TTAB

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

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

OPPOSER'S MEMORANDUM IN OPPOSITION TO
APPLICANTS' MOTION TO COMPEL DISCOVERY

Opposer Tiffany (NJ) Inc. ("Tiffany" or "Opposer") hereby submits this memorandum in opposition to Applicants' Motion to Compel Discovery Pursuant to 37 C.F.R. § 2.120(e).

INTRODUCTION

On December 1, 2004, Tiffany moved to compel discovery responses from Applicants. On January 6, 2005, pursuant to its regular practice, the Trademark Trial and Appeal Board issued an order stating that the parties "should not file any paper which is not germane to the motion to compel." Notwithstanding this clear order, and without benefit of legal or other authorities to show that its motion is properly before the Board, Applicants now have moved to compel Tiffany to respond to their interrogatories despite being advised in December 2004 that the interrogatories violate the Board's rules on the number of interrogatories that can be served. Applicants, recognizing that they served far more interrogatories than allowed, in the alternative seek leave to serve more than the seventy-five interrogatories permitted by the Board's rule.

Applicants' motion is procedurally deficient as it violates the Board's January 6, 2005 order. Applicants' motion also is substantively deficient since the interrogatories on their face

04-29-2005
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #11

violate the limit imposed by the Trademark Rules of Practice. Moreover, Applicants' request to exceed this limit is legally deficient since they offer no good cause for imposing additional interrogatories on Tiffany. Accordingly, Applicant's motion must be denied.

FACTS

Applicants originally served their discovery requests on Tiffany on October 25, 2004.[1] On November 16, 2004, they agreed to a 30-day extension of time for Tiffany's responses. After determining that the number of interrogatories, including subparts, exceeded the 75 permitted by the Trademark Rules of Practice, Tiffany timely responded to Applicants' interrogatories on December 29, 2004 by refusing to waive the limit, and by serving a general objection on the ground of their excessive number, as authorized by 37 C.F.R. § 2.120(d)(1) and TBMP § 405.03(e). A copy of the relevant portion of Tiffany's response is attached as Exhibit 1.

Applicants have been aware of Tiffany's position on their interrogatories since December. Instead of serving a more limited, revised set of interrogatories Applicants chose to wait more than three months – long after the Board issued its order prohibiting the filing of papers not germane to Tiffany's motion to compel – to file this motion.[2] Even now, Applicants have failed to provide copies of their interrogatories or Opposer's responses with their motion, as required by 37 C.F.R. § 2.120(d)(1)-(e), and TMBP §§ 405.03(e) and 523.02.

---

[1] For no fathomable reason, among these interrogatories Applicants sought, among other things, that Tiffany explain the origin of the term TIFFANY, which it has used for more than 150 years, and that Tiffany identify "all documents which refer or relate to Louis Comfort Tiffany and lamps," although this matter does not involve lamps or any related goods.

[2] Even then, its original April 1 filing of this motion was deficient – a copy of Applicants' motion that complied with 37 C.F.R. § 2.119 was not mailed to Tiffany until April 8.

ARGUMENT

I. APPLICANTS' MOTION IS PROHIBITED WHILE THIS MATTER REMAINS SUSPENDED

Applicants' present motion to compel is prohibited by the Board's suspension order, which remains in effect.

On January 6, 2005, this action was suspended by the Board pending resolution of Tiffany's December 1, 2004 motion to compel Applicants to fully respond to Tiffany's document requests. In its order, the Board stated that:

> [p]roceedings herein are suspended pending disposition of the motion to compel, except as discussed below. *The parties should not file any paper which is not germane to the motion to compel. . . .* This suspension order does **not** toll the time for either party to respond to discovery requests which had been duly served prior to the filing of the motion to compel, nor does it toll the time for a party to appear for a discovery deposition which had been duly noticed prior to the filing of the motion to compel."

(emphasis added). *See also* Trademark Rule 2.120(e)(2).

The Board's order notes only two exceptions to the prohibition on filing any papers. Applicants have not claimed and cannot claim that the present motion is germane to Tiffany's pending motion to compel. It is not. The order also notes that it does not toll the time to respond to discovery served prior to the motion to compel. Here, Applicants served their interrogatories on October 25, 2004 and, after the grant of an extension, Tiffany timely answered on December 29, 2004 as permitted by 37 C.F.R. § 2.120(d)(1) and TBMP § 405.03(e). This is not a situation where Tiffany did not respond to discovery requests in reliance on the suspension. The mere fact that Applicants do not like Tiffany's response offers no justification for ignoring the Board's suspension order. Indeed, Applicants have offered no legal authorities suggesting that a motion to compel interrogatory answers is appropriate under these circumstances.

Accordingly, Applicants' motion should be denied as prohibited by the Board's January 6, 2005 order without even considering its merits.

II. APPLICANTS HAVE EXCEEDED THE SEVENTY-FIVE INTERROGATORIES PERMITTED

Should the Board wish to consider the merits of Applicant's motion, it is evident that Applicants have served far more than the seventy-five interrogatories including subparts permitted by 37 C.F.R. § 2.120(d)(1) and TBMP § 405.03, and that Applicants have no basis to move to compel responses to their excessive interrogatories. Their only remedy is to serve proper interrogatories that comply with the Trademark Rules of Procedure.

Applicants once again ignore the rules of the Board to argue that they did not violate the Board's rules on the number of interrogatories. Applicants cite federal court decisions to claim that they have served less than 75 interrogatories, arguing that "subparts should be available to shape the scope of the request, and to provide examples of the type of discovery sought, without being counted as separate questions toward the overall total." (App. Mot. at 3.) In doing so, they deliberately ignore the Board's *own rule* for counting interrogatories, TBMP § 405.03(d), which expressly states that "the Board will count each subpart within an interrogatory as a separate interrogatory, regardless of whether the subpart is separately designated."

TBMP § 405.03(d) states in relevant part that:

> "In determining whether the number of interrogatories served by one party on another exceeds the limit . . . the Board will count each subpart within an interrogatory as a separate interrogatory, regardless of whether the subpart is separately designated (*i.e.*, separately numbered or lettered). . . .
>
> [I]f a propounding party sets forth its interrogatories as 75 or fewer separately designated questions . . . but the interrogatories actually contain more than 75 questions, the Board will not be bound by the propounding party's numbering or designating system. Rather, the Board will look to the substance of the interrogatories, and count each question as a separate interrogatory. For example, if two or more questions are combined in a

> single compound interrogatory, and are not set out as separate subparts, the Board will look to the substance of the interrogatory, and count each question as a separate interrogatory.
>
> If an interrogatory contains both an initial question, and follow-up questions to be answered if the first is answered in the affirmative, the initial question and each follow-up question will be counted as separate interrogatories.
>
> Similarly, if an interrogatory begins with a broad introductory clause ("Describe fully the facts and circumstances surrounding applicant's first use of the mark XYZ, including:") followed by several subparts ("Applicant's date of first use of the mark on the goods listed in the application," "Applicant's date of first use of the mark on such goods in commerce," etc.), the Board will count the broad introductory clause and each subpart as a separate interrogatory, whether or not the subparts are separately designated.
>
> If an interrogatory requests information concerning more than one issue, such as information concerning both "sales and advertising figures," or both "adoption and use," the Board will count each issue on which information is sought as a separate interrogatory. . . .

Here, it is clear that Applicants have far exceeded the seventy-five interrogatories permitted by the Board's rules.

A. Applicants Repeatedly Combine Multiple Subparts Into One Request

Applicants repeatedly ask about multiple marks – including marks not raised by Tiffany in this opposition – in a single interrogatory; combine multiple questions into a single compound interrogatory; and include initial and follow-up questions, introductory clauses and subparts, and requests for information about more than one issue in a single interrogatory. In each such case, each subpart should be treated as a separate interrogatory under the Board's rule for counting interrogatories, TBMP § 405.03(d).

For example, many of Applicants' interrogatories request information concerning the use of multiple marks such as: (1) TIFFANY, (2) TIFFANY & CO., (3) TIFFANY'S, and (4) "any mark containing the words TIFFANY or TIFFANY'S." (Interrogatories 1-10, 12-19, 21, 23-25.) All such interrogatories should be deemed to have one subpart for each mark listed.

TBMP § 405.03(d) (if interrogatory requests information on more than one issue, each issue is considered a separate interrogatory); *see also* TBMP § 405.03(c) (mere fact that a proceeding involves multiple marks does not mean party is entitled to serve 75 interrogatories, counting subparts, for each mark). If the interrogatories noted above are considered to involve multiple marks, they total at least 59 subparts.

Moreover, many of Applicants' interrogatories ask Tiffany to respond to a question, and then to identify all documents, labels, signs, or the like relating to that question. (Interrogatories 5-7, 10, 22, 26-27, 29, 34.) In each case, the interrogatory should be considered as two separate questions combined in a single compound interrogatory, and therefore should be counted as at least two interrogatories. TBMP § 405.03(d). These nine requests total at least 18 subparts.

In addition, many of Applicants' interrogatories request that Tiffany, for example, "identify *and* describe all advertising *and* promotional activities . . ." (Interrog. 3) (emphasis added). Since these interrogatories "request[] information concerning more than one issue, such as information concerning both "sales and advertising figures," the Board should "count each issue on which information is sought as a separate interrogatory." TBMP § 405.03(d).

B. Examples of Applicants' Interrogatories With Multiple Subparts

Applying the principles for counting interrogatories set forth in TBMP § 405.03(d) to Applicants' interrogatories, it is clear that Applicants have greatly exceeded the 75 interrogatory limit set forth in 37 C.F.R. § 2.120(d)(1) and TBMP § 405.03(a).

Applicant's Interrogatory 1, for example, requests that Tiffany "[d]escribe in detail the full extent of Opposer's business, including all goods sold and services offered, in connection with the use of the marks TIFFANY and TIFFANY & CO." This begins with a broad introductory clause ("[d]escribe in detail the full extent of Opposer's business, including")

followed by subparts ("all goods sold and services offered, in connection with the use of the marks TIFFANY and TIFFANY'S"). *See* TBMP § 405.03(d). Despite their arguments that this should count as a single interrogatory, Applicants concede that this request includes "a request to describe the extent of Opposer's business" *and* "portions referencing goods, services, and marks." (App. Mem. at 5.) Indeed, this interrogatory asks that Opposer (i) describe in detail the full extent of its business , (ii) describe in detail all goods sold and services it offers in connection with its use of the mark TIFFANY, and (iii) describe in detail all goods sold and services it offers in connection with its use of the mark TIFFANY & CO. Under TBMP § 405.03(d), this counts as three interrogatories.

As another example, Interrogatory 7 asks that "[f]or each product sold since 1975 using the mark TIFFANY or TIFFANY'S, or any mark containing the word TIFFANY or TIFFANY'S, state the sales of each such product on an annual basis from 1975 forward, and identify all documents which support, refer or relate to such sales." Leaving aside this request's absurd overbreadth and burdensomeness, it asks that for each product sold since 1975 using (i) TIFFANY, (ii) TIFFANY'S, or (iii) "any mark containing the word TIFFANY or TIFFANY'S," Tiffany state its annual sales for each year from 1975 forward, and then identify all documents which support, refer or relate to such sales. Even if Tiffany sold *only one* product under each of these three marks in the last 30 years, and even if Tiffany treated the demand for 30 years of information as a single request, this Interrogatory still would amount to 6 subparts (state annual sales for each product for 30 years and identify related documents). As a practical matter, since Tiffany has – at a minimum – hundreds of potentially responsive products, this interrogatory seeks hundreds of separate pieces of information for each of 30 separate years.

Similarly, Interrogatory 10 asks Tiffany to "[d]escribe in detail all retail store locations of Opposer which have used the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S, including for each such store location the annual sales of the store since 1975 and representative samples of each version of signage used in relation to the store." Tiffany has 50+ stores in the United States, and this interrogatory (1) asks about use of (i) TIFFANY, (ii) TIFFANY'S, and (iii) any mark containing the words TIFFANY or TIFFANY'S; (2) asks that Tiffany break out its sales for each store for each of 30 years; and (3) asks for "representative samples" of "each version of signage used in relation to the store." As a practical matter, this interrogatory again involves dozens if not hundreds of subparts.

Interrogatory 12 asks that Tiffany "[i]dentify and describe in detail any opposition or cancellation proceeding, or trademark litigation or unfair competition action, relating in any way to the marks TIFFANY or TIFFANY'S, or any marks containing the words TIFFANY or TIFFANY'S, in the United States or any foreign country, that Opposer has been involved in." Under the Board's rules, "[i]f an interrogatory requests information concerning more than one issue, such as information concerning both "sales and advertising figures," or both "adoption and use," the Board will count each issue on which information is sought as a separate interrogatory." TBMP § 405.03(d). Here, even assuming that both "identify" and "describe in detail" are not counted separately, this interrogatory requests information about three different marks in four different kinds of proceedings (or two different kinds of proceedings, if all Board actions and all civil suits are grouped together) in two geographical regions, for up to 24 separate subparts.

Interrogatory 24 asks Tiffany to "[i]dentify all documents that support, refer or relate to any plan or consideration by Opposer to use the marks TIFFANY or TIFFANY'S, or any mark using the words TIFFANY or TIFFANY'S, for restaurant services, café services, and food

services in Opposer's retail stores." This asks for information about three different marks for three different kinds of services, for nine subparts. Similarly, Interrogatory 25 asks Tiffany to "[i]dentify all documents that support, refer or relate to any plan or consideration by Opposer to use the marks TIFFANY or TIFFANY'S, or any mark using the words TIFFANY or TIFFANY'S, for food services or restaurant services within its existing retail stores." This interrogatory asks for information about three marks for two kinds of services, for six subparts.

While it is not necessary to discuss the remainder of the interrogatories in detail to further illustrate how they dramatically exceed the 75 interrogatory limit of 37 C.F.R. § 2.120(d)(1), attached hereto as Exhibit 2 is a copy of Applicants' interrogatories marked to show multiple subparts. While this mark-up is extremely charitable to Applicants, and errs on the side of finding fewer subparts, it shows that Applicants' interrogatories have at least 110 subparts.

III. APPLICANTS' REQUEST TO SERVE INTERROGATORIES IN EXCESS OF THE LIMIT SHOULD BE DENIED

Applicants request in the alternative that they be granted "leave to serve interrogatories in excess of the numerical limit." (App. Mot. at 2.) This requires that copies of the interrogatories already served and proposed to be served be included with the motion, and that good cause be shown – generally, because there is a legitimate need for further discovery by interrogatories. 37 C.F.R. § 2.120(d)(1); TBMP § 519. After receiving Tiffany's response almost four months ago, and after failing to serve revised interrogatories that properly complied with the Trademark Rules of Procedure in that time, Applicants have made no such showing, nor can they.

Accordingly, Applicants' request to serve interrogatories in excess of the permitted limit should be denied.

IV. TIFFANY DOES NOT OBJECT TO APPLICANTS' REQUEST TO EXTEND THE DISCOVERY DEADLINE

At the end of their brief, Applicants include a request "that the time to take discovery be reset to allow a period of at least three (3) months after the date on which Opposer is required to respond to the attached interrogatories." (App. Mot. at 16.) While Tiffany believes Applicants' present motion is both procedurally inappropriate and legally meritless, it does not object to an extension of the discovery period in this action once this matter no longer is suspended.

CONCLUSION

For the reasons stated above, Opposer respectfully requests that the Board deny Opposer's Motion in its entirety.

Dated: New York, New York
April 27, 2005

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By:_____

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

Attorneys for Opposer Tiffany (NJ) Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached Memorandum in Opposition to Applicants' Motion to Compel Discovery was served by prepaid first-class U.S. Mail on April 27, 2005, 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.

Rhonda Fields

I:\egourvitz\TFFJ\050411-0413531-opp-motion-order.doc

RECYCLED

Exhibit 1

EXHIBIT 1

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
Mark: TIFFANY'S RESTAURANTS

TIFFANY (NJ) INC.,	
Opposer,	
v.	Opposition No. 91160913
ANTHONY SIRAGUSA AND MICHAEL ROMANELLI,	
Applicants.	

OPPOSER'S RESPONSES TO APPLICANTS INTERROGATORIES NOS. 1-35 AND REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS NOS. 1-45 TO OPPOSER

Opposer Tiffany (NJ) Inc. ("Tiffany" or "Opposer") for its answers and objections to Applicants' Interrogatories Nos. 1-35 and Requests for Production of Documents and Things Nos. 1-45 to Opposer, responds as follows:

RESPONSES TO INTERROGATORIES

Opposer objects to Applicants' Interrogatories as exceeding the limit for written interrogatories, including subparts, set forth in Trademark Rule of Practice 2.120(d)(1). Pursuant to Trademark Rule of Practice 2.120(d)(1), by asserting this objection Opposer need not provide any responses or any general or specific objections to the interrogatories. By objecting on the grounds of excessiveness, Opposer does not waive any other objections to the interrogatories, including without limitation objections based on grounds of privilege, work-product, burdensomeness and relevance.

Request No. 45

All documents provided to, reviewed by or relied upon by any expert witness whose opinions will be presented at trial.

Response to Request No. 45

Opposer objects to Request No. 45 as premature and as requesting information beyond what is required by the Federal Rules of Civil Procedure as adopted by the Trademark Rules of Practice. Should Opposer seek to introduce any expert witness(es) or any expert report(s) in this proceeding, Opposer will provide materials required under the Federal Rules of Civil Procedure and the Trademark Rules of Practice at the time and in the manner required by those rules.

Dated: New York, New York
December 29, 2004

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____

Barbara A. Solomon
Laura Popp-Rosenberg
Evan Gourvitz
866 United Nations Plaza
New York, New York 10017
Tel: (212) 813-5900
Fax: (212) 813-5901

Attorneys for Opposer Tiffany (NJ) Inc.

RECYCLED

Exhibit 2

EXHIBIT 2

INTERROGATORIES

Interrogatory No. 1

Describe in detail the full extent of Opposer's business, including all goods sold and services offered, in connection with use of the marks TIFFANY and TIFFANY & CO. (3)

Interrogatory No. 2

Identify all documents by or on behalf of Opposer which contain any statements describing or characterizing Opposer's business utilizing the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S. (3)

Interrogatory No. 3

Identify and describe all advertising and promotional activities conducted by or on behalf of Opposer with respect to Opposer's goods and service using the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S, and provide all documents which refer or relate to such advertising and promotional activities. (3)

Interrogatory No. 4

Identify and describe representative specimens of Opposer's advertisements and promotional literature using the marks TIFFANY or TIFFANY'S, or containing the words TIFFANY or TIFFANY'S. (3)

Interrogatory No. 5

State for each calendar year since 1975, the dollar amount expended by Opposer in connection with advertising the marks TIFFANY or TIFFANY'S, or any marks containing the words TIFFANY or TIFFANY'S, and identify all documents which substantiate such advertising expenditures. (4)

Interrogatory No. 6

Identify each product since 1975 on which Opposer has used the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S, and identify a label, package, sign, brochure or advertisement which substantiates the form of each such use. (4)

Interrogatory No. 7 3 marks, 2 issues

For each product sold since 1975 using the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S, state the sales of each such product on an annual basis from 1975 forward, and identify all documents which support, refer or relate to such sales. (6)

Interrogatory No. 8 use of 3 marks, enforcement of rights

Identify the persons employed by Opposer who are most knowledgeable regarding the use of the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S, by Opposer; and enforcement of trademark rights by Opposer. (4)

Interrogatory No. 9

Describe in detail the manner in which customers may purchase goods from Opposer bearing the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S. (3)

Interrogatory No. 10

Describe in detail all retail store locations of Opposer which have used the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S, including for each such store location the annual sales of the store since 1975 and representative samples of each version of signage used in relation to the store. (5)

Interrogatory No. 11

Describe in detail the facts and circumstances under which the Opposer first became aware of Applicants' use of the mark TIFFANY'S RESTAURANTS. (1)

Interrogatory No. 12 2-4 kinds of proceedings, 3 marks, 2 regions

Identify and describe in detail any opposition or cancellation proceeding, or trademark litigation or unfair competition action, relating in any manner to the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S, in the United States or any foreign country, that Opposer has been involved in. (12)

Interrogatory No. 13

Identify and describe in detail all filed Civil Actions involving trademarks that have involved Opposer and its TIFFANY or TIFFANY & CO. marks. (2)

Interrogatory No. 14

Describe in detail all instances in which Opposer has charged, orally or in writing, formally or informally, any corporation, company, organization, association or individual with infringement of the marks TIFFANY or TIFFANY & CO., in the United States. (2)

Interrogatory No. 15

Identify any third parties that Opposer has licensed, franchised, or otherwise authorized to use the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S. (3)

Interrogatory No. 16

Identify and describe in detail all third party uses of marks which contain the words TIFFANY or TIFFANY'S, or any similar word of which Opposer is aware. (3)

Interrogatory No. 17

Describe in detail Opposer's procedures and policies in regard to policing its TIFFANY and TIFFANY & CO. marks. (2)

Interrogatory No. 18 2 Tiffany marks, 2 Applicant marks

Identify and describe in detail any instances or incidents of actual confusion or mistake or deception arising from the contemporaneous use of Opposer's marks TIFFANY or TIFFANY & CO., and Applicant's mark TIFFANY'S RESTAURANTS, or any other name of Applicant using the word TIFFANY, of which Opposer is aware. (4)

Interrogatory No. 19

Identify and describe each poll, survey, consumer study, or other market research project commenced or completed by or on behalf of Opposer with respect to the marks TIFFANY or TIFFANY'S & CO., or any labeling, advertising, or promotion used or to be used by Opposer. (2)

Interrogatory No. 20

Identify all surveys conducted by or on behalf of Opposer that have included reference to the word TIFFANY in any form. (1)

Interrogatory No. 21

Provide a copy of each trademark search commissioned by or on behalf of Opposer for any mark containing the word TIFFANY or any similar word. (2)

Interrogatory No. 22

Identify all studies, plans, marketing analyses, or other documents that refer or relate to any efforts by Opposer to expand use of its TIFFANY mark into restaurant services, and identify all documents which support, refer or relate to any such efforts. (2)

Interrogatory No. 23

Identify all persons aware of any plan or consideration by Opposer to use the marks TIFFANY or TIFFANY'S, or any marks containing the words TIFFANY or TIFFANY'S, for restaurant services. (3)

Interrogatory No. 24 3 marks, 3 services

Identify all documents that support, refer, or relate to any plan or consideration by Opposer to use the marks TIFFANY or TIFFANY'S, or any mark using the words TIFFANY or TIFFANY'S, for restaurant services, café services, and food services in Opposer's retail stores. (9)

Interrogatory No. 25 3 marks, 2 services

Identify all documents that support, refer, or relate to any plan or consideration by Opposer to use the marks TIFFANY or TIFFANY'S, or any mark using the words TIFFANY or TIFFANY'S, for food services or restaurant services within its existing retail stores. (6)

Interrogatory No. 26

Describe fully the origin of the term Tiffany as used in Opposer's marks and identify all documents that refer or relate to the origin. (2)

Interrogatory No. 27

State the basis for your contention in paragraph 22 of the Notice of Opposition that "Courts and legislatures have deemed the TIFFANY mark to be a famous and distinctive mark entitled to protection from dilution," and identify all documents which support, refer or relate to such contention. (2)

Interrogatory No. 28

Identify all studies, reports, marketing research or the like referring or relating to competitors of Opposer. (1)

Interrogatory No. 29

Identify the entities that Opposer considers to be its 10 most direct competitors and all documents that support such an allegation. (2)

Interrogatory No. 30

Identify all documents that refer or relate to the use of the name, word, or mark TIFFANY to refer to lamps. (1)

Interrogatory No. 31

Identify all documents that refer or relate to any communication, contact, or correspondence between Opposer and the originator or owner of the TIFFANY mark for lamps. (1)

Interrogatory No. 32

Identify all documents which refer or relate to Louis Comfort Tiffany and lamps. (1)

Interrogatory No. 33

Provide a detailed description and organizational charts of Opposer's corporate structure.

Interrogatory No. 34

Identify each person whom Opposer expects to call as a witness, including experts, during its testimony and, for each such person, state the substance of the facts and opinions to which such witness is expected to testify, and identify all documents in which such witness intends to rely on for its testimony, or refers or relates to expected testimony.

Interrogatory No. 35

For each interrogatory, identify each person who was consulted to obtain information to answer such Interrogatory, who contributed information from which the answer to such Interrogatory was derived, and who prepared the answer to the Interrogatory.