

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By:

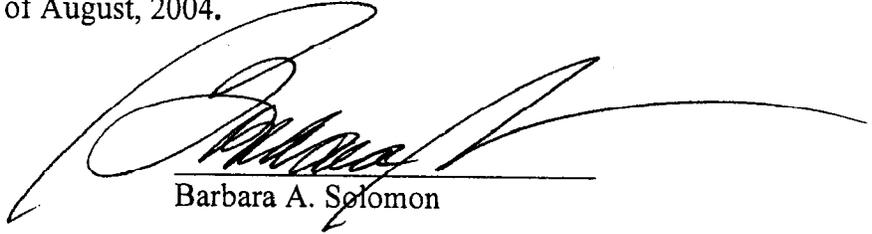

Barbara A. Solomon

866 United Nations Plaza
New York, New York 10017
Tel: (212) 813-5900
Fax: (212) 813-5901

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CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing **OPPOSER'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS TO APPLICANTS** was sent by prepaid first class mail upon Applicants' attorney, Charles P. Kennedy, Esq., Lerner, David, Littenberg, Krumholz & Mentlik, LLP, 600 South Avenue West, Suite 300, Westfield, New Jersey 07090-1497 this 5th day of August, 2004.



Barbara A. Solomon

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EXHIBIT 4

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

TIFFANY (NJ) INC.,

Opposer,

v.

ANTHONY SIRAGUSA and MICHAEL
ROMANELLI,

Applicants.

Mark: TIFFANY'S RESTAURANTS

Serial No.: 76/520,262

Opposition No. 91160913

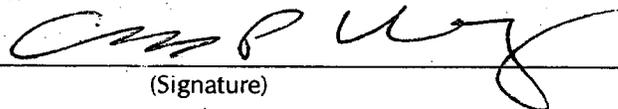
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**APPLICANTS' MOTION FOR EXTENSION OF TIME
TO RESPOND TO OPPOSER'S DISCOVERY REQUESTS**

Applicants, Anthony Siragusa and Michael Romanelli (collectively "Applicants"), hereby move for an additional thirty (30) days, until October 11, 2004, to respond to opposer's First Set of Interrogatories Nos. 1-27 and First Set of Requests for Production of Documents Nos. 1-29. The responses are presently due on September 9, 2004. The additional time is needed for applicants' attorneys to communicate with applicants to determine the information requested by the interrogatories and to locate documents requested by the requests for production.

Applicants' answer to the Notice of Opposition was served on July 27, 2004. The discovery period in this matter opened on July 7, 2004 and is not set to close until January 3, 2005. Opposer served a set of interrogatories and document requests on August 5, 2004 by mail,

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Trademarks, Trademark Trial & Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3514 on September 9, 2004.



(Signature)

Charles P. Kennedy

(Typed or Printed Name of Person Signing Certificate)

which would require responses on September 9, 2004 without any extension of time. This is the first time applicants have requested any extension of time to respond to discovery.

Opposer's interrogatories asked for detailed information regarding applicants' business, sales, advertising and use of their mark. Opposer's interrogatories also request detailed information regarding various allegations set forth in applicants' answer to the Notice of Opposition. Applicants' attorneys need time to investigate all of these matters fully with proper representatives of applicants so that information can be provided. Opposer's requests for production of documents seek extensive documentation relating to applicants' business, licensing, franchising, market research, customers, location of restaurants, advertising, trademark searches, opinion letters, investigations and various contentions raised in applicants' answer. In sum, opposer's discovery demands substantial work from applicants' attorneys and applicants.

Applicants need an additional 30 days to obtain information and documents to respond to these discovery requests. Applicants own a chain of restaurants. Unlike opposer, applicants do not have a person devoted to dealing with trademark matters. The time of applicants' employees to respond to discovery requests must be found while they perform their business responsibilities. Accordingly, applicants have shown good cause for the requested extension. A 30 day extension of time would only extend the time to respond until October 11, 2004, well before the January 3, 2005 close of discovery. No request for an extension of the January 3, 2005 discovery end date is being requested presently.

Prior to filing the present motion, applicants' attorneys contacted opposer's attorneys and requested the additional 30-day period of time. Opposer's attorney, Barbara Solomon, stated that opposer would grant applicants only until September 24, 2004 to respond, but not an additional

30 days. Unfortunately, the offered two-week extension of time would not provide applicants the time needed to respond, thus necessitating the present motion.

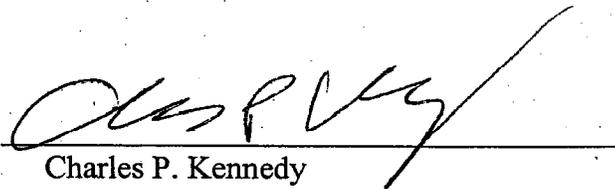
Applicants have attached a proposed order granting the extension of time until October 11, 2004.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

Dated: September 9, 2004

By:



Charles P. Kennedy

Gregory S. Gewirtz

*Attorneys for Applicants Anthony Siragusa
and Michael Romanelli*

600 South Avenue West, Ste. 300

Westfield, NJ 07090-1497

Tel: 908 654 5000

Fax: 908 654 7866

EXHIBIT 5

United States Patent and Trademark Office
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: November 1, 2004

Opposition No. 91160913

Tiffany (NJ) Inc.

v.

Anthony Siragusa and Michael
Romanelli

Clara Vela, Paralegal Specialist

• Applicant's motion filed September 13, 2004 to extend the time to respond opposer's interrogatories and request for production of documents is granted as uncontested.

Applicant's response is due October 11, 2004.

EXHIBIT 6

privileges. Applicants will comply with the requirements set forth in Rule 26(b)(5) of the Federal Rules of Civil Procedure with respect to any documents or things withheld from production on the grounds of privilege and/or work-product immunity.

4. Applicants object to the document requests to the extent that they call for identification or production of documents that are in the public domain on the grounds that it is equally convenient for Opposer to obtain such information or documents.

5. Applicants object to the document requests to the extent that they seek "all" documents that concern, refer, or relate to a particular subject on the grounds that to respond completely, Applicants would be required literally to seek documents from everyone associated with Applicants. Applicants object to performing a search of such breadth in all cases on the grounds of undue burden and expense. In searching for pertinent documents, Applicants will make inquiry of persons who are reasonably likely to have such documents. In responding to requests for "all" documents related to a particular subject area, Applicants reserve the right to provide a representative sample of such documents.

6. Applicants do not make any representation that any of the documents that have been or will be provided in response to Opposer's discovery requests, are, in fact, relevant to the matters at issue or the subject matter involved in the present action, or that all such documents and things will be admissible at trial. Applicant is producing documents and things in response to Opposer's discovery requests as a less costly alternative to actually making a determination at the present time as to relevancy, authenticity, admissibility, or other otherwise. Therefore, applicants reserve all objections they may have, including the relevance, authenticity, and/or admissibility in general

* * *

Without waiving the foregoing general objections and comments, which are asserted against each of opposer's First Set Of Requests For Production Of Documents And Things (Nos. 1-29), and subject to such objections and comments, Applicants respond to the individual requests for documents and things as follows:

SPECIFIC RESPONSES TO INDIVIDUAL REQUESTED DOCUMENTS

Document Request No. 1

All documents identified in response to Opposer's First Set of Interrogatories served in this opposition on August 5, 2004.

Response to Document Request No. 1

To the extent they exist, Applicants will produce non-privileged documents responsive to this request.

Document Request No. 2

Samples of menus, napkins, matchbook covers, and any other promotional items on which Applicants use Applicants' Mark.

Response to Document Request No. 2

Applicants will produce a representative sample of documents and things responsive to this request.

Document Request No. 3

All documents in Applicants' possession, concerning or referring to Opposer or Opposer's Marks.

Response to Document Request No. 3

This request also seeks the production of documents which may be privileged and/or otherwise capable of being withheld under either the attorney-client privilege or the work-product immunity. Subject to such objections, Applicants will produce relevant documents responsive to this request and otherwise not privileged or subject to the work-product immunity.

Document Request No. 4

Documents, including photographs, sufficient to show signage bearing or displaying Applicants' Mark.

Response to Document Request No. 4

Applicants will produce a representative sample of documents and things responsive to this request.

Document Request No. 5

Samples or photographs of each of the items identified in response to Interrogatory No. 4.

Response to Document Request No. 5

Applicants will produce a representative sample of documents and things responsive to this request.

Document Request No. 6

Documents sufficient to show where and to whom Applicants advertise their services under applicants' Mark.

Response to Document Request No. 6

To the extent that such documents exist, Applicants will produce a representative sample of documents and things responsive to this request.

Document Request No. 7

Documents including financial, accounting or corporate records sufficient to establish the monies spent in advertising, marketing and promoting services provided under applicants' Mark for the last five years.

Response to Document Request No. 7

In addition to the General Objections set forth above, Applicants' object to Document Request No. 7 on the grounds that the information sought is highly confidential and only marginally relevant. Furthermore, the prejudice on Applicants in disclosing such confidential information far outweighs the potential that such information will lead to relevant and discoverable evidence, based on the subject matter of this action. Notwithstanding such objections, Applicants' will reconsider providing documents responsive to the request, if any, upon entry of a suitable protective order.

Document Request No. 8

Documents concerning any licenses, franchise agreements, assignments, authorizations, consents, permissions, transfers of rights or other agreements entered into by or on behalf of Applicants concerning Applicants' Mark.

Response to Document Request No. 8

Applicants will produce documents and things responsive to this request.

Document Request No. 9

All documents concerning attempts or plans by or on behalf of Applicants to franchise restaurants under Applicants' Mark including all filings made with any local, state or federal governmental agency or office concerning the same.

Response to Document Request No. 9

In addition to the General Objections set forth above, Applicants object to Document Request No. 9 in that the request for discovery of all documents concerning attempts or plans by or on behalf of Applicants to franchise restaurants is overly broad, unduly burdensome, not relevant to the subject of this proceeding, and is not likely to lead to the discovery of admissible evidence. Only those franchise attempts which have been consummated are relevant to the present matter. In addition, this request calls for confidential information. As such, Applicants will produce non-confidential and non-privileged documents, if any exist, concerning consummated franchising attempts. Confidential non-privileged documents, if any exist, will be produced upon entry of a suitable protective order.

Document Request No. 10

All documents concerning any Market Research conducted by or caused to be conducted or obtained for Applicants which relate to Applicants' Mark or Opposer's Marks.

Response to Document Request No. 10

To the extent they exist, Applicants will produce non-privileged documents responsive to this request.

Document Request No. 11

Representative samples of magazine articles, newspaper articles, other publications and press kits, concerning or referring to restaurant services provided under Applicants' Mark.

Response to Document Request No. 11

To the extent they exist, Applicants will produce non-privileged documents responsive to this request which are in the custody, possession or control of Applicants.

Document Request No. 12

Documents sufficient to identify all persons or entities who own, operate, control, or have an interest in restaurants that provide services under applicants' Mark.

Response to Document Request No. 12

Applicants will produce documents and things responsive to this request.

Document Request No. 13

All documents evidencing, referring or relating to or analyzing the possibility of confusion between services provided under Applicants' Mark and goods and services provided under Opposer's Marks.

Response to Document Request No. 13

In addition to the General Objections set forth above, Applicants specifically object to production of documents responsive to Document Request No. 13 in that the Request calls for the production of documents which are subject to the attorney-client privilege or the work-product immunity. To the extent they exist, Applicants will produce non-privileged documents responsive to this request.

Document Request No. 14

All documents evidencing, referring or relating to or analyzing the likelihood of dilution or actual dilution of Opposer's Marks caused by Applicants' Mark.

Response to Document Request No. 14

In addition to the General Objections set forth above, Applicants specifically object to production of documents responsive to Document Request No. 14 in that the Request calls for the production of documents which are subject to the attorney-client privilege or the work-product immunity. To the extent they exist, Applicants will produce non-privileged documents responsive to this request.

Document Request No. 15

Documents sufficient to show the demographics of Applicants' consumers for services provided under Applicants' Mark.

Response to Document Request No. 15

To the extent they exist, Applicants will produce documents responsive to this request.

Document Request No. 16

Documents sufficient to show Applicants' plans for expanding the nature or number of restaurants bearing the name "Tiffany's Restaurants."

Response to Document Request No. 16

In addition to the General Objections set forth above, Applicants specifically object to production of documents responsive to Document Request No. 16 in that the Request calls for the production of documents which are irrelevant to the issues presented in this matter. The application for Applicants' Mark is based on its prior and current use of the mark. Applicants' prospective plans for expansion are irrelevant to the subject of this proceeding and are not likely to lead to the discovery of admissible evidence.

Document Request No. 17

Documents sufficient to show the location of all restaurants currently doing business under the name "Tiffany's Restaurants" and the location of all planned Tiffany's Restaurants.

Response to Document Request No. 17

In addition to the General Objections set forth above, Applicants specifically object to production of documents responsive to Document Request No. 17 in as much as the Request calls for the production of documents revealing the locations of planned Tiffany's Restaurants. This Request calls for the production of documents which are irrelevant to the issues presented in this matter. The application for Applicants' Mark is based on its prior use of the mark. Applicants' prospective plans for expansion are irrelevant to the subject of this proceeding and are not likely to lead to the discovery of admissible evidence. Subject to the forgoing objections,

Applicants will produce documents responsive to this request concerning current locations of Tiffany's Restaurants, and those planned to be opened in the fall of 2004.

Document Request No.18

All documents concerning or referring to Tiffany, to Opposer's Marks, or otherwise relating to Applicants' knowledge of Tiffany and/or the activities of Tiffany under Opposer's Marks.

Response to Document Request No. 18

In addition to the General Objections set forth above, Applicants specifically object to production of documents responsive to Document Request No. 18 in that the Request calls for the production of documents which are subject to the attorney-client privilege or the work-product immunity. To the extent they exist, Applicants will produce non-privileged documents responsive to this request.

Document Request No. 19

Representative samples of advertisements (regardless of media), brochures, promotional materials, point-of-sale displays, table tents, or marketing materials showing the manner in which Applicants have used or currently use Applicants' Mark.

Response to Document Request No. 19

Applicants will produce a representative sample of documents and things responsive to this request.

Document Request No. 20

All documents concerning Applicants' selection, creation, adoption, and development of Applicants' Mark.

Response to Document Request No. 20

To the extent they exist, Applicants will produce documents responsive to this request.

Document Request No. 21

All documents concerning the meaning or commercial impression of Applicants' Mark.

Response to Document Request No. 21

To the extent they exist, Applicants will produce documents responsive to this request.

Document Request No. 22

All documents concerning the meaning or significance of the word "TIFFANY'S" as used in Applicants' Mark.

Response to Document Request No. 22

To the extent they exist, Applicants will produce documents responsive to this request.

Document Request No. 23

All trademark searches conducted by or on behalf of Applicants concerning Applicants' Mark or the right to register the same and all correspondence and other documents relating thereto.

Response to Document Request No. 23

In addition to the General Objections set forth above, Applicants specifically object to production of documents responsive to Document Request No. 23 in that the Request calls for the production of documents which are subject to the attorney-client privilege or the work-product immunity.

Document Request No. 24

All opinion letters you received concerning the right to register Applicants' Mark.

Response to Document Request No. 24

In addition to the General Objections set forth above, Applicants specifically object to production of documents responsive to Document Request No. 24 in that the Request calls for the production of documents which are subject to the attorney-client privilege or the work-product immunity.

Document Request No. 25

All documents (including, without limitation, any final or non-final office action or other correspondence from or to the United States Patent and Trademark Office) concerning any application by Applicants to register Applicants' Mark.

Response to Document Request No. 25

In addition to the General Objections set forth above, Applicants specifically object to production of documents responsive to Document Request No. 25 in that the Request calls for the production of documents which are subject to the attorney-client privilege or the work-

product immunity. To the extent they exist, Applicants will produce non-privileged documents responsive to this request, including written communications with the United States Patent and Trademark Office.

Document Request No. 26

All documents concerning any investigations by or on behalf of you into the nature of Opposer's use of the TIFFANY marks pleaded in the Notice of Opposition or into any of the issues pleaded by Opposer.

Response to Document Request No. 26

In addition to the General Objections set forth above, Applicants specifically object to production of documents responsive to Document Request No. 26 in that the Request calls for the production of documents which are subject to the attorney-client privilege or the work-product immunity. To the extent they exist, Applicants will produce non-privileged documents responsive to this request.

Document Request No. 27

All documents consulted by, relied on by, concerning, or that support Applicants:

- (a) denial of the second sentence of paragraph 9 of the Notice of Opposition;
- (b) denial of the second sentence of paragraph 13 of the Notice of Opposition;
- (c) allegations in paragraph 33 of the Answer to the Notice of Opposition.

Response to Document Request No. 27

In addition to the General Objections set forth above, Applicants specifically object to production of documents "consulted by" or "relied on by" in regard to the denials and allegations outlined above in that such documents, if any, are protected by the work-product immunity

and/or attorney-client privilege. To the extent they exist, Applicants will produce documents not subject to the attorney-client privilege or work product immunity "concerning" or "supporting" the denials and allegations outlined above.

Document Request No. 28

All documents consulted by, relied on by, concerning, or that support Applicants' claim:

- (a) that having a restaurant service in the same retail location as the display and sale of jewelry would be inconsistent with the services provided by and associated with Opposer's TIFFANY mark as alleged in paragraph 31 of the Answer to the Notice of Opposition;
- (b) that there is low likelihood of Opposer bridging the gap as alleged in paragraph 32 of the Answer to the Notice of Opposition;
- (c) that there is a lack of overlap between consumers of Applicants' services and Opposer's goods and services as alleged in paragraph 32 of the Answer to the Notice of Opposition;
- (d) that the sophistication and knowledge of Applicants' and Opposer's customers will avoid confusion or dilution as alleged or referred to in paragraph 32 of the Answer to the Notice of Opposition.

Response to Document Request No. 28

In addition to the General Objections set forth above, Applicants specifically object to production of documents "consulted by" or "relied on by" in regard to the denials and allegations outlined above in that such documents, if any, are protected by the work-product immunity and/or attorney-client privilege. To the extent they exist, Applicants will produce documents not subject to the attorney-client privilege or work product immunity "concerning" or "supporting" the denials and allegations outlined above.

Document Request No. 29

Documents sufficient to show the nature, scope and extent of prejudice Applicants claim they would suffer as alleged in paragraph 34 of the Answer to the Notice of Opposition.

Response to Document Request No. 29

To the extent they exist, Applicants will produce documents responsive to this request.

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*Attorneys for Applicants Anthony Siragusa and
Michael Romanelli.*

October 11, 2004

By: _____

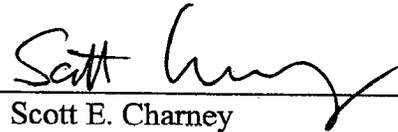

Scott E. Charney

EXHIBIT 7

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STEPHEN BIGGER
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October 13, 2004

BY FACSIMILE & MAIL

Scott E. Charney, Esq.
Lerner, David, Littenberg, Krumholz &
Mentlik, LLP
600 South Avenue West
Westfield, New Jersey 07090

Re: Objection to application to register TIFFANY'S RESTAURANT
(Our Ref.: TFFJ USA TC-04/13531; Your Ref: GOOSES 10.2A-001)

Dear Mr. Charney:

We are in receipt of your clients' responses to our client's first set of document requests and first set of interrogatories. I am writing this letter to you pursuant to the Trademark Rules of Practice in order to address deficiencies in those responses and see if we can resolve the issues without resorting to a motion to compel.

As an initial matter, the responses suggest that the named Applicants for the TIFFANY'S RESTAURANT mark are improper. The application was filed in the names of Michael Romanelli and Anthony Siragusa based on use of the mark since 1980. Yet according to the interrogatory responses, while Michael Romanelli may have made use of TIFFANY'S RESTAURANT since 1980, Mr. Siragusa did not get involved with the restaurants at that time. Thus, the claim of first use as to him seems to be invalid. Please provide an explanation.

Furthermore, if there are three restaurants each with different owners and each are using the TIFFANY'S RESTAURANT mark, the declaration signed by your clients in connection with the opposed application would be fraudulent because clearly there are other entities, namely the two other restaurants, using the TIFFANY'S RESTAURANT name. On top of that, we note that the verification was signed by the President of Tiffany's Restaurant. It is not made clear what type of entity Tiffany's Restaurant is, (i.e., an LLC, corporation, partnership or the like). I would appreciate it if you could advise us as to the relationship between the Applicant and the entity

Tiffany's Restaurant the relationship between the three restaurants, and the nature of the Tiffany's Restaurant entity. If one restaurant licensed the others to use the mark or if rights to use the name were granted to the entity identified as "Tiffany's Restaurants" this should have been disclosed in response to Interrogatories 5, 10, 11 and Document Request No. 8. Similarly, if Tiffany's Restaurants as the entity employing Mr. Bernard owns, controls or controls all or some of the restaurants, this should have been disclosed in response to Interrogatory 2 and Document Request No. 12.

Deficiencies In Interrogatory Responses

- Interrogatories No. 2: Interrogatory No. 2 asks you to identify all owners or investors in the identified restaurant. Please confirm first that Mr. Siragusa does not operate, control or have any interest in the other restaurants, and second, that the entity Tiffany's Restaurants has no such interest

- Interrogatory No. 3: It is unclear from your response whether, aside from the franchised facility in Toms River, New Jersey, there are any other restaurants that are expected or scheduled to open within the next 12 months with a name that includes in whole or in part TIFFANY. We would ask that you clarify your response.

- Interrogatory No. 4: You state that "Applicants will produce a representative sample of physical materials. . . ." Please advise as to when we can expect to receive these materials from you.

- Interrogatory No. 5: You state that "Applicants will identify instances where attempts to franchise or license the use of Applicants' Mark . . . have been consummated." First, when will this be done? Second, Interrogatory No. 5 asks you to identify documents concerning steps taken to franchise or license the mark. You have neglected this part of the interrogatory. And third, the interrogatory asked for steps that have been taken to franchise or license the use of the mark to third parties. It did not ask you to identify instances where the attempts have come to fruition. And there is no basis for you to so limit the response. Clearly, steps that have been taken to franchise or license the mark are discoverable. Indeed, the TBMP specifically states that discovery addressed to expansion activities is permissible.

- Interrogatory No. 6: While you have responded that you are aware of Opposer's high fashion jewelry store services, you ignored the interrogatory which asked when and how you first became aware of the marks. Are the Applicants prepared to stipulate that as of the date that they applied to register the mark and first used the mark in question they were aware of Opposer's use of the TIFFANY mark? If not, we will need a response to Interrogatory No. 6.

- Interrogatory No. 9: I am assuming that there is print advertising using the mark. Yet this has not been mentioned in response to Interrogatory No. 9. Further, you have not

provided the name of any publications in which Applicants have advertised over the last five years which was required by the interrogatory.

- Interrogatory No. 10: You were asked to identify all prospective licensees or franchisees. In response you state that you have identified instances where attempts have been consummated. The request, however, is broader than that. As such, your answer is not responsive. In addition, your objections are not well taken. Your claim that the interrogatory is irrelevant is without basis. Under the Trademark Trial and Appeal Board Manual of Procedure, relevancy is given a broad scope. *See* TBMP § 402.01. Prospective licensees and franchisees are clearly relevant, since they are a source for third party discovery. The information concerning prospective licensees or franchisees also goes to the issue of your client's channels of trade, your client's consumers and your client's expansion, all of which are relevant factors in an opposition proceeding. As such, your client must supplement its response to Interrogatory No. 10.

- Interrogatory No. 11: Although you have provided us with the name of Bruno Duva, you have failed to comply with the definition of "identify." We are entitled to information concerning where Mr. Duva is located. Moreover, to the extent that the Applicants have licensed either the entity Tiffany's Restaurants or the other restaurants of which Mr. Siragusa is not an owner to use the TIFFANY'S RESTAURANTS name, that information must be disclosed in response to Interrogatory No. 11.

- Interrogatory No. 13: Your objection to Interrogatory No. 13 is not well taken. While you state in that response that your client's mark, as a whole, is TIFFANY'S RESTAURANTS, your clients do not use the mark in its entirety. A review of your client's website shows reference to Tiffany's newsletter, not Tiffany's Restaurant's newsletter. Throughout that newsletter, your client refers to itself not as Tiffany's Restaurants, but as Tiffany's. On the website itself, it states "Welcome to Tiffany's casual dining and bar," not "Welcome to Tiffany's Restaurants." Other sections in the website refer to Tiffanys events. In a section about banquets, again the reference is to Tiffany's, not Tiffany's Restaurants. Quite simply, your client's use belies the objection that you have made. The objection is not well founded and you are required to answer the request as put to you. That you believe that we are dissecting a mark is irrelevant. The interrogatory, as phrased, must be answered. You failed to do this.

- Interrogatory No. 18: Interrogatory 18 concerned your contention that there is a lack of overlap between consumers. The response that you provided relates to a lack of overlap between the parties' goods and services. As such, your answer is unresponsive to the request and must be amended.

- Interrogatory No. 22: You have refused to respond to this interrogatory on the grounds that it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. As you know, discovery in opposition proceedings is broad and parties are given a

degree of latitude. Clearly, you opened the door to the interrogatory by stating, in response to Interrogatory No. 21, that the inability to get a registration would represent a tremendous disadvantage. How can there be a disadvantage when your client waited more than 20 years to seek registration? Having made a claim of a disadvantage by virtue of not being able to get a registration, your client must respond to Interrogatory No. 22.

- Interrogatory No. 23: Sales volume is highly relevant to opposition proceedings and there is no basis for refusing to provide this information. *See* TBMP § 414(8). We would agree to review this information on a confidential basis. Towards that end, we would ask that you provide the information to us for review by outside and in-house counsel only while we negotiate the terms of a protective order. Since you have raised the issue of a protective order in your response, we would ask that you prepare a proposed order for our review.

- Interrogatory Nos. 24-26: We note your objection to providing information as to whether Applicants plan to conduct Market Research in connection with the opposition proceeding. Please be advised that under the Federal Rules as made applicable to proceedings before the Trademark Trial and Appeal Board, should your client retain an expert in connection with this proceeding you are obligated to supplement your responses to Interrogatories Nos. 24-26 as well as to provide us with all other information concerning experts that are set forth in the Federal Rules of Civil Procedure.

Deficiencies In Document Responses

Turning next to your client's responses to the first set of document requests, it is impossible for us to determine whether the responses are sufficient since no documents were produced. Moreover, there is no indication in the responses as to when we can expect to receive the documents and the privilege log. Please advise as to when we can expect to receive the documents that you have indicated will, in fact, be produced.

In addition to indicating that you will produce documents in response to certain requests (*see* Responses to Document Request Nos. 2, 3, 4, 5, 8, 12, 17 and 19), in response to many of the document requests, you have stated that "to the extent" documents exist, responsive documents will be produced (*see* Responses to Document Requests Nos. 1, 6, 9, 10, 11, 13, 14, 15, 18, 20, 21, 22, 25, 26, 27, 28 and 29). When you will know if, in fact, responsive documents exist, and when will those responsive documents be produced? Also, many of these same responses refer to the fact that there are responsive documents that are protected by the work product immunity and/or attorney-client privilege. Please advise as to when a privilege log will be produced in connection with those requests.

As to more specific deficiencies:

- Document Request No. 7. Your objection that the information sought is "marginally relevant" is not well taken. *See* TBMP § 401.4(8), which specifically notes that the

very information we requested must be provided. Similarly, your objection on the grounds of confidentiality is not well taken since this is not a basis for refusing production. Once again, we would be willing to keep this information confidential and limit its review to in-house and outside counsel only, pending entry of a suitable protective order.

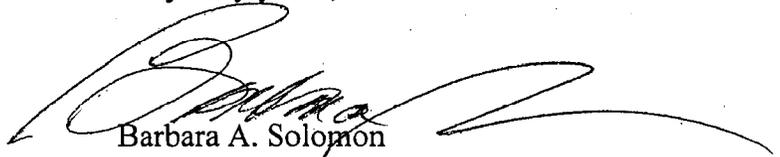
- Document Request No. 9. The fact that you may consider the documents at issue to be confidential is not a basis for failing to disclose the same, especially when we would be willing to enter into a confidentiality agreement. As to your agreement to produce only consummated franchising attempts, clearly this is not responsive to the request, which seeks attempts or plans to franchise and filings made concerning the same. As set forth above in addressing deficiencies in your interrogatory responses, your plans to franchise are relevant under the broad scope of relevancy set forth in TBMP § 402.01 and clearly relate to issues such as similarity of consumers and the nature of your client's expansion.

- Document Request No. 16. You state that plans for expansion are irrelevant. This is incorrect under the TBMP. Clearly, your client's plans for expansion relate specifically to such likelihood of confusion factors as bridging the gap. Accordingly, we ask that you supplement your response to Document Request No. 16 and provide us with the requested materials.

- Document Request No. 23 is not well taken. Search reports must be produced. See TBMP § 414(6).

I would suggest that in lieu of an exchange of correspondence concerning these deficiencies, that we set up a time to discuss these issues and see what can be resolved between the parties. Towards that end, please let me know when this week you are available for such a call.

Very truly yours,



Barbara A. Solomon

BAS/gc,fok,gc

EXHIBIT 8

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JANET L. HOFFMAN
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LAWRENCE ELI APOLZON
BARBARA A. SOLOMON
LISA PEARSON
MARK D. ENGELMANN
NADINE H. JACOBSON
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LAUREN J. MANDELL
JAMES D. WEINBERGER
JASON M. VOGEL
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MELISSA A. ANTONECCHIA
NANCY SABARRA
LAURA POPP-ROSENBERG
IRENE SEGAL AYERS
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*ADMITTED IN OH. ONLY

October 27, 2004

BY FACSIMILE & MAIL

Scott E. Charney, Esq.
Lerner, David, Littenberg, Krumholz &
Mentlik, LLP
600 South Avenue West
Westfield, New Jersey 07090

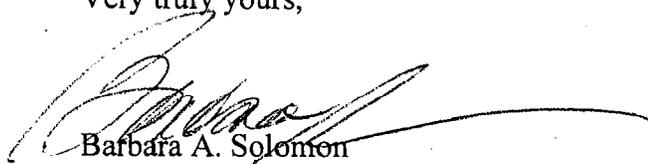
Re: Objection to application to register TIFFANY'S RESTAURANT
(Our Ref.: TFFJ USA TC-04/13531; Your Ref: GOOSSES 10.2A-001)

Dear Mr. Charney:

I am writing to follow up on my letter to you of October 13 setting out the deficiencies in the discovery responses that you served on behalf of your clients Anthony Siragusa and Michael Romanelli. When we discussed this matter on October 18, you advised that you would be responding to our deficiency letter that week and that you would be sending documents out to us in response to the discovery requests that week as well. We have yet to receive anything from you. There have already been significant delays on your clients' part in responding to discovery requests. Indeed, notwithstanding that the requests were served August 5, we still do not have full responses.

We believe that we have held the required "meet and confer" to address discovery disputes when we had our discussion of October 18. Thus, we are prepared to file a motion to compel unless we receive from you by Friday the supplemental discovery responses and documents. Please advise if these will be forthcoming.

Very truly yours,


Barbara A. Solomon

BAS/gc

EXHIBIT 9



600 SOUTH AVENUE WEST • WESTFIELD, NEW JERSEY 07090
908.654.5000 • FAX 908.654.7866 • WWW.LDLKM.COM

PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

Scott E. Charney
908.518.6336
scharney@ldlkm.com

October 28, 2004

**VIA FACSIMILE (212 813 5901)
CONFIRMATION BY MAIL**

Barbara A. Solomon, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
At First Avenue & 48th Street
New York, NY 10017

Re: GOOSSES 10.2A-001
Tiffany (NJ) Inc. v. Anthony Siragusa and Michael Romanelli
Opposition No.: 91160913, Serial No.: 76/520,262
Mark: TIFFANY'S RESTAURANT

Dear Ms. Solomon:

This will reply to your letter of October 13, 2004.

To respond to your general comments, we note that the applicants were the proper applicants for the application. First use was made by the original owner of the mark.

We address your comments about particular interrogatories as follows:

Interrogatories

Interrogatory No. 2: We have reviewed the answer and it is complete.

Interrogatory No. 3: We have reviewed the answer and it is complete.

Interrogatory No. 4: We are in the process of collecting additional samples of physical materials and will provide them when available.

Interrogatory No. 5: You state that TBMP specifically states that discovery addressed to expansion activities is permissible. Please cite the section to which you refer.

Interrogatory No. 6: Although applicants are aware of opposer's high fashion jewelry store services using a mark such as TIFFANY & CO., applicants do not know when and how they first became aware of such use.



Barbara A. Solomon, Esq.
October 28, 2004
Page 2

Interrogatory No. 9: Applicants have advertised in Clipper Magazine based out of 3708 Hempland Road, Mountville, PA 17554 in the last five years.

Interrogatory No. 10: We have considered your comments and stand by the objection provided. We have disclosed those licenses of applicant's mark for restaurant services which have been consummated. Any attempts at licensing for additional restaurants would not provide different information regarding applicant's channels of trade, customers or other matters relevant in this proceeding.

Interrogatory No. 11: We will prepare a Protective Order. We cannot provide the information until after a Protective Order is entered.

Interrogatory No. 13: We have considered your comments, but stand by the objection made. The mark involved in this proceeding is the entire mark TIFFANY'S RESTAURANTS, not some shortened form of the mark.

Interrogatory No. 18: We believe that the answer provided is what you asked for. The fact that there is no overlap, indeed a significant difference in every regard between applicant's services and opposer's goods and services, precludes an overlap of customers. In short, there can be no overlap between customers for high fashion, extremely expensive jewelry sold at upscale jewelry stores, and customers for family-style, sports-oriented restaurant services.

Interrogatory No. 22: We have considered your comments and stand by the objection. Our client's reason for and the timing of the filing of an application are purely irrelevant.

Interrogatory No. 23: We will prepare a Protective Order. We cannot provide the documents until after a Protective Order is entered.

Interrogatories Nos. 24-26: We believe no further response is required. We trust that you saw the answer to Interrogatory No. 26 regarding any retained expert.

Document Requests

Document Request No. 7: See our comments above regarding preparation of a Protective Order.



Barbara A. Solomon, Esq.
October 28, 2004
Page 3

Document Request No. 9: We have considered your comments, and stand by the objection. Plans to franchise additional locations of a restaurant are not relevant to any issue in this proceeding, including alleged similarity of consumers. You repeatedly refer to our client's expansion, but what we are referring to is a potential negotiation of licensing for the mark for additional restaurants. We cannot see the relevance.

Document Request No. 16: You have noted that applicant's plans for expansion relate specifically to such likelihood of confusion factor as "bridging the gap." We believe you have misconstrued this factor. Request No. 6 seeks plans for expanding by licensing additional restaurants. The bridging the gap factor refers to expansion of a mark to use on goods or services like the opponent's goods or services. Applicants have no plans to use the TIFFANY'S RESTAURANTS mark for high fashion jewelry store services or any related product.

Document Request No. 23: Applicants will produce search reports to the extent they exist.

We expect to begin document production soon.

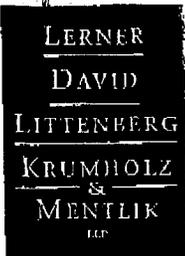
Very truly yours,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP


SCOTT E. CHARNEY

SEC/clg

EXHIBIT 10



600 SOUTH AVENUE WEST • WESTFIELD, NEW JERSEY 07090
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PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

Scott E. Charney
908.518.6336
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October 29, 2004

VIA FACSIMILE (212 813 5901)
CONFIRMATION BY MAIL

Barbara A. Solomon, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
At First Avenue & 48th Street
New York, NY 10017

Re: GOOSSES 10.2A-001
Tiffany (NJ) Inc. v. Anthony Siragusa and Michael Romanelli
Opposition No.: 91160913, Serial No.: 76/520,262
Mark: TIFFANY'S RESTAURANT

Dear Ms. Solomon:

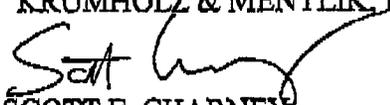
We now enclose productions R-00001 through R-00013. If we later locate additional documents that are responsive, we will produce them.

We discussed the matter of a Protective Order. We now enclose the Protective Order which the Board suggests parties use in proceedings before it. We are willing to have this Protective Order govern the production of confidential information by both parties. If you have specific, limited objections to the Protective Order, we will of course entertain them. We look forward to resolving the issue of the Protective Order before Tiffany (NJ) produces documents pursuant to our requests.

You advised me that you may have some scheduling conflicts in December. It is therefore important that the opposer produce documents in answer to our requests on November 29, 2004 — the date when responses are due. Please confirm that you will work with that schedule. We would also plan to take some depositions which should await those documents in December. Please advise us of dates of availability in December for deponents from the opposer, so that we can be certain that we obtain depositions before the close of discovery.

Very truly yours,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP


SCOTT E. CHARNEY

SEC:dlb/def
Encl.

OCT 23 2004 4:38PM LERNER/DAVID/EITZEND NO.103 14

of the order. If the parties have signed the order, they may have created a contract. The terms are binding from the date the parties or their attorneys sign the order, in standard form or as modified or supplemented, or from the date of imposition by a Board attorney or judge.

TERMS OF ORDER

1. Classes of Protected Information

The Rules of Practice in Trademark Cases provide that all *inter partes* proceeding files, as well as the involved registration and application files, are open to public inspection. The terms of this order are not to be used to undermine public access to files. When appropriate, however, a party or witness, on its own or through its attorney, may seek to protect the confidentiality of information by employing one of the following designations.

Confidential — Material to be shielded by the Board from public access.

Highly Confidential — Material to be shielded by the Board from public access and subject to agreed restrictions on access even as to the parties and/or their attorneys.

Trade Secret/Commercially Sensitive — Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.

2. Information Not to Be Designated as Protected

Information may not be designated as subject to any form of protection if it (a) is, or becomes, public knowledge, as shown by publicly available writings, other than through violation of the terms of this document; (b) is acquired by a non-designating party or non-party witness from a third party lawfully possessing such information and having no obligation to the owner of the information; (c) was lawfully possessed by a non-designating party or non-party witness prior to the opening of discovery in this proceeding, and for which there is written evidence of the lawful possession; (d) is disclosed by a non-designating party or non-party

witness legally compelled to disclose the information; or (e) is disclosed by a non-designating party with the approval of the designating party.

3. **Access to Protected Information**

The provisions of this order regarding access to protected information are subject to modification by written agreement of the parties or their attorneys, or by motion filed with and approved by the Board.

Judges, attorneys, and other employees of the Board are bound to honor the parties' designations of information as protected but are not required to sign forms acknowledging the terms and existence of this order. Court reporters, stenographers, video technicians or others who may be employed by the parties or their attorneys to perform services incidental to this proceeding will be bound only to the extent that the parties or their attorneys make it a condition of employment or obtain agreements from such individuals, in accordance with the provisions of paragraph 4.

- ◆ **Parties** are defined as including individuals, officers of corporations, partners of partnerships, and management employees of any type of business organization.
- ◆ **Attorneys for parties** are defined as including **in-house counsel** and **outside counsel**, including support staff operating under counsel's direction, such as paralegals or legal assistants, secretaries, and any other employees or independent contractors operating under counsel's instruction.
- ◆ **Independent experts or consultants** include individuals retained by a party for purposes related to prosecution or defense of the proceeding but who are not otherwise employees of either the party or its attorneys.
- ◆ **Non-party witnesses** include any individuals to be deposed during discovery or trial, whether willingly or under subpoena issued by a court of competent jurisdiction over the witness.

Parties and their attorneys shall have access to information designated as **confidential** or highly confidential, subject to any agreed exceptions.

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Outside counsel, but not in-house counsel, shall have access to information designated as trade secret/commercially sensitive.

Independent experts or consultants, non-party witnesses, and any other individual not otherwise specifically covered by the terms of this order may be afforded access to confidential or highly confidential information in accordance with the terms that follow in paragraph 4. Further, independent experts or consultants may have access to trade secret/commercially sensitive information if such access is agreed to by the parties or ordered by the Board, in accordance with the terms that follow in paragraph 4 and 5.

4. Disclosure to Any Individual

Prior to disclosure of protected information by any party or its attorney to any individual not already provided access to such information by the terms of this order, the individual shall be informed of the existence of this order and provided with a copy to read. The individual will then be required to certify in writing that the order has been read and understood and that the terms shall be binding on the individual. No individual shall receive any protected information until the party or attorney proposing to disclose the information has received the signed certification from the individual. A form for such certification is attached to this order. The party or attorney receiving the completed form shall retain the original.

5. Disclosure to Independent Experts or Consultants

In addition to meeting the requirements of paragraph 4, any party or attorney proposing to share disclosed information with an independent expert or consultant must also notify the party which designated the information as protected. Notification must be personally served or forwarded by certified mail, return receipt requested, and shall provide notice of the name, address, occupation and professional background of the expert or independent consultant.

The party or its attorney receiving the notice shall have ten (10) business days to object to disclosure to the expert or independent consultant. If objection is made, then the parties must negotiate the issue before raising the issue before the Board. If the parties are unable to settle their dispute, then it shall be the obligation of the party or attorney proposing disclosure to bring the matter before the Board with an explanation of the need for disclosure and a report on the efforts the parties have made to settle their dispute. The party objecting to disclosure will be expected to respond with its arguments against disclosure or its objections will be deemed waived.

6. **Responses to Written Discovery**

Responses to interrogatories under Federal Rule 33 and requests for admissions under Federal Rule 36, and which the responding party reasonably believes to contain protected information shall be prominently stamped or marked with the appropriate designation from paragraph 1. Any inadvertent disclosure without appropriate designation shall be remedied as soon as the disclosing party learns of its error, by informing all adverse parties, in writing, of the error. The parties should inform the Board only if necessary because of the filing of protected information not in accordance with the provisions of paragraph 12.

7. **Production of Documents**

If a party responds to requests for production under Federal Rule 34 by making copies and forwarding the copies to the inquiring party, then the copies shall be prominently stamped or marked, as necessary, with the appropriate designation from paragraph 1. If the responding party makes documents available for inspection and copying by the inquiring party, all documents shall be considered protected during the course of inspection. After the inquiring party informs the responding party what documents are to be copied, the responding party will be responsible for

prominently stamping or marking the copies with the appropriate designation from paragraph 1. Any inadvertent disclosure without appropriate designation shall be remedied as soon as the disclosing party learns of its error, by informing all adverse parties, in writing, of the error. The parties should inform the Board only if necessary because of the filing of protected information not in accordance with the provisions of paragraph 12.

8. Depositions

Protected documents produced during a discovery deposition, or offered into evidence during a testimony deposition shall be orally noted as such by the producing or offering party at the outset of any discussion of the document or information contained in the document. In addition, the documents must be prominently stamped or marked with the appropriate designation.

During discussion of any non-documentary protected information, the interested party shall make oral note of the protected nature of the information.

The transcript of any deposition and all exhibits or attachments shall be considered protected for 30 days following the date of service of the transcript by the party that took the deposition. During that 30-day period, either party may designate the portions of the transcript, and any specific exhibits or attachments, that are to be treated as protected, by electing the appropriate designation from paragraph 1. Appropriate stampings or markings should be made during this time. If no such designations are made, then the entire transcript and exhibits will be considered unprotected.

9. Filing Notices of Reliance

When a party or its attorney files a notice of reliance during the party's testimony period, the party or attorney is bound to honor designations made by the adverse party or attorney, or

non-party witness, who disclosed the information, so as to maintain the protected status of the information.

10. Briefs

When filing briefs, memoranda, or declarations in support of a motion, or briefs at final hearing, the portions of these filings that discuss protected information, whether information of the filing party, or any adverse party, or any non-party witness, should be redacted. The rule of reasonableness for redaction is discussed in paragraph 12 of this order.

11. Handling of Protected Information

Disclosure of information protected under the terms of this order is intended only to facilitate the prosecution or defense of this case. The recipient of any protected information disclosed in accordance with the terms of this order is obligated to maintain the confidentiality of the information and shall exercise reasonable care in handling, storing, using or disseminating the information.

12. Redaction: Filing Material With the Board

When a party or attorney must file protected information with the Board, or a brief that discusses such information, the protected information or portion of the brief discussing the same should be redacted from the remainder. A rule of reasonableness should dictate how redaction is effected.

Redaction can entail merely covering a portion of a page of material when it is copied in anticipation of filing but can also entail the more extreme measure of simply filing the entire page under seal as one that contains primarily confidential material. If only a sentence or short paragraph of a page of material is confidential, covering that material when the page is copied would be appropriate. In contrast, if most of the material on the page is confidential, then filing

the entire page under seal would be more reasonable, even if some small quantity of non-confidential material is then withheld from the public record. Likewise, when a multi-page document is in issue, reasonableness would dictate that redaction of the portions or pages containing confidential material be effected when only some small number of pages contain such material. In contrast, if almost every page of the document contains some confidential material, it may be more reasonable to simply submit the entire document under seal. **Occasions when a whole document or brief must be submitted under seal should be very rare.**

Protected information, and pleadings, briefs or memoranda that reproduce, discuss or paraphrase such information, shall be filed with the Board under seal. The envelopes or containers shall be prominently stamped or marked with a legend in substantially the following form:

CONFIDENTIAL

This envelope contains documents or information that are subject to a protective order or agreement. The confidentiality of the material is to be maintained and the envelope is not to be opened, or the contents revealed to any individual, except by order of the Board.

13. Acceptance of Information; Inadvertent Disclosure

Acceptance by a party or its attorney of information disclosed under designation as protected shall not constitute an admission that the information is, in fact, entitled to protection. Inadvertent disclosure of information which the disclosing party intended to designate as protected shall not constitute waiver of any right to claim the information as protected upon discovery of the error.

14. Challenges to Designations of Information as Protected

If the parties or their attorneys disagree as to whether certain information should be protected, they are obligated to negotiate in good faith regarding the designation by the disclosing

party. If the parties are unable to resolve their differences, the party challenging the designation may make a motion before the Board seeking a determination of the status of the information.

A challenge to the designation of information as protected must be made substantially contemporaneous with the designation, or as soon as practicable after the basis for challenge is known. When a challenge is made long after a designation of information as protected, the challenging party will be expected to show why it could not have made the challenge at an earlier time.

The party designating information as protected will, when its designation is timely challenged, bear the ultimate burden of proving that the information should be protected.

15. Board's Jurisdiction: Handling of Materials After Termination

The Board's jurisdiction over the parties and their attorneys ends when this proceeding is terminated. A proceeding is terminated only after a final order is entered and either all appellate proceedings have been resolved or the time for filing an appeal has passed without filing of any appeal.

The parties may agree that archival copies of evidence and briefs may be retained, subject to compliance with agreed safeguards. Otherwise, within 30 days after the final termination of this proceeding, the parties and their attorneys shall return to each disclosing party the protected information disclosed during the proceeding, and shall include any briefs, memoranda, summaries, and the like, which discuss or in any way refer to such information. In the alternative, the disclosing party or its attorney may make a written request that such materials be destroyed rather than returned.

16. **Other Rights of the Parties and Attorneys**

This order shall not preclude the parties or their attorneys from making any applicable claims of privilege during discovery or at trial. Nor shall the order preclude the filing of any motion with the Board for relief from a particular provision of this order or for additional protections not provided by this order.

CONSENTED TO BY:

FROSS ZELNICK LEHRMAN & ZISSU, P.C.
Attorney for Opposer Tiffany (NJ) Inc.
866 United Nations Plaza
At First Avenue & 48th Street
New York, NY 10017

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
*Attorneys for Applicants Anthony Siragusa
and Michael Romanelli.*
600 South Avenue West
Westfield, New Jersey 07090

By: _____

By: _____

Date: _____

Date: _____

By Order of the Board, effective _____.

By:

EXHIBIT 11

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

RONALD J. LEHRMAN
DAVID WEILD III
STEPHEN BIGGER
MICHAEL I. DAVIS
ROGER L. ZISSU
MARIE V. DRISCOLL
RICHARD Z. LEHV
DAVID W. EHRLICH
SUSAN UPTON DOUGLASS
JANET L. HOFFMAN
PETER J. SILVERMAN
LAWRENCE ELI APOLZON
BARBARA A. SOLOMON
LISA PEARSON
MARK D. ENGELMANN
NADINE H. JACOBSON
ANDREW N. FREDBECK
GEORGES NAHITCHEVANSKY
CRAIG S. MENDE
PATRICK T. PERKINS
J. ALLISON STRICKLAND
JOHN P. MARGIOTTA
MARIA A. SCUNGIO

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NEW YORK, N. Y. 10017

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JAMES D. SILBERSTEIN
RUTH E. LAZAR
JOYCE M. FERRARO
PHILIP T. SHANNON
MICHELLE P. FOXMAN
COUNSEL

ROBERT A. BECKER
TAMAR NIV BESSINGER
ANGELA KIM
LYDIA T. GOBENA
MICHAEL CHIAPPETTA
EVAN GOURVITZ
CARLOS CUCURELLA
NANCY C. DICONZA
ZOE HILDEN
LAUREN J. MANDELL
JAMES D. WEINBERGER
JASON M. VOGEL
VEJAY G. LALLA
DAVID I. GREENBAUM
DAVID DONAHUE
CHARLOTTA MEDER
MELISSA A. ANTONECCHIA
NANCY SABARRA
LAURA POPP-ROSENBERG
IRENE SEGAL AYERS
CARA BOYLE
JOHN M. GALLACHER

*ADMITTED IN OH. ONLY

November 1, 2004

BY FACSIMILE & MAIL

Scott E. Charney, Esq.
Lerner, David, Littenberg, Krumholz &
Mentlik, LLP
600 South Avenue West
Westfield, New Jersey 07090

Re: Objection to application to register TIFFANY'S RESTAURANT
(Our Ref.: TFFJ USA TC-04/13531; Your Ref: GOOSES 10.2A-001)

Dear Mr. Charney:

I am in receipt of the draft Protective Order. In truth, I was quite surprised that you sent to me the form Protective Order from the TTAB when I told you quite clearly that this is unacceptable to us. We will not agree to any Protective Order that allows any of our client's confidential material to be provided to Messrs. Siragusa and Romanelli. Further, we will not agree to any Protective Order that requires us to disclose the name of independent experts or consultants to you before we show those consultants or experts your clients' confidential information. Indeed, you were well aware of our position on this before you sent me the Order. The fact that you have made no attempt to revise this Agreement to address our concerns suggests that you have no intention of trying to work out something mutually acceptable. I note, for example, that the first page of the Protective Order, second paragraph, has language that the Board directs to the parties and has nothing to do with a final order as entered. Yet you have included it anyway. In addition to the objections that I have already noted, other concerns about the Protective Order include:

1. Paragraph 3, the sentence beginning with "Court reporters, stenographers . . ." must be deleted.

Scott E. Charney, Esq.

November 1, 2004

Page 2

2. There needs to be a statement that a signature of a member of the outside counsel's firm is sufficient to bind the entire firm.

3. It is unclear whether you intend for in-house counsel to have to sign the Agreement.

4. The Agreement needs to be made clear that disclosed information may be used for purposes of this case, including any appeals regardless of whether those appeals are to the federal circuit or in connection with the *de novo* action in federal district court.

5. We object to the reference to "substantially contemporaneous" in Paragraph 14 on the grounds that it is overly burdensome.

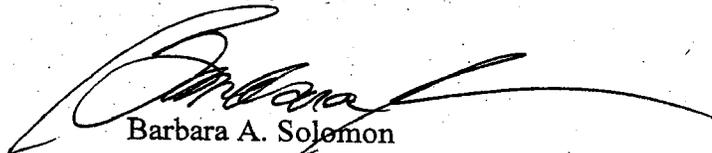
6. There needs to be provision concerning the ramifications of inadvertent disclosure of confidential information. It needs to be made clear that a party who receives material that has not been properly designated as confidential may make free use of the materials. If, at a later point, the producing party designates the material as confidential, this does not create a burden on the receiving party to recall any documents that have been re-designated as confidential or to take any other action. The confidentiality designation would work on a going forward basis only.

If you are indeed acting in good faith, we would ask that you produce all documents to us, regardless of whether they are confidential, while the terms of the agreement are worked out and that you forward to us a revised Confidentiality Agreement incorporating these comments.

Turning to the discovery requests you served on our client, please advise us by no later than Wednesday, November 3, as to whether you will agree to extend our client's time to respond to discovery by 30 days (as you took). I previously advised you that we would seek such an extension. If we do not hear from you by that date, we will make a motion to the Board.

Finally, on your request for dates of availability for deponents from our client, we cannot provide that to you until we receive the topics on which you seek deposition testimony.

Very truly yours,



Barbara A. Solomon

BAS/fok,gc

cc: Laura Popp-Rosenberg, Esq.

EXHIBIT 12

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

RONALD J. LEHRMAN
DAVID WEILD III
STEPHEN BIGGER
MICHAEL I. DAVIS
ROGER L. ZISSU
MARIE V. DRISCOLL
RICHARD Z. LEHV
DAVID W. EHRLICH
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COUNSEL

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MICHAEL CHIAPPETTA
EVAN GOURVITZ
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MELISSA A. ANTONECCHIA
NANCY SABARRA
LAURA POPP-ROSENBERG
IRENE SEGAL AYERS
CARA BOYLE
JOHN M. GALLACHER

* ADMITTED IN OH - ONLY

November 1, 2004

BY FACSIMILE AND MAIL

Scott E. Charney, Esq.
Lerner, David, Littenberg, Krumbolz & Mentlik, LLP
600 South Avenue West
Westfield, New Jersey 07090

Re: Objection to application to register TIFFANY'S RESTURANT
(Our Ref.: TFFJ USA TC-04/13531; Your Ref.: GOOSES 10.2A-001)

Dear Mr. Charney:

We have received and reviewed your October 28, 2004, reply to our October 13, 2004, letter concerning deficiencies in Applicants' Response to Opposer's First Set of Interrogatories and Applicants' Response to Opposer's First Set of Requests for Production of Documents and Things. As you and Barbara Solomon discussed by telephone, your reply did little to correct the deficiencies we identified. We therefore again write pursuant to Trademark Rule of Practice 2.120 to attempt one last time to resolve our concerns before resort to the Trademark Trial and Appeal Board.

Before addressing the specific continued deficiencies noted below, we want to raise three issues. First, we acknowledge receipt of the draft protective order. We are reviewing it and will give you our comments as soon as possible. While a mutually-acceptable protective order is negotiated, we request that you immediately produce all responsive documents, regardless of confidentiality. We will review these documents on an "outside attorneys' eyes only" basis until the protective order is in place. Further, we request that *all* responsive documents be produced at our offices no later than November 10, 2004. As Ms. Solomon previously informed you, we intend to take full-day discovery depositions of the Applicants on November 17 and 18, 2004, and need the documents sufficiently in advance of those dates. The deposition notices are enclosed.

Second, with respect to the interrogatories that you supplemented in your October 28 letter, we would like to call your attention to the fact that written discovery responses may not be supplemented in this manner. We therefore request that you prepare an appropriate amended response, incorporating both the original and additional information, and have the response verified by your clients.

Third, you failed to address certain issues raised in our earlier letter, specifically, our requests that you:

- explain Mr. Siragusa's claim in the application at issue that he, as well as Mr. Romanelli, used the TIFFANY'S RESTAURANT mark since 1980;
- explain the relationship between Applicants and the entity "Tiffany's Restaurant";
- explain the relationship between the three restaurants identified in Applicants' Response to Interrogatory No. 2: and
- identify the nature of the Tiffany's Restaurant entity (e.g., corporation, partnership, etc.).

We ask that you provide appropriate responses.

We now turn to the specific continued deficiencies.

Reply to deficiencies noted in Applicants' Response to Interrogatory No. 2: Please confirm that your reply, "We have reviewed the answer and it is complete," means that the only individuals or entities with current ownership interests in the restaurants identified in Applicants' Response to Interrogatory No. 1 are those individuals identified in Applicants' Response to Interrogatory No. 2, and that there are no other individuals or entities with current ownership interests in those restaurants.

Reply to deficiencies noted in Applicants' Response to Interrogatory No. 3: Please confirm that your reply, "We have reviewed the answer and it is complete," means that the Toms River franchised facility identified in Applicants' Response to Interrogatory No. 3 is the only restaurant that Applicants own, operate, control, or otherwise have an interest in that currently is scheduled to open within the next twelve (12) months and that includes as part of its name "Tiffany" or "Tiffany's."

Reply to deficiencies noted in Applicant's Response to Interrogatory No. 4: We asked you to advise when we could expect to receive the identified physical materials. Your response that you "will provide them when available" is no response at all. The requested materials, which clearly may be gathered easily, must be produced immediately.

Reply to deficiencies noted in Applicants' Response to Interrogatory No. 5: You did not address the noted deficiencies, and instead asked us to identify the specific TBMP section which

requires Applicants to identify expansion activities. We refer you to TBMP § 414(8) and request that you respond to *all* of the noted deficiencies.

Reply to deficiencies noted in Applicants' Response to Interrogatory No. 6: You have not responded to our query as to whether Applicants would be prepared to stipulate that as of the dates that they applied to register their mark and first used their mark, they were aware of Opposer's use of the TIFFANY Mark. Please respond.

Reply to deficiencies noted in Applicants' Response to Interrogatory No. 10: We repeat the noted deficiencies and arguments, and again request you to supplement Applicant's original response. We cannot evaluate the truth of your assertion that the requested information "would not provide different information regarding applicant's [sic] channels of trade, customers or other matters relevant in this proceeding," unless and until we have that information.

Reply to deficiencies noted in Applicant's Response to Interrogatory No. 13: We repeat the noted deficiencies and arguments, and again request you to supplement Applicant's original response.

Reply to deficiencies noted in Applicant's Response to Interrogatory No. 18: You have provided no facts or evidence supporting your statement that "there can be no overlap between customers for high fashion, extremely expensive jewelry sold at upscale jewelry stores, and customers for family-style, sports-oriented restaurant services." Are you suggesting your clients ban from their restaurants customers who purchase expensive jewelry or who have purchased products from our client? Contrary to your assertion, the fact that the parties' respective goods may not, at present, overlap does not automatically "preclude" an overlap of customers. We request that you supplement your answer appropriately.

Reply to deficiencies noted in Applicant's Response to Interrogatory No. 22: We repeat the noted deficiencies and arguments, and again request you to supplement Applicant's original response. We further note that documents concerning Applicants' plans to franchise restaurants are relevant to numerous issues, including but not limited to similarity of the goods and similarity of the channels of trade. Moreover, we again refer you to TBMP § 414(8), which concerns the discoverability of a party's plans for expansion.

Reply to deficiencies noted in Applicant's Response to Document Request No. 9: We repeat the noted deficiencies and again request you to produce the requested documents. In addition, we again refer you to TBMP § 414(8).

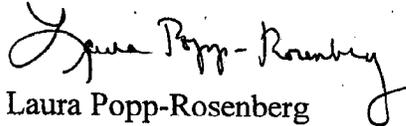
Reply to deficiencies noted in Applicant's Response to Document Request No.16: We repeat the noted deficiencies and again request you to produce the requested documents. We further note that the document request called for the production of documents related to Applicant's plans "for expanding *the nature* or number of restaurants." To the extent that you contend that there is "no overlap between customers for high fashion, extremely expensive jewelry sold at upscale jewelry stores, and customers for family-style, sports-oriented restaurant

Scott E. Charney, Esq.
November 1, 2004
Page 4

services," any plans that Applicants have to change the nature of their restaurants might serve to bridge the alleged gap and are therefore relevant.

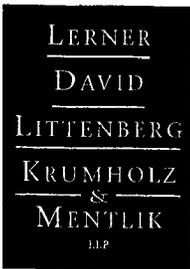
I would suggest that, in lieu of exchanging further correspondence regarding these deficiencies, we set up a time to discuss these issues and see what can be resolved between the parties. Towards that end, please let either Ms. Solomon or I know when you are available the week of November 1, 2004, for such a call.

Very truly yours,


Laura Popp-Rosenberg

cc: Barbara A. Solomon, Esq.

EXHIBIT 13



600 SOUTH AVENUE WEST • WESTFIELD, NEW JERSEY 07090
908.654.5000 • FAX 908.654.7866 • WWW.LDLKM.COM

RECEIVED
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PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

TFPJ
Tiffany's Restaurants
Scott E. Charney
908.518.6336
scharney@ldlkm.com

October 29, 2004

VIA FACSIMILE (212 813 5901)
CONFIRMATION BY MAIL

Barbara A. Solomon, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
At First Avenue & 48th Street
New York, NY 10017

Re: GOOSSES 10.2A-001
Tiffany (NJ) Inc. v. Anthony Siragusa and Michael Romanelli
Opposition No.: 91160913, Serial No.: 76/520,262
Mark: TIFFANY'S RESTAURANT

Dear Ms. Solomon:

We now enclose productions R-00001 through R-00013. If we later locate additional documents that are responsive, we will produce them.

We discussed the matter of a Protective Order. We now enclose the Protective Order which the Board suggests parties use in proceedings before it. We are willing to have this Protective Order govern the production of confidential information by both parties. If you have specific, limited objections to the Protective Order, we will of course entertain them. We look forward to resolving the issue of the Protective Order before Tiffany (NJ) produces documents pursuant to our requests.

You advised me that you may have some scheduling conflicts in December. It is therefore important that the opposer produce documents in answer to our requests on November 29, 2004 — the date when responses are due. Please confirm that you will work with that schedule. We would also plan to take some depositions which should await those documents in December. Please advise us of dates of availability in December for deponents from the opposer, so that we can be certain that we obtain depositions before the close of discovery.

Very truly yours,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP


SCOTT E. CHARNEY

SEC:dlb/def
Encl.

Tri-o of Wings
 3 mild or hot honey BBQ and 3 original
 wings served with blue cheese dip. **11.99**

Caribbean Kabobs
 A skewer of hot rigoni topped with a delightful
 barbecue sauce complemented by a skewer of shrimp
 and light lemon herb sauce served with green
 and red peppers, white onions, mushrooms and cherry
 tomatoes, served over rice. **15.99**

Pollo di Roma
 Chicken breast sautéed in white wine and Italian
 spices with cherry tomatoes and vegetables then
 dipped in a light tomato sauce. **13.99**

Chicken Mincemeat
 Lightly breaded chicken breast sautéed and topped
 with baby leaf greens and a lemon dressing. **11.99**

Fresh Made Meat Loaf
 Fresh made daily (sometimes we run out) with brown
 gravy, mashed potato, and vegetables. **10.99**

Mandarin Teriyaki Steak
 Grilled New York strip, sliced and breaded with teriyaki
 sauce. Served over Oriental vegetables with a baked
 potato. **19.99**

Chicken Parmesan
 Lightly breaded chicken cutlet covered with marinara
 sauce and melted mozzarella cheese. Served with
 linguini and garlic bread. **11.99**

Chicken Teriyaki
 Tender chicken breast grilled and basted with teriyaki
 glaze. Served with rice and vegetable. **11.99**

Chicken & Shrimp Francaise
 Sautéed in a lemon and white sauce with rice
 and vegetables. **16.99**

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Steampunk Steampunk
 Jimmy's steampunk burger with special art museum
 sauce, topped with onion rings and french fries. **14.99**

Hot Turkey
 Served over rice and vegetable. **18.99**

SOUPS AND SALADS

Soup of the day
 Hand your server for today's fresh prepared selection
Baked French Onion Soup
 Caramelized onions, a touch of sweet sherry, herb
 and parmesan crusted croutons topped
 with melted mozzarella. **3.99**

Soup & Salad Combo
 Soup and salad served with a side of Caesar with
 a serving of our bread. **6.99**

House Salad
 A generous portion of garden greens topped with
 tomatoes and your choice of dressing. **3.99**

Fresh Hearts of Roman
 Fresh hearts of romaine, grilled parmesan, fresh
 basil croutons and our classic dressing. **3.99**

Pear Salad
 Packed pears and candied walnuts atop a bed of
 fresh garden greens with poppyseed dressing. **3.99**

Greek Salad
 Crisp romaine tossed with Greek, vinegretta dressing
 and topped with feta cheese, olives, peppers,
 cucumbers and tomatoes. **3.99**

Caesar Salad
 Hand-headed sandwiches, tossed in buffalo sauce
 served on a bed of mixed salad greens with
 blue cheese and herb vinaigrette dressing. **9.99**

Mediterranean Field Greens
 Grilled steel chicken, field greens, tomatoes,
 feta cheese and mandarin oranges tossed in a
 balsamic vinegretta dressing. **9.99**

Oriental Chicken Salad
 Sliced marinated chicken breast served over baby
 leaf greens with a medley of Chinese vegetables,
 tossed in a ginger sesame dressing. **9.99**

Pear Salad

SPECIALTIES

Barbecue Chicken Tender
 and mozzarella. **16.99**

Spry Chicken
 Spry chicken, sautéed mushrooms, **7.99**

Buffalo Chicken
 Buffalo chicken with a touch of bleu cheese, parmesan
 and hot sauce. **7.99**

Southern Shredded BBQ Pork
 Sliced pork, sautéed tomatoes, **7.99**

Chicken & Shrimp Francaise
 Sautéed in a lemon and white sauce with rice
 and vegetables. **16.99**

Pollo di Roma
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 glaze. Served with rice and vegetable. **11.99**

PASTAS

Lasagna
 Served with ricotta cheese, meat sauce, topped
 with melted mozzarella. **13.99**

Pasta alla Vodka
 Al dente penne pasta tossed in a creamy, pink
 sauce. **10.99**

Clams di Calabria con Linguini
 A combination of fresh Zucchini, ricotta and
 clams served in a light tomato sauce. **14.99**

Shrimp Nappolitan
 Juicy shrimp sautéed in white wine and breaded
 with parmesan in a light pink cream sauce
 served with mozzarella cheese. **14.99**

Barbecue Chicken Tender
 and mozzarella. **16.99**

Spry Chicken
 Spry chicken, sautéed mushrooms, **7.99**

Buffalo Chicken
 Buffalo chicken with a touch of bleu cheese, parmesan
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 Sliced pork, sautéed tomatoes, **7.99**

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Chicken Mincemeat
 Lightly breaded chicken breast sautéed and topped
 with baby leaf greens and a lemon dressing. **11.99**

SANDWICHES AND WRAPS

Pot Roast Sandwich
 Tender slices on a hard roll warmed in its own gravy
 & served with french fries, cole slaw and pickles. **7.99**

Fresh Meatloaf
 Sliced meat loaf on a hard roll with gravy. **6.99**

Crab Cake
 Our famous crab cakes on buns with lettuce, tomato,
 red onion and roasted garlic butter sauce on the side.
 Served with fries and cole slaw. **9.99**

Chicken focaccia
 Grilled sliced chicken, roasted peppers, eggplant,
 fresh mozzarella, basil and sliced tomatoes.
 Drizzled with balsamic vinegar. **8.99**

Buffalo Chicken Wrap
 Boneless chicken breast sliced with cheddar,
 mozzarella and blue cheese. Served with fries. **7.99**

Turkey Club Wrap
 Sliced turkey breast with bacon, lettuce, tomatoes
 and cheddar-mozzarella wrapped in a flour tortilla
 and served with fries. **7.99**

Chicken Caesar Wrap
 Grilled sliced chicken, roasted peppers, crisp
 romaine, and tomatoes dressed with Caesar dressing
 and wrapped in a flour tortilla and served
 with fries. **7.99**

Greek Chicken Wrap
 Grilled sliced chicken breast, baby greens, olives,
 cucumber, and feta cheese with Great dressing
 and served with fries. **7.99**

Steampunk Steampunk
 Jimmy's steampunk burger with special art museum
 sauce, topped with onion rings and french fries. **14.99**

Hot Turkey
 Served over rice and vegetable. **18.99**

BURGERS & CHICKEN GRILLS

Classic Cheese
 American, cheddar, mozzarella, or pepper jack.
6.99

Hot Turkey
 Served over rice and vegetable. **18.99**

Hot Turkey

DESSERTS

Chicken Fingers
Rich, creamy, chocolate layered with chunks of banana and red/orange caramel, wrapped in a light cream filling, rolled in a crunchy brown, yeast-glazed bananas and warm caramel sauce drizzled over a scoop of vanilla ice cream. **4.99**



Mexican Xangos



Key West Lime Pie

Hot Apple Crunch
The home specialty. A delectable mixture of apples and cinnamon in a crunchy topping. Served with rich vanilla ice cream and topped with some cream. **3.99**

Raspberry Bread Pudding
Warm bread pudding layered with raspberry sauce, topped with whip cream and crinkled with raspberry sauce. **4.99**

Chocolate Mud Loaf Sundae
A chocolate lover's dream! Imagine a hot fudge brownie topped with rich vanilla ice cream, whipped cream and chocolate syrup. **3.99**

Double Dookie Sloop
Your choice of Sloop, Dr. Seckau or Vanilla ice cream. **2.29**

NY Cheesecake
Our cheesecake is made with fresh and in-season ingredients, your choice of plain, tangy, strawberry or cherry topping. **3.99**

Bourbon Street Pecan Pie
A Bay Orleans delight! Mmmm! Sticky sauce and honey, with the best pecan's. **3.99**

Bourbon Street Pecan Pie



Bourbon Street Pecan Pie

KIDS MEALS

*All kids meals include a choice of chocolate or vanilla ice cream or sherbet. **4.29** *French fries included

Kid Pizza

**Burger (plain or cheese)*
Grilled Cheese*
Hot Dog***

**Chicken Fingers*
Sketties and Meatballs
Macaroni and Cheese**

While at Tiffany's in Pine Brook, visit our 3rd level bar featuring 23 Specialty Martinis, an elegant leather sofa lounge with a classic floor, and bottle treatment service.



Stop by and try our signature
Tiffini Martini...
guaranteed to bring
a smile to your face!

Tony Sirogus's favorite selections
NY Monthly Magazine
voted Best Family
Dining in North
Jersey, 2002.



R-00005

For Reservations and Information please call 973-977-4777

TIFFANY'S

Casual Dining & Bar

A GOOD TIME
FOR RIBS

231 Speedwell Ave.
Morris Plains • 973-290-9777

1637 Vanxhall Rd.
Union • 908-688-6666

Rt. 46 West
Pine Brook • 973-227-2112

www.tiffanysrestaurant.com

A GOOD TIME
FOR RIBS

PSRT STD
U.S. Postage
PAID
East Hanover, NJ
Permit No. 5



September 2004

TALKING POINTS

By Tom Swider



Win a 2005 Ford Focus

Car-A-oke



Tiffany's along with Warnock Ford, Coorslight, & 95.5 WPLJ Radio are hosting a karaoke contest with the proceeds going to the Huntington Disease Foundation. The contest will kick off Tuesdays September 21, 2004 at the Union location, Wednesdays at the Pine Brook location, Thursdays at the Morris Plains location, and by popular demand Friday nights at the Union location as well. The contest will run for eight weeks with the finals being held on December 5, 2004, at Warnock Ford's showroom on Ridgedale Ave. in Morristown, New Jersey. The Grand prize is a 2005 Ford Focus, other prizes include weekend stays at the Borgata in Atlantic City, Mohegan Sun in Connecticut and other great prizes. Tiffany's will raffle off an incredible 4 day 3 night trip to St. Croix in the Caribbean compliments of Cruzan Rum. Accommodations at Cruzan's own three bedroom villa looking onto

fabulous sunsets off the warm Caribbean sea. Your \$5.00 donation will benefit the Huntington Disease Foundation.

Chris Roselle



Chris Roselle Acoustic Guitar playing your favorites from the 60's, 70's, & 80's appearing every Wednesday in Union and Every Thursday in Pine Brook. The live entertainment starts at 9:00pm fun for the whole family.

Tiffany's American Ale



Tiffany's along with Cricket Hill Micro Brewery are launching TIFFANY'S AMERICAN ALE. On draft or in the bottle this beer is outrageous, "The best beer I have had in a long time", quote from Ed St. John, Tiffany's Food and Beverage director. This beer is sure to be a hit thanks to Rick Reed owner of Cricket Hill Brewery in Fairfield New Jersey.



Football

Every Monday Night in Pine Brook join ex NFL superstar and Fox Sports sideline analyst Tony Sirigusa along with NY Giants star Amani Toomer and WFAN radio from 6:30 to 8:30 announcing the

pre-game live. Football specials in all locations include .39 cent wings, .49 cent shrimp, \$2.50 Coorslight drafts, \$4.00 Apple Martinis and Cosmopolitans for the ladies, also try our new bar pies great for the football munchies.

Whats New?

Tiffany's will be rolling out our new menu in the middle of October, along with our new signature Martini the Peachee Cosmo-tini (A great addition to our luscious 68 Martinis) made with Stolli Peach Russian vodka and garnished with a fresh peach. Tiffany's will add a little Asian flair to the new menu along with new great appetizers entrees, pastas, ciabatta & panini sandwiches and tantalizing desserts sure to please anyones palate. Also don't forget about our LOW CARB menu.

TIFFANY'S RESTAURANTS

231 Speedwell ave.
Morris Plains, NJ 07950
(973) 290-9777

73 Old Bloomfield Ave.
Pine Brook, NJ 07058
(973) 227-2112

1637 Vauxhall Rd.
Union, NJ 07083
(908) 688-6666



Morris Plains

DRAW
\$50 GIFT CERTIFICATE & SIGNED AUTOGRAPHED
PICTURE OF CO-OWNER, TONY SIRAGUSA.

Mr. Mrs. Ms.

Name: _____

Address: _____

City: _____

State: _____ Zip Code: _____

Telephone: _____

Birth day: _____ Month: _____ Day: _____

E-mail: _____

PLEASE PRINT

1st visit? Yes No

How did you hear about us?

Comments:

R-00008

R-00009

Tiffany's Casual Dining & Bar is
delighted to offer you the chance to win

a
Gift Certificate valued at \$50 and
a signed autographed picture of co-
owner,

Tony Siragusa
*(ex NFL Superstar for the World Champion
Baltimore Ravens)*

We are also taking this opportunity
to include your name on our
preferred guest list.

This will allow us to keep you updated
on special promotions and
events in the restaurant.

It's a way for us to show how much
we appreciate our guests.



Morris Plains

This information is for the exclusive
use of Tiffany's Casual Dining & Bar.

WANT BEER?...
now you can

**You don't have to
sacrifice beer
because of carbs!**



**Enjoy one today with
some of Tiffany's low
carb menu items.**





AFTER DINNER MENU

DESSERTS

HOT APPLE CRUNCH: \$3.99

A delightful mixture of apples and cinnamon with a crunchy topping. Served with vanilla ice cream and topped with whipped cream.

Try a glass of SANDEMAN TAWNY PORT with this dessert.

CHOCOLATE LAVA: \$4.49

A warm centered chocolate ganache sitting on sweet strawberry sauce. Cut into it and watch it ooze!

Try a glass of COCKBURN PORT with this dessert.

RASPBERRY BREAD PUDDING: \$4.99

Warmed bread pudding laced with whiskey sauce, topped with whipped cream and drizzled with raspberry sauce.

MEXICAN XANGOS: \$4.99

Rich, creamy cheesecake and real butter caramel within a flaky tortilla. Golden fried, rolled in cinnamon sugar, with sliced bananas, scoop of vanilla ice cream and warm caramel sauce.

Try a glass of KOURTAKI SAMOS with this dessert.

ICE CREAM CAPPUCINO: \$4.99

REGULAR - DECAF

PLAIN - CHOCOLATE - VANILLA - HAZLENUT

A delightful and different dessert. Rich vanilla ice cream with regular or decaf cappuccino, balance off with milk and top with whipped cream. Enjoy it plain or your choice of Chocolate, Vanilla, or Hazelnut.

BOURBON STREET PECAN PIE: \$3.99

Pecan pie sitting on top of warm whiskey sauce with honey pecans.

KEY WEST LIME PIE: \$3.99

A delicious key lime pie drizzled with raspberry sauce and garnished with lime slices.

MUD LOAF SUNDAE: \$3.99

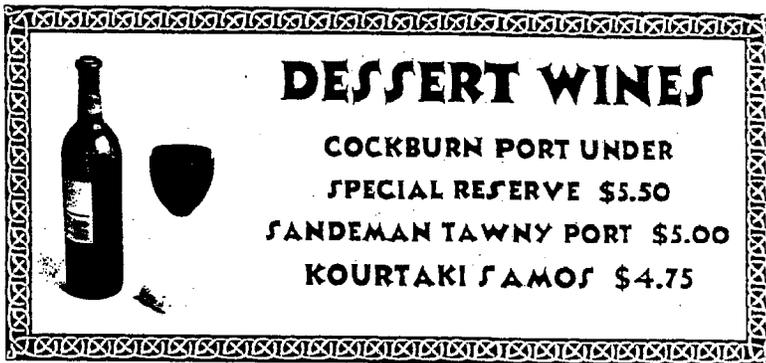
A chocolate lovers dream. Imagine a hot fudge brownie topped with rich vanilla ice cream, whipped cream, and chocolate syrup.

NY CHEESECAKE: \$3.99

Topped with your choice of Blueberry, Strawberry, Cherry, or Pineapple topping.

DOUBLE DOUBLE SCOOP: \$2.99

Your choice of Sherbet, Chocolate, or Vanilla ice cream.



DESSERT WINES

COCKBURN PORT UNDER SPECIAL RESERVE \$5.50

SANDEMAN TAWNY PORT \$5.00

KOURTAKI SAMOS \$4.75

COFFEE DRINKS - \$5.90

MEXICAN COFFEE - KAHLUA

IRISH COFFEE - JAMESON IRISH WHISKEY

SPANISH COFFEE - KAHLUA & BRANDY

JAMAICAN COFFEE - TIA MARIA

PEPPERMINT PATTY - RUMPLEMINZE & CRÈME de CACAO

CAFÉ INTERNATIONAL - BAILEYS, GRAND MARNIER, KAHLUA

HOT CHOCOLATE DRINKS - \$5.90

ALMOND JOY - AMMARETTO & CRUZAN COCONUT RUM

MUD PIE - CRUZAN COCONUT RUM & BAILEYS

CAPTAIN'S COCONUT BROWNIE - CAPTAIN MORGAN & CRUZAN COCONUT RUM

ORANGE SUNDAE - GRAND MARNIER

IRISH MIST - BAILEYS IRISH CREAM

HAVE A REGULAR OR DECAF ESPRESSO WITH DESSERT OR TRY OUR NEW HOT LEMON ITALIAN AFTER DINNER TEA! EUROPE'S LATEST RAGE! \$2.29

CAPPUCINO

REGULAR - DECAF

PLAIN - CHOCOLATE VANILLA - HAZELNUT

\$2.99



COFFEE - REGULAR - DECAF - \$1.79



WET

A perfect selection of drinks and desserts

YOUR

to complement the perfect meal

APPETITE

R-00012



Mazed™ "Dinosaurs"

by Isaac Thayer



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T X W J H S D C S F R L W M N
 I F S H E A V U I G L A M P O Z
 E T L O A C C F R B T C I Q T
 J D N T C E D U I F F S K C L W
 V G K O L B V N N A Z D B K
 I B G G M T I C J G P C U R A
 H U F A E S A B E L E G P D Y
 R S H T I F F A N Y S R U I V
 A Z Z I P N S V E E X P K Z J Z
 Q K H W H S P E E C Q U A M C W
 D I Q H B E P E C Q U A M C W
 T Q T I S A S A Q Q E V H Y M F
 W U R C E H N C Z X Y H Y M F
 T E K W S O D A C P T Z G S A

KIDS MEALS

All kids meals include a choice of chocolate or vanilla ice cream or sherbet \$4.29
 *includes french fries

- Kids Pizza
- Burger (plain or cheese)*
- Grilled Cheese*
- Hot Dog*
- Chicken Fingers*
- Sketties and Meatballs*
- Sketties and Butter
- Macaroni and Cheese

- FINGERS
- FRIES
- HAMBURGER
- HOTDOG
- MILK
- PASTA
- PIZZA
- RIBS
- SAUCE
- SODA
- TIFFANY'S

EXHIBIT 14

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

RONALD J. LEHRMAN
DAVID WEILD III
STEPHEN BIGGER
MICHAEL J. DAVIS
ROGER L. ZISSU
MARIE V. DRISCOLL
RICHARD Z. LEHV
DAVID W. EHRLICH
SUSAN UPTON DOUGLASS
JANET L. HOFFMAN
PETER J. SILVERMAN
LAWRENCE ELI APOLZON
BARBARA A. SOLOMON
LISA PEARSON
MARK D. ENGELMANN
NADINE H. JACOBSON
ANDREW N. FREDBECK
GEORGES NAHITCHEVANSKY
CRAIG S. MENDE
PATRICK T. PERKINS
J. ALLISON STRICKLAND
JOHN P. MARGIOTTA
MARIA A. SCUNGIO

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MICHELLE P. FOXMAN
COUNSEL

ROBERT A. BECKER
TAMAR NIV BESSINGER
ANGELA KIM
LYDIA T. GOBENA
MICHAEL CHIAPPETTA
EVAN GOURVITZ
CARLOS CUCURELLA
NANCY C. DIGONZA
ZOE HILDEN
LAUREN J. MANDELL
JAMES D. WEINBERGER
JASON M. VOGEL
VEJAY G. LALLA
DAVID I. GREENBAUM
DAVID DONAHUE
CHARLOTTA MEDER
MELISSA A. ANTONECCHIA
NANCY SABARRA
LAURA POPP-ROSENBERG
IRENE SEGAL AYERS*
CARA BOYLE
JOHN M. GALLACHER
*ADMITTED IN OH. ONLY

November 2, 2004

BY FACSIMILE & MAIL

Scott E. Charney, Esq.
Lerner, David, Littenberg, Krumholz &
Mentlik, LLP
600 South Avenue West
Westfield, New Jersey 07090

Re: Objection to application to register TIFFANY'S RESTAURANT
(Our Ref.: TFFJ USA TC-04/13531; Your Ref: GOOSSES 10.2A-001)

Dear Mr. Charney:

We have now received your clients' 13 pages of documents. We find that the production of documents by you was done wholly in bad faith. You state in your letter of October 29 that if you "later locate additional documents that are responsive, we will produce them." This statement stands in stark contrast to your responses to document requests. In those responses, you indicated that there were certain categories of documents that existed and that would be produced. These included samples of promotional items (Req. 2, 5); documents concerning Tiffany or its marks (Req. 3, 18); photographs of signage (Req. 4); advertising (Req. 6, 19); financial documents relating to advertising, marketing, promotion and sales (Req. 7); licenses or other agreements (Req. 8); franchise agreements (Req. 9); magazine articles or press clippings (Req. 11); documents sufficient to identify who owns, operates or has an interest in the restaurants (Req. 12); documents concerning the possibility of confusion or likelihood of dilution (Req. 13, 14); demographic information (Req. 15); and documents concerning all locations of the restaurants (Req. 17), to name just a few categories. Yet no such documents were produced. The fact that your client may be a small company or that it may be difficult for them to obtain documents is no excuse for your continued and willful failure to provide the documents that are responsive to the requests. Please note that unless we get the full set of discovery requests from you within a week we will move to compel and in connection with that motion to compel we will

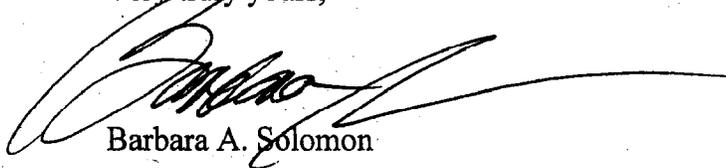
Scott E. Charney, Esq.

November 2, 2004

Page 2

seek sanctions including granting our opposition proceeding based on your clients' failure to comply with the rules of the Trademark Trial and Appeal Board.

Very truly yours,

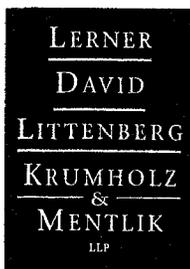
A handwritten signature in black ink, appearing to read 'Barbara A. Solomon', with a long horizontal flourish extending to the right.

Barbara A. Solomon

BAS/gc

cc: Laura Popp-Rosenberg, Esq.

EXHIBIT 15



RECEIVED
04 NOV 22 AM 11:45
FZL & Z

Scott E. Charney
908.518.6336
scharney@ldlkm.com

November 16, 2004

VIA FACSIMILE (212 813 5901)

CONFIRMATION BY MAIL

Barbara A. Solomon, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
At First Avenue & 48th Street
New York, NY 10017

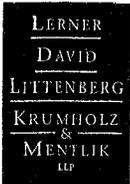
Re: GOOSSES 10.2A-001
Tiffany (NJ) Inc. v. Anthony Siragusa and Michael Romanelli
Opposition No.: 91160913, Serial No.: 76/520,262
Mark: TIFFANY'S RESTAURANT

Dear Ms. Solomon:

We are in receipt your and Ms. Popp-Rosenberg's latest letters raising various issues in this case.

As to the protective order, you are correct that the draft forwarded is that suggested by the TTAB. I stated such in my correspondence. You will note, however, that I also requested your specific, limited objections, so we may move forward with negotiating its various terms. In our previous conversations on this issue you did not identify specific sections of the Protective Order with sufficient detail to permit my addressing of them. Now that we have your fully articulated objections, we state the following:

1. We agree to delete the sentence in Paragraph 3 beginning with "Court reporters, stenographers"
2. This is acceptable to us.
3. We agree to include a signature line for in-house counsel provided that you permit our client to designate one representative who may view documents classified as Confidential or Highly Confidential, as our client does not presently employ in-house counsel. If this is acceptable, please provide us with the firm's information that acts as in-house counsel for Tiffany (NJ).
4. We agree that the disclosed materials may be used for appeals before the Federal Circuit. However, any contemplated use in connection with a *de novo* proceeding before a Federal District Court is clearly premature. Should an action be commenced in a Federal District Court, the issue may be readdressed.



Barbara A. Solomon, Esq.

November 16, 2004

Page 2

5. We agree to remove the text stating "substantially contemporaneous with the designation, or" from paragraph 14.

6. We believe that your point is adequately covered in paragraph 13 of the Protective Order. If you have a specific provision that you would like us to add, please provide it. We can assure you that we generally agree with your position.

If these terms are acceptable to you, we will proceed to draft a revised Protective Order. In the meantime, we do not agree to produce documents on an "Attorney's Eyes Only" basis. We will produce confidential documents, to the extent that responsive confidential documents exist, once the Protective Order is signed

In regard to your request for a 30-day extension to respond to our discovery requests, we agree to consent to the 30-day extension if the parties agree to extend all dates in the proceeding by 3 months.

We object to your deposition notices for Mr. Romanelli and Mr. Siragusa. Mr. Romanelli resides in New Jersey. You may take his deposition at our office, in Westfield, New Jersey. We will inform you of available dates when we have them. We object to the taking of Mr. Siragusa's deposition. Mr. Siragusa's knowledge of the matters in this case are extremely limited. His schedule makes it such that any deposition is an extraordinary burden which outweighs its usefulness.

Please be assured that amended responses to your discovery requests, verified by our client, will be prepared and forwarded to your office. With specific respect to Interrogatory No. 5, and other related requests, the opening of future restaurants is not relevant to this proceeding, notwithstanding your reference to TBMP § 414(8). Clearly, § 414(8) speaks solely to expansion of a business in the sense of its scope, not number of facilities, as articulated in footnote 233 thereto.

Finally, we request that you adopt a more civil tone in all future correspondence.

Very truly yours,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

SCOTT E. CHARNEY

SEC:dlb/def/clg

EXHIBIT 16

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

RONALD J. LEHRMAN
DAVID WEILD III
STEPHEN BIGGER
MICHAEL I. DAVIS
ROGER L. ZISSU
MARIE V. DRISCOLL
RICHARD Z. LEHY
DAVID W. EHRLICH
SUSAN UPTON DOUGLASS
JANET L. HOFFMAN
PETER J. SILVERMAN
LAWRENCE ELI APOLZON
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NANCY SABARRA
LAURA POPP-ROSENBERG
IRENE SEGAL AYERS*
CARA BOYLE
JOHN M. GALLACHER
*ADMITTED IN OH. ONLY

November 18, 2004

BY FACSIMILE AND MAIL

Scott E. Charney, Esq.
Lerner, David, Littenberg, Krumboltz & Mentlik, LLP
600 South Avenue West
Westfield, New Jersey 07090

Re: Objection to application to register TIFFANY'S RESTURANTS
(Our Ref.: TFFJ USA TC-04/13531; Your Ref.: GOOSES 10.2A-001)

Dear Mr. Charney:

We have received your letter of November 16, 2004 responding to various issues we had raised in prior correspondence.

In regard to the issue of extensions, we will agree to condition the extension of time for Tiffany to respond to your clients' discovery requests on a three-month extension of all dates in this proceeding. Towards that end, we have filed with the Board today the necessary Motion to Extend Trial Dates With Consent, a service copy of which is enclosed. Our client's discovery responses will now be due December 29, 2004.

Turning to the protective order, while you have agreed to revise the draft agreement to respond to some of our objections, you have not remedied all of the objectionable provisions.

First, we cannot agree to any protective order that would allow our client's confidential material to be provided to Mr. Siragusa and/or Mr. Romanelli, or to any Tiffany's Restaurant employee. As you are undoubtedly aware, it is typical for in-house counsel, but not business personnel, to be able to review confidential documents, and we therefore do not see why your clients' lack of "in-house" counsel should impede Tiffany's in-house counsel from exercising its normal rights and privileges as an attorney representing its client. However, in the interest of moving this proceeding forward, we will agree that neither party may have access to confidential

documents – *i.e.*, that access to all confidential documents will be limited to outside counsel's eyes only. Thus, the protective order will be a single-tiered. We reserve the right, however, to readdress this issue in the future and, if necessary, take it up with the Board.

Second, we see no need to limit the use of discovery materials to this proceeding and any appeals therefrom. Case law strongly favors allowing the use of discovery materials in other litigations: “[a]llowing the fruits of one litigation to facilitate preparation in other cases advances the interests of judicial economy by avoiding the wasteful duplication of discovery.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1131 (9th Cir. 2003). Thus, it would be improper to restrict in advance either party's ability to use discovery materials from this proceeding in subsequent litigation. Moreover, the protective order, which acts as a contract between the parties, still would be in effect, so that the use of confidential materials in subsequent actions would not jeopardize the confidential nature of those materials.

Third, we do not believe Paragraph 13, as currently drafted, adequately addresses the concerns raised in Ms. Solomon's November 1, 2004 letter. We believe the following language should be added to the end of the paragraph:

A receiving party is entitled to rely on a producing party's original designation of information as not protected until such time as the producing party notifies the receiving party of the error. A receiving party is not required to recall any information that has been designated as protected subsequent to its production, or to take any other action except to recognize the protected status of the information after receipt of such notification.

Finally, you did not address a point raised in the opening paragraph of Ms. Solomon's November 1, 2004 letter concerning the provision requiring us to disclose the names of independent experts or consultants to you before we show those consultants or experts your clients' confidential information. Paragraph 5 of your draft protective order must be deleted, and disclosure to independent experts or consultants should be covered exclusively by Paragraph 4.

With these comments in mind, please forward a revised draft protective order that remedies all of the objections we have raised. Since you continue to refuse to produce confidential documents until the protective order is signed, we ask that you send us the revisions by Monday, November 22, 2004.

In regard to the issue of the depositions, your objection to our taking the deposition of Mr. Siragusa is inappropriate. Mr. Siragusa is an applicant, and is equally a part of this proceeding as Mr. Romanelli. We are therefore entitled to take his deposition. *See* TBMP § 404.05 (“In an inter partes proceeding before the Board, the discovery deposition of a natural person who is a party . . . may be taken on notice alone.”); *see also* TBMP § 404.02 (“A discovery deposition may generally be taken of any person . . .”). Once we are in possession of

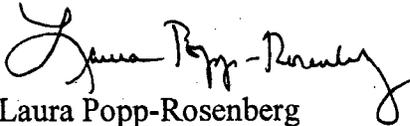
Scott E. Charney, Esq.
November 18, 2004
Page 3

Applicants' full document production, we will set new dates for the depositions already noticed, including the deposition of Mr. Siragusa, at your offices.

In regard to Applicants' discovery responses, you have yet to respond to the numerous deficiencies pointed out in my letter of November 1, 2004, or in Ms. Solomon's letter of November 2, 2004 regarding Applicants' bad faith production. Concerning your continued refusal to produce documents related to Applicants' plans or attempts to expand its business, we maintain our position that these documents are relevant and must be produced. We repeat yet again our request that Applicants produce *all* responsive documents. We are prepared to file on Monday, November 22, 2004, a motion to compel production unless we receive either immediate production or immediate notification of a date when such production will take place.

Finally, we request that, in the future, you extend to us the professional courtesy of returning our various telephone calls and responding our letters in a timely manner.

Very truly yours,


Laura Popp-Rosenberg

cc: Barbara A. Solomon, Esq.

EXHIBIT 17



Casual Dining & Bar

A GOOD TIME
FOR RIBS



R-00014

APPETIZERS

Fried Wings

Regular or Boneless An assortment of 24 wings basted in a hot or mild buffalo sauce, honey barbecue and teriyaki. Served with celery and blue cheese dressing. **\$11.99**

Buffalo Wings

Regular or Boneless 10 or 20
Our wings are basted in a hot, mild or barbecue sauce, served with celery and blue cheese dressing. 10 wings **\$6.99** 20 wings **\$10.99**



Asian Trio

Asian Trio *new!*

An Oriental tradition of pork pot stickers with a sesame dipping sauce, vegetable spring rolls with sweet and sour dipping sauce and boneless chicken bites with a spicy orange ginger sauce. **\$9.99**

Salsa Orange Ginger Chicken *new!*

Ten boneless chicken bites coated in a sauce made from oranges, hot chili peppers and fresh ginger. **\$6.99**

Pork Pot Stickers *new!*

Served golden brown with a sesame dipping sauce. **\$6.99**

Vegetable Spring Rolls *new!*

Julian vegetables and ginger in wonton wrappers golden fried and served with a sweet and sour dipping sauce. **\$6.99**

Fried Potato Skins

Topped with blended melted cheddar and mozzarella cheeses and crisp bacon. Served with sour cream. **\$6.99**

Fried Calamari

Served with your choice of spicy or mild marinara sauce. **\$7.99**

Asian Calamari *new!*

Quick fried calamari tossed in a sweet, sour and slightly spicy sauce. **\$8.99**

Ultimate Nacho Platter *new!*

Tri-color tortilla chips piled high with cheddar and mozzarella cheeses, lettuce, tomatoes and jalapenos served with guacamole, salsa and sour cream on the side. **\$8.99**
with chicken or beef **\$9.99**

Chicken Fingers

Made to order, hand breaded tenderloins are golden fried and served with honey mustard dipping sauce. **\$6.99**

Appetizer Ribs

A sampling of our award winning signature item accompanied by fresh baked cornbread. **\$10.99**

Garlic Shrimp

In a white wine bruschetta sauce, served with toasted garlic bread. **\$9.99**

Mozzarella Marinara

Hand coated in herb-seasoned bread crumbs, golden fried and served with marinara sauce. **\$6.99**

Munchie Platter

A sampling of mozzarella marinara, chicken fingers and our loaded potato skins, served with a trio of dipping sauces. **\$9.99**

Beer Battered Onion Rings

Deep fried to a golden brown, served with Cajun dipping sauce. **\$4.99**

Maryland Crab Cake *new!*

Maryland lump crabmeat broiled and served on a roasted corn and black bean salsa with a Cajun sauce. **\$9.99**

Clams di Napoli

A dozen New Zealand littleneck clams sautéed in white wine, garlic and spices, served with 2 pieces of garlic bread for dipping. **\$8.99**

Ultimate Nacho



Tex Mex Egg Rolls

Stuffed with spicy chicken, a blend of cheeses, corn, black beans, peppers and onions, served with salsa and guacamole. **\$7.99**

Quesadillas

Our famous Quesadillas are folded into a crisp tortilla shell and served with guacamole, sour cream, and salsa.

Cheese

Our blended cheeses (cheddar and mozzarella) **6.99**

Spicy Chicken

Spicy chicken and blended cheeses **7.99**

Buffalo Chicken

Buffalo chicken with a blend of cheddar, mozzarella and bleu cheeses. **7.99**

Spicy Beef

Spicy beef and blended cheeses. **7.99**

Southern Shredded BBQ Pork

With melted cheddar and mozzarella cheeses. **8.99**

Grilled Vegetable *new!*

Chopped grilled vegetables with cheddar and mozzarella cheeses. **\$7.99**

Raspberry Shrimp *new!*

Panko breaded shrimp served with raspberry sweet and sour dipping sauce. **\$9.99**

Rib Roll App *new!*

Pulled Pork, cheddar cheese, caramelized onion and BBQ sauce in an egg roll wrapper. **\$6.99**

SOUPS AND SALADS



Asian Shrimp and Chop Salad

Soup of the Day

Ask your server for today's freshly prepared soup.

Baked French Onion Soup

Caramelized onions, a touch of sweet sherry, herb and parmesan crusted crouton topped with melted mozzarella. **\$3.99**

Soup and Salad Combo

Fresh, crisp house salad or small Caesar with a serving of our soup of the day or our Baked French Onion soup. **\$5.99 \$6.99**

House Salad

A generous portion of garden mixed greens topped with croutons and your choice of dressing. **\$3.99**

Caesar Salad

Fresh hearts of romaine, grated parmesan, fresh baked croutons and our classic dressing. Small **\$3.99** Large **\$7.99** With chicken **\$9.99**

Asian Shrimp and Chop Salad *new!*

Panko breaded shrimp served over a chop salad of romaine, carrots, cabbage, red peppers and sesame dressing topped with crispy wontons. **\$10.99**

BBQ Chicken Salad *new!*

Grilled chicken coated in our BBQ sauce, served over mixed greens with bacon and cheddar cheese, accompanied by a side of Ranch dressing. **\$9.99**

Pear Salad

Poached pears and candied walnuts atop a bed of fresh garden greens with gorgonzola cheese, laced with champagne vinaigrette dressing. **\$7.99**
With Chicken **\$9.99**

Mediterranean Field Greens

Grilled sliced chicken, field greens, walnuts, feta cheese and mandarin oranges tossed in a balsamic vinaigrette dressing. **\$9.99**

Tiffany's Spinach Salad *new!*

Baby spinach tossed in a warm bacon vinaigrette topped with sliced mushroom, sliced apples, crumbled blue cheese and walnuts. **\$8.99**

Buffalo Chicken Salad

Breaded chicken tenders, tossed in buffalo sauce served on a bed of mixed salad greens tossed in an herb vinaigrette dressing with a side of bleu cheese. **\$9.99**

Cantonese Chicken Salad *new!*

Sautéed chicken with a sweet, sour and slight spicy sauce served over a salad of chopped vegetables, romaine and sesame dressing topped with crispy wontons. **\$10.99**

Cantonese Chicken Salad



An 18% gratuity will be added to parties of 6 or more.

R-00015

PASTAS

Chicken and Oven Roasted Tomatoes (new)

Our Chef's new specialty, sautéed chicken in a rich tomato sauce with oven roasted tomatoes and roasted garlic tossed with linguine and Romano cheese. Served with garlic bread. **\$12.99**

Penne Ala Vodka

Al dente penne pasta tossed in a creamy pink sauce. **\$10.99**
with chicken **\$12.99** with shrimp **\$14.99**

Shrimp Florentine (new)

Sautéed shrimp, onions, garlic and spinach in a light broth tossed with linguine and Romano cheese, served with garlic bread. **\$14.99**

Shrimp Napolitano

Jumbo shrimp sautéed in white wine and tossed with penne pasta in a light pink cream sauce topped with melted mozzarella cheese and served with garlic bread. **\$14.99**

Sausage Pepperanota (new)

Sliced sweet sausage with peppers and onions in a tomato sauce tossed with penne and served with garlic bread. **\$12.99**

Fettuccini Alfredo

Al dente fettuccini in a rich and creamy parmesan cheese sauce. **\$10.99**
with chicken **\$12.99** with shrimp **\$14.99**

Quick Fried Calamari (new)

Tossed with roasted garlic, broccoli, oven roasted tomatoes, Romano cheese and linguine, served with garlic bread. **\$14.99**

Grilled Vegetable Primavera (new)

Fettuccini pasta tossed with grilled garden vegetables in a pink cream sauce, served with garlic bread. **\$12.99**

Chicken and Shrimp Fra Diabolo (new)

Sautéed chicken and shrimp in a spicy marinara over fettuccini. Served with garlic bread. **\$16.99**

SPECIALTIES



Barbecued Baby Back Ribs

Our RIBS are cooked so tender that the meat falls off the bone! Succulent, smokey, tender slabs of lean meaty baby back RIBS basted in our tangy barbecue sauce. Served with choice of fries, rice, mashed, baked or sweet potato, coleslaw and homemade cornbread.

WHOLE BACK **17.99**

HALF BACK **13.99**

A portion of our famous RIBS combined with your choice of our most popular ENTREES.

BBQ BABY BACK RIB COMBOS **16.99**

BARBECUE CHICKEN CUTLET CHICKEN WINGS

CHICKEN FINGERS

TERIYAKI CHICKEN

FRIED SHRIMP **3.00 additional**

SHRIMP SCAMPI **3.00 additional**

Tommy Stragusa's favorite selections



ENTREES

Yankee Pot Roast

Just like Mom makes... Tender slices in its own vegetable gravy. Served with mashed potatoes and gravy. **\$14.99**

Chicken Parmesan

Lightly breaded chicken cutlet covered with marinara sauce and melted mozzarella cheese. Served with linguine and garlic bread. **\$12.99**

Chicken & Shrimp Francise

Sautéed in a lemon and wine sauce with rice and vegetable. **\$16.99**

Chicken Teriyaki

Tender chicken breast grilled and basted with a teriyaki glaze. Served with rice and vegetable. **\$12.99**

Chicken Fingers

Your choice of original or buffalo. Served with fries and a dipping sauce (honey mustard or blue cheese). **\$11.99**

Chicken Milanese

Lightly breaded chicken cutlet golden fried and topped with field greens and a lemon dressing. **\$11.99**

Fresh Made Meat Loaf

Fresh made daily (some times we run out) with lean ground beef, onions and peppers. Served with brown gravy, mashed potatoes and vegetable. **\$11.99**

Flat Iron Steak and Shrimp Combo



NY Strip Steak

We use only hand-cut USDA aged beef when preparing our 16 ounce center cut strip steak, grilled to perfection and topped with Maitre d' butter. Served with a baked potato and vegetable. **\$19.99**

Mandarin Flat Iron Steak (new)

Tender and well marbled Choice flat iron steak topped with a teriyaki sauce and served over Asian vegetables and Tiffany's rice. **\$17.99**

Sliced Flat Iron Steak (new)

Tender and well marbled Choice flat iron steak cooked to your liking. Served on garlic toast with a side of fries. **\$15.99**

Flat Iron Steak and Shrimp Combo (new)

Our flat iron steak and colossal breaded shrimp served with a cranberry port wine sauce, roasted garlic mashed potatoes and steamed vegetables. **\$21.99**

LOW CARB

Cajun Chicken Salad

Served over mixed greens, walnuts, blue cheese, bacon, tomatoes and red onions with a balsamic vinaigrette. **\$9.99**

Basil Pesto Chicken Wrap

Grilled chicken, basil pesto sauce, lettuce, red onion and mixed cheese in a low carb wrap. **\$7.99**

Ginger Teriyaki Salmon

Grilled Alaskan salmon topped with a ginger glaze, served with snow peas, broccoli and mashed cauliflower. **\$15.99**

Flat Iron Au Poivre

Grilled flat iron steak topped with a peppercorn brandy jus. Served with snow peas, broccoli and mashed cauliflower. **\$16.99**

R-00016

FRESH SEAFOOD

Alaskan Delight *new!*
An Alaskan delight, Sesame crusted filet of salmon topped with a pineapple salsa and served over Wasabi mashed potatoes and snow peas. **\$16.99**

Coconut Crusted Tilapia *new!*
Coconut crusted tilapia filet served with Tiffany's rice and roasted corn & black bean salsa. **\$16.99**

Fried Shrimp Dinner *new!*
Colossal breaded shrimp served with cocktail sauce and crisp fries. **\$14.99**

Jumbo Shrimp Scampi
Jumbo shrimp broiled in scampi butter. Served with rice and vegetable. **\$14.99**

Herb Crusted Cod *new!*
From the waters of Massachusetts we bring you a fresh herb-crusted cod topped with a basil cream sauce served over roasted garlic mashed potatoes and sautéed snow peas. **\$16.99**

Seafood Trio Platter
Crab cake, Colossal breaded shrimp, and shrimp scampi. Served with Tiffany's rice and vegetable. **\$19.99**

Maryland Crab Cake *new!*
A trio of Maryland crab cake, Nantucket stuffed scallop and stuffed crab in its natural shell. Served with rice and vegetable. **\$18.99**

Crab Cakes
Broiled crab cakes served with Tiffany's rice, roasted corn & black bean salsa and a Cajun horseradish sauce. **\$16.99**

SANDWICHES AND WRAPS

Pot Roast Sandwich
Tender slices on a hard roll warmed in its own gravy and served with crisp fries, coleslaw and pickle. **\$7.99**



Rib Rolls

Rib Rolls *new!*
Pulled Pork, cheddar cheese, caramelized onions and BBQ sauce in an egg roll wrapper, served with fries, cole slaw, and a pickle. **\$7.99**

Fresh Meatloaf
Sliced meatloaf on a hard roll with gravy, served with crisp fries. **\$6.99**

Southwestern Roast Beef *new!*
Thinly sliced roast beef piled high, topped with American cheese, lettuce, tomato, and chipotle mayonnaise. Served on a kaiser roll with fries, cole slaw, and a pickle. **\$8.99**

Tiffany's Cheese Steak *new!*
You've tried Philadelphia's now try ours, sliced steak, peppers, onions and melted mozzarella cheese served on ciabatta bread with crisp fries, coleslaw and pickle. **\$9.99**

Tiffany's Southern Shredded BBQ Pork Sandwich
Piled high on a bun and served with crisp fries, coleslaw and pickle. **\$7.99**

Chicken Parmesan Ciabatta *new!*
Lightly breaded chicken cutlet topped with marinara and melted mozzarella served on Ciabatta bread with a side of Caesar salad. **\$8.99**

Roasted Beef Ciabatta *new!*
Thin sliced roast beef, caramelized onions and cheddar cheese on ciabatta bread served with crisp fries, coleslaw and pickle. **\$8.99**

Havana Grille *new!*
A traditional cuban sandwich of ham, roasted pork, swiss cheese, sliced pickles, mustard and mayonnaise hot pressed on panini bread, served with roasted corn and black bean salsa. **\$8.99**

Chicken Caesar Wrap
Grilled sliced chicken, roasted peppers, crisp romaine and tomatoes laced with Caesar dressing and wrapped in a flour tortilla served with crisp fries. **\$7.99**

Buffalo Chicken Wrap
Boneless chicken breast sliced with cheddar, mozzarella and blue cheese. Served with crisp fries. **\$7.99**

Turkey Club Wrap
Sliced turkey breast with bacon, lettuce, tomatoes and salsa-mayonnaise wrapped in a flour tortilla and served with crisp fries. **\$7.99**

Hot Turkey
Served open face piled high and topped with gravy and served with mashed potatoes and cranberry sauce. **\$7.99**

Italian Sausage Ciabatta *new!*
Sliced sweet sausage, oven roasted tomatoes, peppers, onions and mozzarella hot pressed on ciabatta bread. Served with mixed greens salad **\$7.99**

Chicken Panini
Sliced chicken breast, field greens, roasted peppers and fresh mozzarella with pesto-mayonnaise hot pressed on panini bread served with mixed greens salad. **\$7.99**

Chicken Focaccia
Grilled sliced chicken, roasted peppers, eggplant, fresh mozzarella, basil and sliced tomatoes drizzled with balsamic vinaigrette served with mixed greens salad. **\$8.99**

Grilled Vegetable Focaccia
Layers of grilled vegetables and fresh mozzarella drizzled with balsamic vinaigrette. served with mixed greens salad **\$7.99**

For an additional \$1.99, substitute our homemade soup of the day or Tiffany's house salad for french fries on any sandwich, burger or wrap.

BURGERS AND CHICKEN GRILLS

Tiffany
Plain and simple **6.59**

Classic Cheese
American, cheddar, mozzarella, or pepperjack **6.79**

Bacon & Cheese
Classic cheese and crispy bacon **7.29**

Smokehouse
Canadian bacon, American cheese and crispy bacon **7.29**

Loaded
Basted with BBQ sauce, sautéed onions, and swiss cheese **7.29**

Teriyaki
Topped with a grilled pineapple, red and green pepper rings with teriyaki sauce **7.29**

8oz. Burger Chicken

6.59 **7.29**

6.79 **7.59**

7.29 **7.99**

7.29 **7.99**

7.29 **7.99**

7.29 **7.99**



Teriyaki Burger

Bacon Bleu
Crispy bacon topped with bleu cheese and gorgonzola **7.29** **7.99**

Turkey Burger
Freshly ground turkey breast seasoned to perfection **6.99**

BBQ Shredded Pork Burger *new!*
An 8oz burger topped with our shredded BBQ pork and cheddar cheese served with fries, cole slaw, and a pickle. **7.99**

R-00017

DESSERTS

Rich, creamy cheesecake layered with chunks of banana and real butter caramel within a flaky tortilla. It is fried to a golden brown, rolled in cinnamon sugar served with sliced bananas, warm caramel sauce and vanilla ice cream. **\$4.99**

The house specialty. A delightful mixture of apples and cinnamon with a crunchy topping. Served with rich vanilla ice cream and topped with whipped cream. **\$4.29**

Jersey Peach Cobbler *new!*

Freshly sliced peaches with a crunchy topping and vanilla ice cream. **\$4.49**

Chocolate Mud Loaf Sundae

A chocolate lover's dream! Imagine a hot fudge brownie topped with a rich vanilla ice cream, whipped cream and chocolate syrup. **\$3.99**

Double Double Scoop

Your choice of Sherbet, Chocolate or Vanilla ice cream. **\$2.49**

Key West Lime Pie

A Key West recipe that is light and delicious. **\$3.99**

Bourbon Street Pecan Pie

A New Orleans delight! Warmed whiskey sauce and honey walnuts compliment it perfectly. **\$3.99**

NY Cheesecake

Our cheesecake is made with fresh and all natural ingredients. Your choice of plain, blueberry, strawberry, pineapple, or cherry toppings. **\$3.99**

Wildberry Charlotte



Wildberry Charlotte *new!*

A moist and light ladyfinger sponge filled with a refreshing berry mousse, topped with fresh raspberries, red currants and wild blueberries. **\$3.99**

Chocolate Kahlua Mousse Cake *new!*

Golden toffee crunches float among clouds of creamy rich Kahlua chocolate mousse. **\$4.49**

Irish Cream Bash *new!*

White chocolate mousse and delicate chocolate cake crumbs, tippy with the finest Irish cream. **\$4.49**



Irish Cream Bash

SPECIALTY BEVERAGES

Blow off steam...Enjoy our freshly brewed espressos or cappuccinos

Espresso 2.49 Double Espresso 4.49 Cappuccino 3.49

Drinks with a Kick

Travel the Globe, or Just Stay at Home: Select from Tiffany's wide variety of home-grown, domestic and internationally inspired beers, served in bottles or draft. Try our own Tiffany's Restaurants American Ale brewed exclusively by Cricket Hill. This full bodied robust ale is the perfect compliment to our signature baby-back ribs.

Sit Back and Unwind

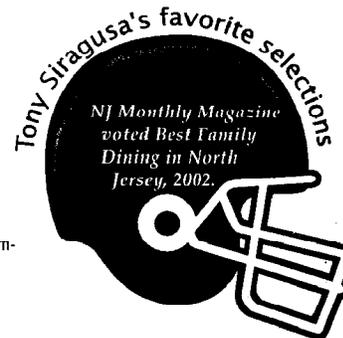
In addition to our extensive wine and beer selections, Tiffany's offers an impressive list of frozen drinks, martinis (in 68 luscious flavors), ask your server or bartender to see our award winning Martini menu and heart-warming cordials to top-off the perfect meal.

Try one of Tiffany's signature cocktails

Cosmopolitan, Sour Appletini, Patio Punch, VooDoo Juice or the French Martini... Don't try to guess what is in it, just ask your server or bartender!



Peachee Cosmo-tini - Our signature martini guaranteed to bring a smile to your face. Turn to the back cover for an enticing description.



KIDS MEALS

All kids meals include a choice of chocolate or vanilla ice cream or sherbet. **4.49**

*french fries included

Kid Pizza

Burger (plain or cheese)*

Grilled Cheese*

Hot Dog*

Chicken Fingers*

Sketties and Meatballs

Sketties and Butter

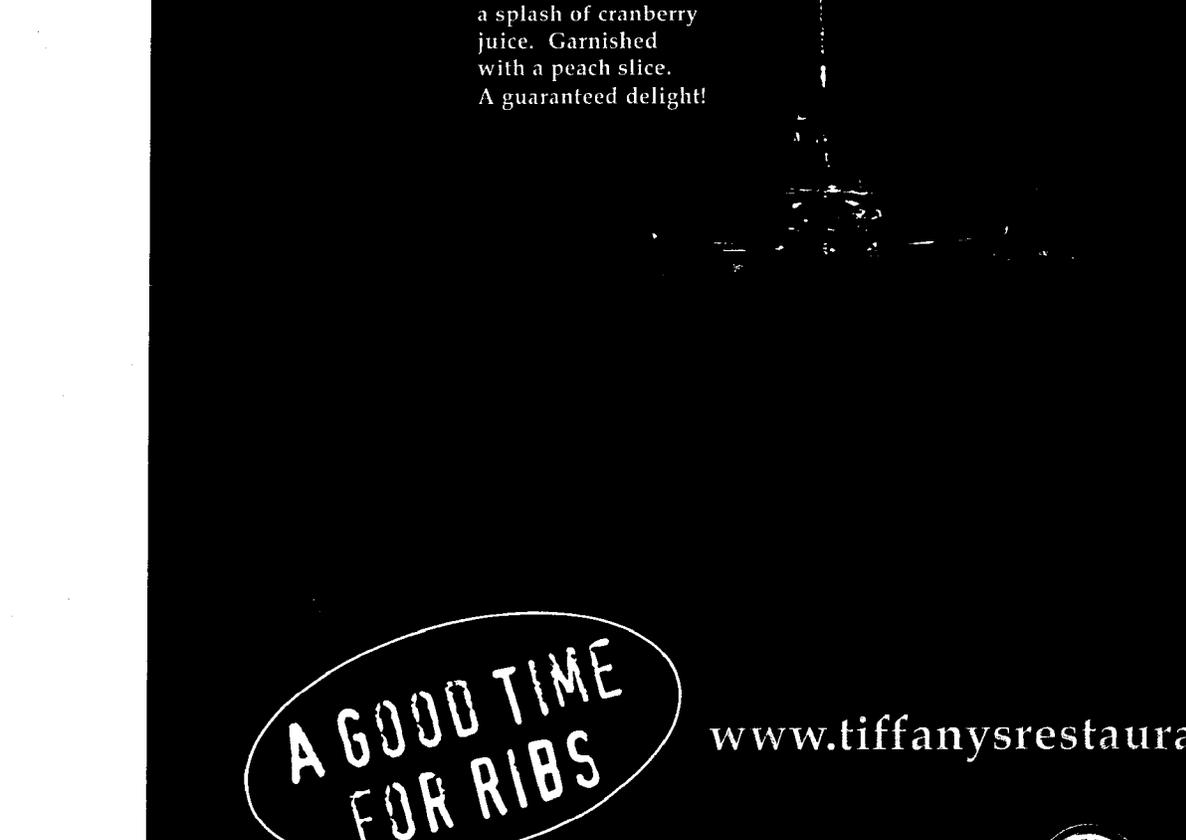
Macaroni and Cheese

Share the Experience

We are very excited to now offer Tiffany's gift cards. Share the gift of entertainment with your family and friends. To purchase a gift card, ask your server, bartender or hostess.

R-00018

www.Tiffanysrestaurant.com



Our new signature
martini... a careful
balance of Stolichnaya
Persik peach flavored
Vodka, Hiram Walker
Triple Sec and Peach
Schnapps topped with
Rose's Lime Juice and
a splash of cranberry
juice. Garnished
with a peach slice.
A guaranteed delight!

A GOOD TIME
FOR RIBS

www.tiffanysrestaurant.com

R-00019



TIFFANY & Co.
15 SYLVAN WAY
PARSIPPANY, NEW JERSEY 07054-3893
973-254-7000

October 21, 2004

Tiffany's/Martini Bar
Banquet Manager
73 Route 46 West
Pine Brook, NJ 07058

Dear Barbara,

Enclosed you will find our deposit check in the amount of \$200.00 and the contract for our holiday party scheduled in January. To confirm we have reserved your establishment for Friday, January 7, 2005 from 2:00pm to 5:00pm.

If there is any way I could get a written confirmation that you have received this check and contract I would really appreciate it. My fax is 973-526-8652.

If there are any questions please contact me at 973-526-8650

Sincerely,



Beth Simkins
Administrative Assistant
Hand Engraving/New Sale Alterations

R-00020

Tiffany and Company
15 Sylvan Way
Parsippany, NJ 07054

62-35
311

DATE
09/21/04

CHECK NO.
984243

PAY: Two hundred and 00/100 Dollars

The Bank of New York (Delaware)
Newark, De 19711

AMOUNT
*****\$200.00

TO THE ORDER OF: TIFFANY'S RESTAURANT
73 ROUTE 46
PINEBROOK NJ 07058


AUTHORIZED SIGNATURE
VOID 90 DAYS AFTER ISSUED

⑈984243⑈ ⑆031100351⑆ 0300965753⑈



Jan 7 2008 Holiday Party

2PM - 5PM

TIFFANY'S & Company

73-526-8652 FAX

73-526-8650

mailing check



1. **SERVICE CHARGES & SALES TAX:** 19% Service Charge and 6% Sales Tax will be added to all food and beverages. New Jersey State Law states that the service charge is subject to sales tax, unless presented with a tax-exempt form. The above percentages are current and may change due to the applicable law revisions.
2. **FUNCTION ROOM SCHEDULING:** Function rooms are held for 3 hours unless otherwise indicated on your catering contract.
3. **OVERTIME CLAUSE:** Guest agrees to begin the function promptly at the scheduled time and Guest's attendees or invitees agree to vacate the designated function space at the closing hour indicated. Should your function need to run beyond the scheduled time, approval for such time may only be granted by the management. Upon such approval, there will be an overtime charge assessed. Guest agrees to reimburse the Restaurant for any overtime wage payments, expenses and damage incurred or sustained.
4. **DECORATIONS:** Any decorations which the Guest desires to use shall be approved in advance by the Restaurant.
5. The Guest will make a reasonable effort to prevent damage to the Restaurant by their attendees and will reimburse the Restaurant for any damage.
6. **ENTERTAINMENT:** The Guest shall inform the Restaurant in advance if the Guest intends to contract for music, other forms of entertainment or any other service in conjunction with its function.
7. **FOOD:** Due to prevailing Health Codes and the safety of our guests, the Restaurant reserves the right to prohibit the Guest, its invitees or attendees from removing any food and beverage from the Restaurant.
8. **DEPOSIT REQUIREMENTS:** A deposit of \$200.00 will be required to guarantee your function. This deposit is non-refundable and will be applied to your balance.
9. **INDEMNITY:** The Guest assumes responsibility for all claims of theft, loss, damage or destruction except in the case of the Restaurant's gross negligence. The Guest shall also hold the Restaurant harmless for any injury to persons or damage except in claims due to the Restaurant's gross negligence.
10. **THIS AGREEMENT IS CONTINGENT UPON THE AVAILABILITY OF THE RESTAURANT TO PERFORM ITS OBLIGATION HERUNDER,** electrical blackouts or shortages, damage or destruction of the Restaurant, accidents or other causes beyond the Restaurant's control.
11. The Guest shall comply with all applicable federal, state and local statutes, orders, ordinances, rules and regulations including but not limited to all rules and regulations regarding public assemblies and secure any license and permits where necessary.
12. This agreement constitutes the entire agreement between the Guest and the Restaurant. This agreement shall not be amended, waived or changed except by a written agreement signed by both parties.
13. Guest acknowledges receiving a copy of this agreement:

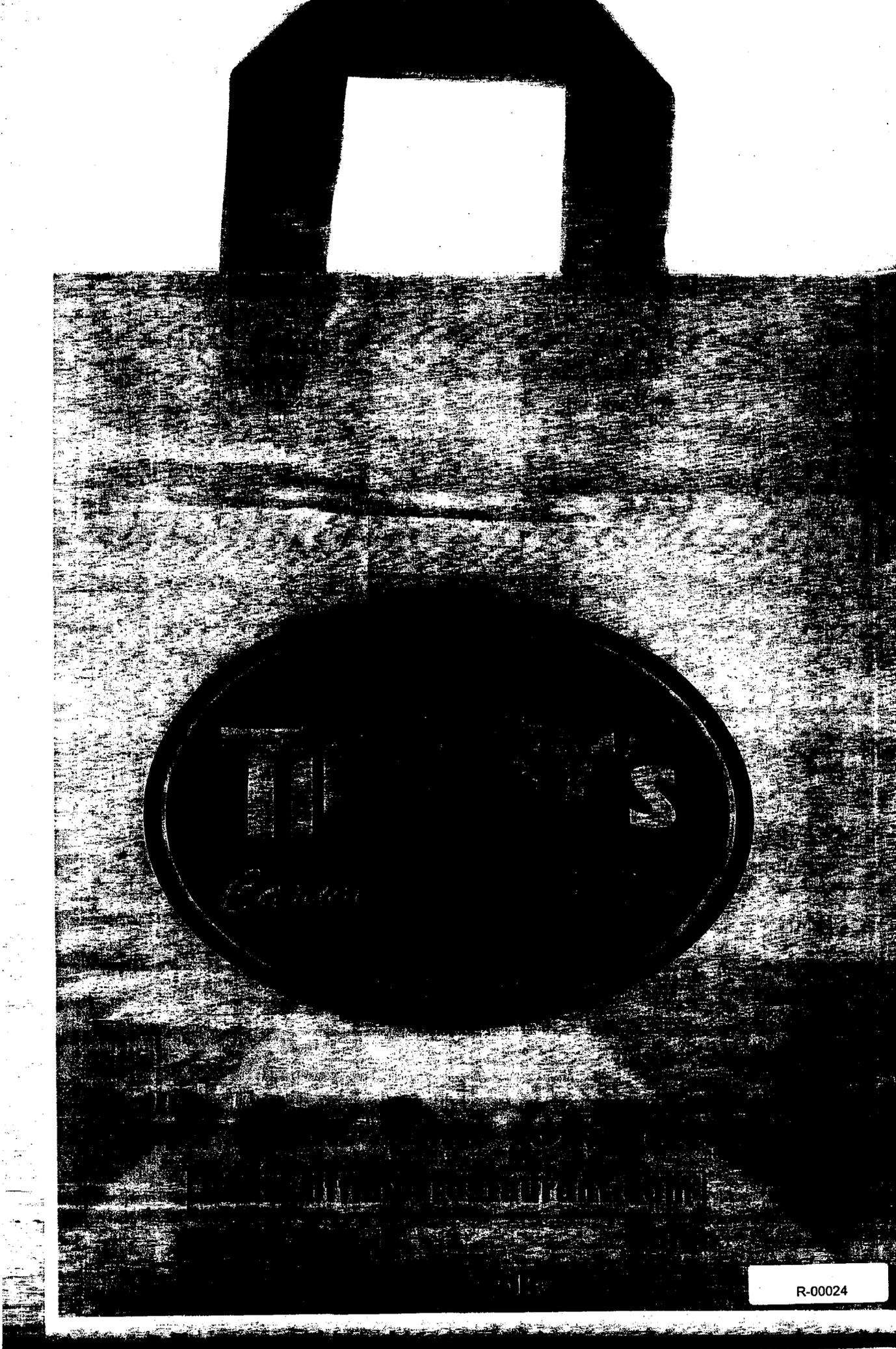
X *Elizabeth A. Miller* Date 9/16/04
 Tiffany's Manager *Barbara Jordan* Date _____



"A Good Time for Ribs"

www.tifanysrestaurant.com

Morris Plains Union
Pinelawn



R-00024