

TTAB

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

In the Matter of Application Serial No. 78/284,192
For the Mark: BARONA
Filed: August 6, 2003
Date of Publication: June 8, 2004

TARGET BRANDS, INC.

Opposition No. 91161339

Opposer,

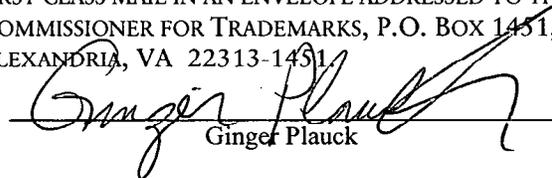
vs.

WON YOUNG CHUNG,

Applicant.

Box TTAB
NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

I CERTIFY THAT, ON 4-5, 2005, THIS PAPER IS
BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS
FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE
COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451,
ALEXANDRIA, VA 22313-1451


Ginger Plauck

TRANSMITTAL LETTER

Enclosed for filing are the following papers in connection with the above-identified trademark opposition:

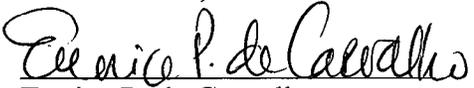
- Original and two duplicate copies of **Opposer's Motion To Compel Discovery;**
- **Affidavit of Ann Dunn Wessberg In Support of Opposer's Motion To Compel Discovery;** and
- Postcard.
A self-addressed return postcard in accordance with T.M.E.P. Section 703 itemizing all of the above-referenced documents filed with the United States Patent and Trademark Office.



04-07-2005

Respectfully Submitted,

TARGET BRANDS, INC.

By: 

Eunice P. de Carvalho

Ann Dunn Wessberg

FAEGRE & BENSON LLP

2200 Wells Fargo Center

90 South Seventh Street

Minneapolis, MN 55402-3901

Telephone: (612) 766-7000

Facsimile: (612) 766-1600

ATTORNEYS FOR OPPOSER

Dated: April 5, 2005

cc: Shayne Brown

M2:20704855.01

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**OPPOSER'S MOTION TO
COMPEL DISCOVERY**

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Applicant.

Opposer Target Brands, Inc. ("TBI") respectfully submits this memorandum in support of its motion to compel discovery from Applicant Won Young Chung ("Applicant").

Applicant has failed to respond to discovery requests served nearly two months ago. Applicant has thereby failed and refused to comply with the most basic of obligations imposed by the Federal Rules of Civil Procedure.

Accordingly, by this motion, Opposer respectfully requests that the Board issue an Order, pursuant to Fed. R. Civ. P. 37(a) and 37 CFR § 2.120(e) compelling Applicant to (1) answer fully and without objection each of Opposer's outstanding interrogatories and (2) produce without objection all documents sought by each of Opposer's outstanding document requests.

BACKGROUND

On or about February 2, 2005, Opposer served Applicant with a First Set of Interrogatories and a First Set of Requests for Production of Documents. Copies of these

interrogatories and document requests and related certificates of service are attached to the Affidavit of Ann Dunn Wessberg (“Wessberg Aff.”) as Exhibits A, B, and C. Although responses to these discovery requests were due on March 4, 2005, to date Opposer has not received any responses to these requests. (*Id.*, ¶ 6.)

Opposer has attempted to contact Applicant in an effort to persuade Applicant to comply with its discovery obligations, but Opposer’s effort has been unavailing, as Applicant has made no response, in writing or otherwise. (*Id.*, ¶¶ 5-6, Ex. D.) Because Opposer’s efforts to resolve this impasse without the Board’s assistance have proven unsuccessful, Opposer brings the instant motion to compel responses to its discovery requests.

ARGUMENT

1. **Applicant Should be Compelled to Produce the Discovery Responses.**

Rules 33 and 34 of the Federal Rules of Civil Procedure require that answers, and any objections, to interrogatories and document requests be served within 30 days of service of the requests. Applicant has not complied with this requirement, and should be compelled to answer the outstanding interrogatories and document requests forthwith.

2. **Applicant Has Waived Any Objections To The Discovery.**

The Federal Rules of Civil Procedure require that a party objecting to discovery requests serve specific objections to the requests to which it objects within 30 days of service of the request. *See* Fed. R. Civ. P. 33(b) and 34(b). Because Applicant failed to respond, an order compelling Applicant to answer the outstanding interrogatories and document requests is required. Moreover, Opposer has waived any objections to the discovery requests that it

might otherwise have had, and should be compelled to provide *all* of the requested discovery without interposition of objections.

It is well established that the failure to object to a discovery request in the time allotted by the Federal Rules constitutes a waiver of any objections. *See* 8A Charles A. Wright & Arthur R. Miller, *Federal Practice & Procedure* § 2713 at 293-96 (1994) (“failure to object within the time fixed by the rule is a waiver of any objection) (collecting cases); 4A James W. Moore, et al., *Moore’s Federal Practice* § 33.27, at 33-136 & 33-138 (2d ed. 1996) (“Objections served after expiration of the thirty-day period are waived unless an extension of time has been obtained.”) (collecting cases). “Any other result would . . . completely frustrate the time limits contained in the Federal Rules and give a license to litigants to ignore the time limits for discovery without any adverse consequences.” *Slauenwhite v. Bekum Maschinenfabriken, GmbH*, 35 Fed. R. Serv.2d (Callaghan) 975, 975 (D. Mass. 1983).

Objections not made in a timely fashion are waived, and there is no provision in the Federal Rules for preserving objections. In *Fretz v. Keltner*, 109 F.R.D. 303 (D. Kan. 1985), plaintiff served a request for production of documents on May 18, 1984, and defendants made no response prior to filing an objection on August 6, 1984. The district court held that defendants’ “[f]ailure to answer or object in a timely manner constitutes a waiver of the right to object.” The court further held that this waiver included claims of privilege. *Id.* at 309 (citations omitted). *See also Richmark Corp. v. Timber Falling Consultants*, 959 F.2d 1468, 1473 (9th Cir. 1992) (defendant waived objection to discovery request by failing to object within time required by Federal Rules), *cert. denied*, 506 U.S. 948 (1992); *Krewson v. City of Quincy*, 120 F.R.D. 6, 7 (D. Mass. 1988) (objections to request for production of documents

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Based on Applicant's failure to timely respond to Opposer's discovery requests, the Board should deem any objections waived and compel the desired discovery in its entirety. As stated by the Court in *Davis v. Romney*, 53 F.R.D. 247 (E.D. Pa. 1971):

[T]he defendants have long since lost their opportunity to object to the questions. If they feel that the questions are unfair they have no one to blame but themselves for being required to answer them now. If discovery rules are to have any effect or meaning, the failure to serve such objections within the time prescribed . . . should be considered a waiver of such objections.

Id. at 248 (citation and quotation omitted).

As Applicant's failure to respond will result in the need for additional time for Opposer to conduct discovery, Opposer respectfully requests that this Opposition be suspended pursuant to 37 C.F.R. § 2,120(e)(2) pending the Board's resolution of the current motion, and that the Board reset the discovery and testimony period deadlines at that time.

CONCLUSION

Based on the foregoing, Opposer Target Brands, Inc. respectfully requests that this Board grant its motion in its entirety.

Dated: April 5, 2005

FAEGRE & BENSON LLP

By: Eunice P. de Carvalho

Eunice P. de Carvalho
Ann Dunn Wessberg
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Tel.: (612) 766-7000
Fax: (612) 766-1600

**Attorneys for Opposer
Target Brands, Inc.**

M2:20703917.02

CERTIFICATE OF SERVICE

This certifies that a copy of **Opposer's Motion to Compel Discovery** was mailed this 5th day of April, 2005 by first class mail, postage prepaid, to counsel for Applicant:

Jonathan Y. Sue
Law Office of Jonathan Y. Sue
1220 Broadway, Suite 502
New York, NY 10001


Ginger Plauck

Subscribed and sworn to before me
this 5th day of April, 2005


Notary Public



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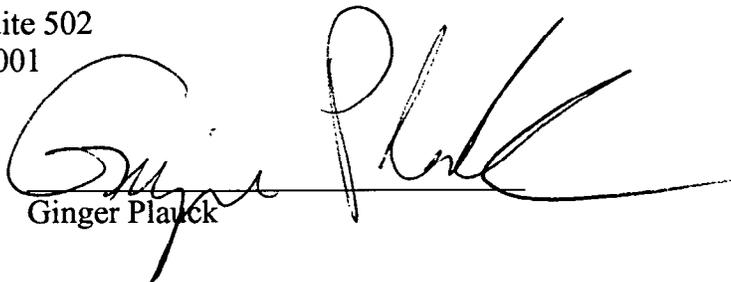
**Attorneys for Opposer
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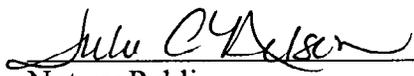
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Jonathan Y. Sue
Law Office of Jonathan Y. Sue
1220 Broadway, Suite 502
New York, NY 10001


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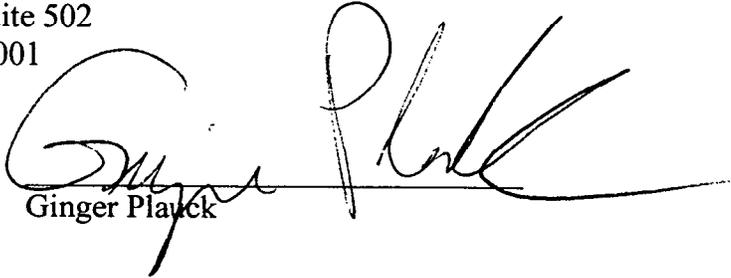
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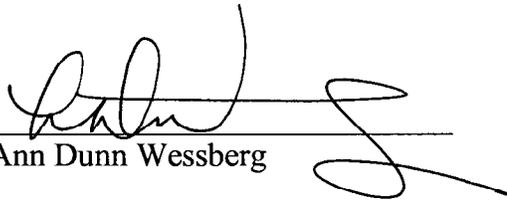


to Applicant, dated February 2, 2005, together with the Certificate of Service of Opposer's First Set of Interrogatories to Applicant, also dated February 2, 2005.

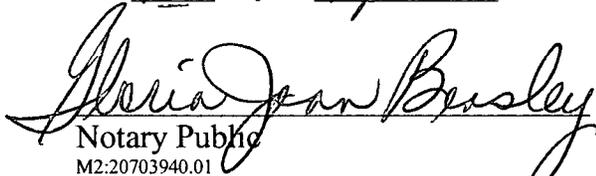
5. Attached hereto as Exhibit D is a true and correct copy of correspondence from the Affiant to Jonathan Yoon Sue, counsel for the Applicant, dated March 23, 2005.

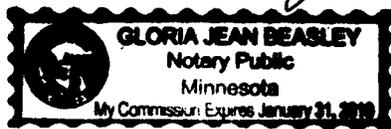
6. To date, TBI has received no response to either the Requests for Production for Documents or to the Interrogatories served upon the Applicant on February 2, 2005, and no response, written or otherwise, to the correspondence sent on March 23, 2005.

FURTHER AFFIANT SAYETH NOT.


Ann Dunn Wessberg

Subscribed and sworn to before me
this 1st day of April, 2005.


Notary Public
M2:20703940.01



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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WON YOUNG CHUNG,

Applicant.

**OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS TO APPLICANT**

TO: Applicant and its attorney Jonathan Y. Sue, Law Office of Jonathan Y. Sue, 1220 Broadway, Suite 502, New York, NY 10001.

Pursuant to 37 C.F.R. §2.120(d) and Rule 34 of the Federal Rules of Civil Procedure, Opposer Target Brands, Inc. hereby serves the following requests for production of documents upon Won Young Chung, documents responsive to which are to be produced at the Minneapolis office of Faegre & Benson LLP, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402 within thirty (30) days after service hereof, plus an additional five (5) days to account for service by mail. These requests for production of documents are governed by the following Definitions and Instructions, and shall be deemed continuing in nature so as to required supplementary answers between the time answers are served and time of trial, in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

EXHIBIT A

DEFINITIONS AND INSTRUCTIONS

The Definitions and Instructions set forth in Opposer's First Set of Interrogatories to Applicant are incorporated herein. In addition,

A. Whenever document is requested that is claimed by you to be privileged, you are required to:

- (1) provide the date and/or place thereof;
- (2) identify each person who participated in each oral communication, or who prepared, produced or reproduced, or who received copies of, each document;
- (3) identify each person who was present during all or any part of each oral communication;
- (4) identify the oral communication or document; and
- (5) identify the alleged privilege you seek to invoke and state each and every fact upon which you base your claim of privilege.

DOCUMENTS REQUESTS

1. All documents identified or referenced in response to Opposer's First Set of Interrogatories to Applicant.
2. A representative sample of each different product, label, packaging material, container, sign, advertisement, sales material, marketing material or other promotional material ever used or intended to be used in the United States in connection with the Subject Mark, including but not limited to catalogues, circulars, leaflets, direct mail pieces, newspaper and magazine advertisements, point of sale displays, telephone book placements, and Internet displays.
3. A representative sample of each variation of the Subject mark that you have used or plan to use.

4. All documents that constitute or relate to any state or federal registration or application for registration of the Subject Mark in the United States.
5. All documents referring or relating to any investigation, search, survey or study ever conducted by or on your behalf with respect to the Subject Mark.
6. All documents referring or relating to the creation, selection or adoption of the Subject Mark, including without limitation all documents relating to meetings, investigations, trademark searches, studies, focus groups, and/or surveys in connection with the creation, selection and/or adoption of the Subject Mark.
7. All documents that refer or relate to the date(s) of first use and first use in interstate commerce of the Subject Mark, including any such documents upon which Applicant plans to rely as proof of its date of first use of the Subject Mark in interstate commerce.
8. All documents that constitute or relate to any plans for marketing or selling the goods or services in connection with which the Subject Mark is used or is intended to be used in the United States.
9. All documents, writings or things which Applicant plans or expects to introduce as evidence in these proceedings.
10. Representative documents that evidence the total number and dollar amount of goods and services sold in connection with Applicant's use of the Subject Mark in the United States.
11. Representative documents that evidence moneys expended to advertise the Subject Mark or the goods and/or services on or in connection with which the Subject Mark will be or has been used in the United States.

12. All documents that refer or relate to the Opposer, TARGET® stores, or to any of the Opposer's Marks.

13. All documents referring or relating to the design and/or development of any wording, style, font, design, logo or other indicia used in connection with the Subject Mark by Applicant.

14. All documents constituting or relating to any communications between you and any agencies responsible for advertising and promoting the Subject Mark for use in connection with Applicant's goods or services in the United States.

15. All documents constituting or relating to any communications between you and any licensees or other authorized users of the Subject Marks.

16. All documents evidencing any instances of confusion, mistake or deception with respect to the origin or sponsorship of the Subject Mark or your goods and services, and the Opposer's Marks or the Opposer's goods and services.

17. All documents evidencing any plans that you have to expand your existing markets for goods and/or services bearing the Subject Mark in the United States.

18. All documents supporting or otherwise relating to any basis for your denial of the allegations in paragraph 8 of the Notice of Opposition.

19. All documents supporting or otherwise relating to any basis for your denial of the allegations in paragraph 9 of the Notice of Opposition.

20. All documents constituting or relating to any demographic information known to you about customers or potential customers for each good and/or service bearing the Subject Mark.

21. All documents provided to any person whom you have contacted with a view to obtaining any opinion, advice, report, study, facts or information from said person in connection with the present proceeding.

22. All documents constituting or relating to any statement, inquiry, comment or other communication by or from your customers, suppliers, competitors or other third parties, whether written or oral, that relate in any way to Opposer, Opposer's Marks and/or to TARGET® stores.

23. All documents constituting or relating to any license or permission you have granted any other person to use the Subject Mark.

24. All documents constituting or relating to communications between Applicant and licensees or others relating to the use, display and/or advertisement of the Subject Mark or of any goods and/or services on or in connection with which the Subject Mark has been used has been used.

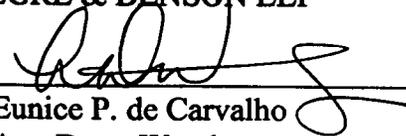
25. All documents relating to the channels of trade for each product bearing the Subject Mark.

26. For each entity identified in response to Interrogatory Nos. 21 and 23, such entity's articles of incorporation and by-laws.

27. For each entity identified in response to Interrogatory Nos. 21 or 23, such entity's annual reports, financial statements or similar documents of other title from the date of incorporation to the present.

Dated: February 2, 2005

FAEGRE & BENSON LLP

By: 

Eunice P. de Carvalho
Ann Dunn Wessberg
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Tel.: (612) 766-7000
Fax: (612) 766-1600

**Attorneys for Opposer
Target Brands, Inc.**

M2:20689150.01

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

In the Matter of Application Serial No. 78/284,192

For the Mark: BARONA

Filed: August 6, 2003

Date of Publication: June 8, 2004

TARGET BRANDS, INC.

Opposition No. 91161339

Opposer,

vs.

WON YOUNG CHUNG,

Applicant.

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

TO: Applicant and its attorney Jonathan Y. Sue, Law Office of Jonathan Y. Sue, 1220 Broadway, Suite 502, New York, NY 10001.

Pursuant to 37 C.F.R. §2.120(d) and Rule 33 of the Federal Rules of Civil Procedure, Opposer Target Brands, Inc. hereby serves the following interrogatories upon Applicant Won Young Chung to be answered under oath within thirty (30) days after service hereof, plus an additional five (5) days to account for service by mail. These interrogatories are governed by the following Definitions and Instructions, and shall be deemed continuing in nature so as to require supplementary answers between the time answers are served and the time of trial, in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, "the Subject Mark" refers to the mark that is the subject of Application Serial No. 78/284,192.

EXHIBIT B

B. As used herein, "Applicant", "you" and "your" refer to Applicant Won Young Chung, and to any predecessors or actual or likely successors in interest with respect to the Subject Mark, and to the extent that they are or have been involved in any way with the subject matter of the following Interrogatories, all persons or entities acting or purporting to act on behalf of or who are and/or were subject to the direction or control of Applicant, including, without limitation, any corporation, partnership, limited liability company, or other corporate form by which Applicant conducts any trade or business relating to the Subject Mark, its current and/or former attorneys, partners, representatives, agents, consultants and employees and/or any business entity wholly or substantially owned or controlled by Applicant.

C. As used herein, "TBI" and "Opposer" refer to Target Brands, Inc., and its predecessors or successors in interest with respect to Opposer's Marks, and to each and every current or former officer, director, employee, agent, attorney, representative or consultant of TBI when acting on TBI's behalf.

D. As used herein, "Opposer's Marks" refers collectively to the mark MERONA, including U.S. Trademark Registration Nos. 2,896,145, 2,677,625, and 2,685,944.

E. As used herein, the terms "person" or "party" refer to and include any natural person, as well as any juristic person (e.g., corporation) or any business or other organizational entity (e.g., partnership, trust, joint venture, group, association or organization), and his, her, its or their officers, agents and employees.

F. As used herein, the term “identify” or “identification” when used with respect to a natural person means to state:

- (1) his or her full name;
- (2) his or her present or last known residence address and telephone number;
- (3) his or her present or last known business address and telephone number; and
- (4) his or her present or last known job title, job description, and the date during which the job position was held.

G. Whenever the term “identify” or “identification” is used in these interrogatories with respect to any corporation, partnership, or business entity, you are required to state:

- (1) its present or last known full name;
- (2) all of its previous registered and/or operating business names, if any;
- (3) its state or country of incorporation;
- (4) its present or last known business address and telephone number; and
- (5) the nature of its business.

H. As used herein, “relate” or “relating” includes, without limitation, pertaining to, concerning, constituting, comprising, reflecting, discussing or having any logical or factual connection whatsoever with the subject matter in question.

I. As used herein with respect to a factual situation or allegations, the phrases “state in detail” or “describe in detail” mean: (1) to state or describe with particularity and specificity all facts known which bear upon or are related to the matter which is the subject of the inquiry; (2) to identify all documents evidencing or relating to those facts; and (3) where appropriate, to apply law to those facts.

J. Whenever the term “identify”, “identity” or “identification” is used in these interrogatories with respect to a document, you are required to:

- (1) describe the type of document (e.g., letter, memorandum, report, diary, chart, etc.);
- (2) provide the date, if any, of the document;
- (3) identify the author(s) of the document;
- (4) identify each addressee appearing on the document;
- (5) identify each recipient of the document or any copies of the document;
- (6) describe the contents of the document;
- (7) describe the present location of the document; and
- (8) identify the person(s) having possession custody or control of the document.

If any such document was, but is no longer, in your possession, custody, or control, state what disposition was made of it. For each interrogatory that requests the identification of document(s), you may produce for inspection and copying by Opposer’s counsel true and correct copies of the documents as they are kept in the usual course of business or organized and labeled to correspond with the categories in the request, all in accordance with Rule 33(c) of the Federal Rules of Civil Procedure, and such production of copies will be accepted as complying with such request.

K. As used in these interrogatories, the term “document” refers to any and all tangible items or sources of information within the meaning of Rule 34 of the Federal Rules of Civil Procedure, whether original or nonidentical copies of such items, in both final and draft form, of every kind and nature whatsoever, however produced, reproduced, or stored, that are within your possession, custody or control,

or that are known by you to exist. The term "document" includes, but is not limited to, all correspondence, memoranda, records, reports, notes, drafts, proposals, minutes of meetings, books, papers, drawings, telegrams, logs, diaries, computer printouts, computations, ledgers, journals, purchase orders, bills of lading, invoices, vouchers, checks, books of original entry and other books or records, recordings or memoranda of conversations, or any other written, printed, typewritten or other graphic or photographic matter or tangible thing on which any information is affixed and all mechanical, electronic, sound or video recordings or transcripts thereof, and all other magnetic recordings or matter existing in any other machine readable form, and all information capable of being retrieved from a computer. The term "document" also refers to all preliminary drafts, versions, or revisions of any of the aforementioned, to all underlying preparatory or supporting materials thereto, and to all studies, analyses, or other valiative or interpretive reports thereof.

L. As used herein, the term "communicate" or "communications" refers to all conversations, correspondence, or contacts between two or more individuals, whether in person, in writing, by telephone, or by any other means.

M. Whenever an answer to an interrogatory requires the identity of a document or oral communication claimed by you to be privileged, you are required to:

- (1) provide the date and/or place thereof;
- (2) identify each person who participated in each oral communication, or who prepared, produced or reproduced, or who received copies of, each document;

- (3) identify each person who was present during all or any part of each oral communication;
- (4) identify the oral communication or document; and
- (5) identify the alleged privilege you seek to invoke and state each and every fact upon which you base your claim of privilege.

N. As used herein, the term “sale”, “sales”, “sell” or “sold” shall include sales, licenses, leases, distribution to resellers and all methods of product distribution whether direct or indirect, and whether or not Applicant received or will receive revenue therefrom.

O. As used herein, the term “plan” means to have any present plan or intention to do something, whether such plan or intention is preliminary or final, fixed or tentative, and without regard to whether or not the means necessary to effectuate such a plan or intention are presently available to you.

P. As used herein, the singular form of a noun or pronoun will include within its meaning the plural form of the noun or pronoun, and vice versa; the use of the masculine form of a pronoun will include within its meaning the feminine form of the pronoun, and vice versa; the use of a tense of any verb will include all other tenses of the verb so used; and the use of “and” will include “or”, and vice versa.

Q. When an interrogatory asks for specific information (e.g., a date) and the precise specific information is unknown, the answer shall give the best approximation of the information requested, provided that the answer also indicates the information being given if an approximation.

INTERROGATORIES

1. Identify each person known to or believed by you to have knowledge of the facts stated or relied upon in responding to these Interrogatories, and, for each person identified, describe in detail the substance of his or her knowledge.

2. Describe in detail the process by which the Subject Mark was selected, including in the description identification of all individuals involved in the creation, selection or adoption by you of the Subject Mark; the time period during which such process of selection occurred; and a description of the reason(s) that the Subject Mark was selected.

3. Describe in detail any trademark investigation undertaken by you in connection with the selection or adoption of, and/or the application to register, the Subject Mark in the United States.

4. Describe in detail any awareness or knowledge you had of Opposer's Marks (a) at the time use of the Subject Mark commenced in the United States; and (b) at the time of the filing of your application Serial No. 78/284,192 to register the Subject Mark.

5. Identify each and every good or service on which, or in connection with which, you are using, have used, have authorized the use of, or plan to use the Subject Mark in the United States. With respect to each such good or service:

- (a) State the period of time over which the Subject Mark has been or was used on or in connection with the goods or services;
- (b) State the total number and dollar amount of such goods or services sold in the United States on a monthly and annual basis since the Subject Mark was first used on or in connection therewith;
- (c) Identify the manufacturer(s) of the goods;

- (d) Describe in detail the channel(s) of trade in which you have sold or distributed or intend to sell or distribute such goods and/or services;
 - (e) Identify each store or other retail outlet through which any such good and/or services currently are sold; and
 - (f) Identify, by state, the geographic areas in which you sell or intend to sell each such good and/or service.
6. For all advertising conducted relating to goods or services on which, or in connection with which, the Subject Mark is, has been or will be used by you in the United States:
- (a) State by month and year the dollar amount of all such advertising; and
 - (b) Describe in detail each such advertisement, including the source of the advertisement (e.g., "direct mail", "brochure", name of newspaper, magazine, or television or radio station), the date or dates of the advertisement, and the geographic area covered by the advertisement.
7. Identify each person from whom you plan or expect to elicit testimony during the testimony period(s), and describe in detail the substance of each such person's expected testimony.
8. Identify each document or thing you plan or expect to offer into evidence during the testimony period.
9. For each person you have retained or specially employed to provide expert testimony in the case, provide the information required under Fed. R. Civ. P. 26(a)(2)(B).
10. Describe in detail the first use of the Subject Mark in interstate commerce, including in the description identification of the date on which such first use occurred, a

statement of the basis for fixing first use on that date, and a description of the goods or services in connection with which the Subject Mark was so used.

11. State whether there have been any instances of confusion, mistake or deception with respect to the origin, sponsorship or ownership of the Subject Mark or your goods and/or services, or between the Subject Mark or your goods and/or services and Opposer's Marks or Opposer's goods and/or services, or to any relationship between you and Opposer. For each such instance, if any:

- (a) State the date it occurred; and
- (b) Describe in detail the complete circumstances relating to the incident, including the identity of each person involved in the incident.

12. Identify and describe any plans to expand your use of the Subject Mark, including:

- (a) Any plans to expand your existing markets for goods and/or services bearing the Subject Mark, setting forth the markets being considered for expansion, the likelihood of such expansion, and the identity of the person or persons most knowledgeable about such plans or intentions; and
- (b) Any plans to expand the range of goods and/or services in connection with which the Subject Mark may be used, including in the description identification of all goods and services in connection with which the Subject mark may be used.

13. State in detail the basis for your denial of the allegations in paragraph 8 of the Notice of Opposition.

14. State in detail the basis for your denial of the allegations in paragraph 9 of the Notice of Opposition.

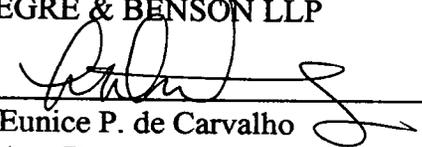
15. Identify all demographic information known to you about customers or potential customers for each good and/or service bearing the Subject Mark.
16. Identify those persons most knowledgeable about sales and profits from products bearing the Subject Mark, including the knowledge and involvement each such person had.
17. Identify with specificity each and every variation of the Subject Mark that you use or intend to use.
18. Describe in detail any arrangement by which you have licensed or otherwise authorized any other person to make use of the Subject Mark, and identify each such licensee or authorized user.
19. Describe in detail any affiliation between you and any retailer and any efforts you have undertaken to develop a relationship with any retailer.
20. Identify any predecessors and any actual or likely successors in interest with respect to the Subject Mark and/or your application Serial No. 78/284,182 and describe in detail the nature of their interest.
21. Identify any and all corporations, partnerships, limited liability companies, or other business entities, whether domestic or foreign, by or through which Applicant has conducted, currently conducts, or intends in the future to conduct any trade or business relating to the Subject Mark or to any goods and/or services on which or in connection with which the Subject Mark has at any time been used.

22. For each and every entity identified in response to Interrogatory No. 21 above, identify any and all past and current consultants and/or employees of each entity identified, and describe in detail the role of each one in connection with the entity so identified and in connection with the Subject Mark.

23. For each and every entity identified in response to Interrogatory No. 21 above, identify all parents, subsidiaries and/or related companies or partnerships of each entity identified which have used, are currently using, or which you have reason to believe may in the future use the Subject Mark.

Dated: February 2, 2005

FAEGRE & BENSON LLP

By: 

Eunice P. de Carvalho
Ann Dunn Wessberg
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Tel.: (612) 766-7000
Fax: (612) 766-1600

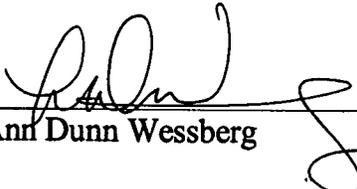
**Attorneys for Opposer
Target Brands, Inc.**

M2:20689149.01

CERTIFICATE OF SERVICE

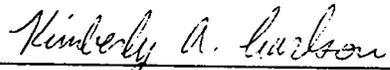
This certifies that a copy of **Opposer's First Set of Interrogatories to Applicant** was mailed this second day of February, 2005 by first class mail, postage prepaid, to counsel for Applicant:

Jonathan Y. Sue
Law Office of Jonathan Y. Sue
1220 Broadway, Suite 502
New York, NY 10001



Ann Dunn Wessberg

Subscribed and sworn to before me
this 2nd day of February, 2005



Notary Public

M2:20689149.01

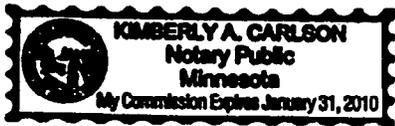
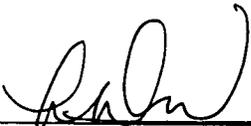


EXHIBIT C

CERTIFICATE OF SERVICE

This certifies that a copy of **Opposer's First Set of Requests for Production of Documents to Applicant** was mailed this second day of February, 2005 by first class mail, postage prepaid, to counsel for Applicant:

Jonathan Y. Sue
Law Office of Jonathan Y. Sue
1220 Broadway, Suite 502
New York, NY 10001



Ann Dunn Wessberg 

Subscribed and sworn to before me
this 2nd day of February, 2005



Notary Public





UNITED STATES | ENGLAND | GERMANY | CHINA

ANN DUNN WESSBERG
awessberg@faegre.com
612.766.7105

March 23, 2005

Jonathan Yoon Sue
Attorney at Law
Suite 502
1220 Broadway
New York, NY 10001

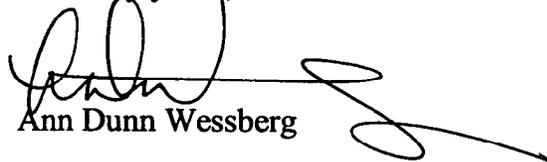
Re: Target Brands, Inc. v. Won Young Chung
Opposition No. 91161339
RE: BARONA Mark

Dear Mr. Sue:

On February 2, 2005, we served upon you Opposer's First Set of Interrogatories and Opposer's First Set of Request for Production of Documents, another copy of which is enclosed for your convenience.

Answers and documents to be produced were due on March 9, 2005. Please promptly deliver such them to my office as soon as possible. In the event, however, that I have not received the answers and documents in my office by March 30, 2005, TBI may have no choice but to file a Motion to Compel Discovery.

Sincerely yours,


Ann Dunn Wessberg

ADW:rasjb

Enclosures

M2:20701800.01

cc: Shayne Brown
James R. Steffen
Michelle Paninopoulos

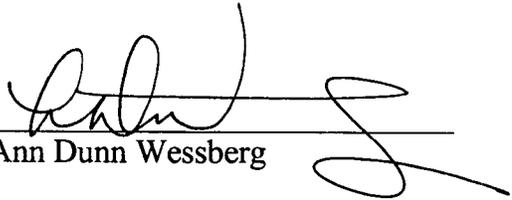
EXHIBIT D

to Applicant, dated February 2, 2005, together with the Certificate of Service of Opposer's First Set of Interrogatories to Applicant, also dated February 2, 2005.

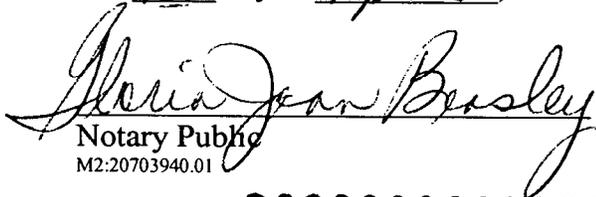
5. Attached hereto as Exhibit D is a true and correct copy of correspondence from the Affiant to Jonathan Yoon Sue, counsel for the Applicant, dated March 23, 2005.

6. To date, TBI has received no response to either the Requests for Production for Documents or to the Interrogatories served upon the Applicant on February 2, 2005, and no response, written or otherwise, to the correspondence sent on March 23, 2005.

FURTHER AFFIANT SAYETH NOT.


Ann Dunn Wessberg

Subscribed and sworn to before me
this 1st day of April, 2005.


Notary Public
M2:20703940.01



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

In the Matter of Application Serial No. 78/284,192

For the Mark: BARONA

Filed: August 6, 2003

Date of Publication: June 8, 2004

TARGET BRANDS, INC.

Opposition No. 91161339

Opposer,

vs.

WON YOUNG CHUNG,

Applicant.

**OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS TO APPLICANT**

TO: Applicant and its attorney Jonathan Y. Sue, Law Office of Jonathan Y. Sue, 1220 Broadway, Suite 502, New York, NY 10001.

Pursuant to 37 C.F.R. §2.120(d) and Rule 34 of the Federal Rules of Civil Procedure, Opposer Target Brands, Inc. hereby serves the following requests for production of documents upon Won Young Chung, documents responsive to which are to be produced at the Minneapolis office of Faegre & Benson LLP, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402 within thirty (30) days after service hereof, plus an additional five (5) days to account for service by mail. These requests for production of documents are governed by the following Definitions and Instructions, and shall be deemed continuing in nature so as to required supplementary answers between the time answers are served and time of trial, in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

EXHIBIT A

DEFINITIONS AND INSTRUCTIONS

The Definitions and Instructions set forth in Opposer's First Set of Interrogatories to Applicant are incorporated herein. In addition,

A. Whenever document is requested that is claimed by you to be privileged, you are required to:

- (1) provide the date and/or place thereof;
- (2) identify each person who participated in each oral communication, or who prepared, produced or reproduced, or who received copies of, each document;
- (3) identify each person who was present during all or any part of each oral communication;
- (4) identify the oral communication or document; and
- (5) identify the alleged privilege you seek to invoke and state each and every fact upon which you base your claim of privilege.

DOCUMENTS REQUESTS

1. All documents identified or referenced in response to Opposer's First Set of Interrogatories to Applicant.
2. A representative sample of each different product, label, packaging material, container, sign, advertisement, sales material, marketing material or other promotional material ever used or intended to be used in the United States in connection with the Subject Mark, including but not limited to catalogues, circulars, leaflets, direct mail pieces, newspaper and magazine advertisements, point of sale displays, telephone book placements, and Internet displays.
3. A representative sample of each variation of the Subject mark that you have used or plan to use.

4. All documents that constitute or relate to any state or federal registration or application for registration of the Subject Mark in the United States.
5. All documents referring or relating to any investigation, search, survey or study ever conducted by or on your behalf with respect to the Subject Mark.
6. All documents referring or relating to the creation, selection or adoption of the Subject Mark, including without limitation all documents relating to meetings, investigations, trademark searches, studies, focus groups, and/or surveys in connection with the creation, selection and/or adoption of the Subject Mark.
7. All documents that refer or relate to the date(s) of first use and first use in interstate commerce of the Subject Mark, including any such documents upon which Applicant plans to rely as proof of its date of first use of the Subject Mark in interstate commerce.
8. All documents that constitute or relate to any plans for marketing or selling the goods or services in connection with which the Subject Mark is used or is intended to be used in the United States.
9. All documents, writings or things which Applicant plans or expects to introduce as evidence in these proceedings.
10. Representative documents that evidence the total number and dollar amount of goods and services sold in connection with Applicant's use of the Subject Mark in the United States.
11. Representative documents that evidence moneys expended to advertise the Subject Mark or the goods and/or services on or in connection with which the Subject Mark will be or has been used in the United States.

12. All documents that refer or relate to the Opposer, TARGET® stores, or to any of the Opposer's Marks.

13. All documents referring or relating to the design and/or development of any wording, style, font, design, logo or other indicia used in connection with the Subject Mark by Applicant.

14. All documents constituting or relating to any communications between you and any agencies responsible for advertising and promoting the Subject Mark for use in connection with Applicant's goods or services in the United States.

15. All documents constituting or relating to any communications between you and any licensees or other authorized users of the Subject Marks.

16. All documents evidencing any instances of confusion, mistake or deception with respect to the origin or sponsorship of the Subject Mark or your goods and services, and the Opposer's Marks or the Opposer's goods and services.

17. All documents evidencing any plans that you have to expand your existing markets for goods and/or services bearing the Subject Mark in the United States.

18. All documents supporting or otherwise relating to any basis for your denial of the allegations in paragraph 8 of the Notice of Opposition.

19. All documents supporting or otherwise relating to any basis for your denial of the allegations in paragraph 9 of the Notice of Opposition.

20. All documents constituting or relating to any demographic information known to you about customers or potential customers for each good and/or service bearing the Subject Mark.

21. All documents provided to any person whom you have contacted with a view to obtaining any opinion, advice, report, study, facts or information from said person in connection with the present proceeding.

22. All documents constituting or relating to any statement, inquiry, comment or other communication by or from your customers, suppliers, competitors or other third parties, whether written or oral, that relate in any way to Opposer, Opposer's Marks and/or to TARGET® stores.

23. All documents constituting or relating to any license or permission you have granted any other person to use the Subject Mark.

24. All documents constituting or relating to communications between Applicant and licensees or others relating to the use, display and/or advertisement of the Subject Mark or of any goods and/or services on or in connection with which the Subject Mark has been used has been used.

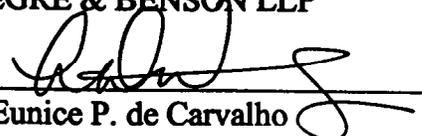
25. All documents relating to the channels of trade for each product bearing the Subject Mark.

26. For each entity identified in response to Interrogatory Nos. 21 and 23, such entity's articles of incorporation and by-laws.

27. For each entity identified in response to Interrogatory Nos. 21 or 23, such entity's annual reports, financial statements or similar documents of other title from the date of incorporation to the present.

Dated: February 2, 2005

FAEGRE & BENSON LLP

By: 

Eunice P. de Carvalho

Ann Dunn Wessberg

2200 Wells Fargo Center

90 South Seventh Street

Minneapolis, MN 55402

Tel.: (612) 766-7000

Fax: (612) 766-1600

**Attorneys for Opposer
Target Brands, Inc.**

M2:20689150.01

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

In the Matter of Application Serial No. 78/284,192

For the Mark: BARONA

Filed: August 6, 2003

Date of Publication: June 8, 2004

TARGET BRANDS, INC.

Opposition No. 91161339

Opposer,

vs.

WON YOUNG CHUNG,

Applicant.

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

TO: Applicant and its attorney Jonathan Y. Sue, Law Office of Jonathan Y. Sue, 1220 Broadway, Suite 502, New York, NY 10001.

Pursuant to 37 C.F.R. §2.120(d) and Rule 33 of the Federal Rules of Civil Procedure, Opposer Target Brands, Inc. hereby serves the following interrogatories upon Applicant Won Young Chung to be answered under oath within thirty (30) days after service hereof, plus an additional five (5) days to account for service by mail. These interrogatories are governed by the following Definitions and Instructions, and shall be deemed continuing in nature so as to require supplementary answers between the time answers are served and the time of trial, in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, "the Subject Mark" refers to the mark that is the subject of Application Serial No. 78/284,192.

EXHIBIT B

B. As used herein, "Applicant", "you" and "your" refer to Applicant Won Young Chung, and to any predecessors or actual or likely successors in interest with respect to the Subject Mark, and to the extent that they are or have been involved in any way with the subject matter of the following Interrogatories, all persons or entities acting or purporting to act on behalf of or who are and/or were subject to the direction or control of Applicant, including, without limitation, any corporation, partnership, limited liability company, or other corporate form by which Applicant conducts any trade or business relating to the Subject Mark, its current and/or former attorneys, partners, representatives, agents, consultants and employees and/or any business entity wholly or substantially owned or controlled by Applicant.

C. As used herein, "TBI" and "Opposer" refer to Target Brands, Inc., and its predecessors or successors in interest with respect to Opposer's Marks, and to each and every current or former officer, director, employee, agent, attorney, representative or consultant of TBI when acting on TBI's behalf.

D. As used herein, "Opposer's Marks" refers collectively to the mark MERONA, including U.S. Trademark Registration Nos. 2,896,145, 2,677,625, and 2,685,944.

E. As used herein, the terms "person" or "party" refer to and include any natural person, as well as any juristic person (e.g., corporation) or any business or other organizational entity (e.g., partnership, trust, joint venture, group, association or organization), and his, her, its or their officers, agents and employees.

F. As used herein, the term “identify” or “identification” when used with respect to a natural person means to state:

- (1) his or her full name;**
- (2) his or her present or last known residence address and telephone number;**
- (3) his or her present or last known business address and telephone number; and**
- (4) his or her present or last known job title, job description, and the date during which the job position was held.**

G. Whenever the term “identify” or “identification” is used in these interrogatories with respect to any corporation, partnership, or business entity, you are required to state:

- (1) its present or last known full name;**
- (2) all of its previous registered and/or operating business names, if any;**
- (3) its state or country of incorporation;**
- (4) its present or last known business address and telephone number; and**
- (5) the nature of its business.**

H. As used herein, “relate” or “relating” includes, without limitation, pertaining to, concerning, constituting, comprising, reflecting, discussing or having any logical or factual connection whatsoever with the subject matter in question.

I. As used herein with respect to a factual situation or allegations, the phrases “state in detail” or “describe in detail” mean: (1) to state or describe with particularity and specificity all facts known which bear upon or are related to the matter which is the subject of the inquiry; (2) to identify all documents evidencing or relating to those facts; and (3) where appropriate, to apply law to those facts.

J. Whenever the term “identify”, “identity” or “identification” is used in these interrogatories with respect to a document, you are required to:

- (1) describe the type of document (e.g., letter, memorandum, report, diary, chart, etc.);
- (2) provide the date, if any, of the document;
- (3) identify the author(s) of the document;
- (4) identify each addressee appearing on the document;
- (5) identify each recipient of the document or any copies of the document;
- (6) describe the contents of the document;
- (7) describe the present location of the document; and
- (8) identify the person(s) having possession custody or control of the document.

If any such document was, but is no longer, in your possession, custody, or control, state what disposition was made of it. For each interrogatory that requests the identification of document(s), you may produce for inspection and copying by Opposer’s counsel true and correct copies of the documents as they are kept in the usual course of business or organized and labeled to correspond with the categories in the request, all in accordance with Rule 33(c) of the Federal Rules of Civil Procedure, and such production of copies will be accepted as complying with such request.

K. As used in these interrogatories, the term “document” refers to any and all tangible items or sources of information within the meaning of Rule 34 of the Federal Rules of Civil Procedure, whether original or nonidentical copies of such items, in both final and draft form, of every kind and nature whatsoever, however produced, reproduced, or stored, that are within your possession, custody or control,

or that are known by you to exist. The term "document" includes, but is not limited to, all correspondence, memoranda, records, reports, notes, drafts, proposals, minutes of meetings, books, papers, drawings, telegrams, logs, diaries, computer printouts, computations, ledgers, journals, purchase orders, bills of lading, invoices, vouchers, checks, books of original entry and other books or records, recordings or memoranda of conversations, or any other written, printed, typewritten or other graphic or photographic matter or tangible thing on which any information is affixed and all mechanical, electronic, sound or video recordings or transcripts thereof, and all other magnetic recordings or matter existing in any other machine readable form, and all information capable of being retrieved from a computer. The term "document" also refers to all preliminary drafts, versions, or revisions of any of the aforementioned, to all underlying preparatory or supporting materials thereto, and to all studies, analyses, or other valuative or interpretive reports thereof.

L. As used herein, the term "communicate" or "communications" refers to all conversations, correspondence, or contacts between two or more individuals, whether in person, in writing, by telephone, or by any other means.

M. Whenever an answer to an interrogatory requires the identity of a document or oral communication claimed by you to be privileged, you are required to:

- (1) provide the date and/or place thereof;
- (2) identify each person who participated in each oral communication, or who prepared, produced or reproduced, or who received copies of, each document;

- (3) identify each person who was present during all or any part of each oral communication;
- (4) identify the oral communication or document; and
- (5) identify the alleged privilege you seek to invoke and state each and every fact upon which you base your claim of privilege.

N. As used herein, the term "sale", "sales", "sell" or "sold" shall include sales, licenses, leases, distribution to resellers and all methods of product distribution whether direct or indirect, and whether or not Applicant received or will receive revenue therefrom.

O. As used herein, the term "plan" means to have any present plan or intention to do something, whether such plan or intention is preliminary or final, fixed or tentative, and without regard to whether or not the means necessary to effectuate such a plan or intention are presently available to you.

P. As used herein, the singular form of a noun or pronoun will include within its meaning the plural form of the noun or pronoun, and vice versa; the use of the masculine form of a pronoun will include within its meaning the feminine form of the pronoun, and vice versa; the use of a tense of any verb will include all other tenses of the verb so used; and the use of "and" will include "or", and vice versa.

Q. When an interrogatory asks for specific information (e.g., a date) and the precise specific information is unknown, the answer shall give the best approximation of the information requested, provided that the answer also indicates the information being given if an approximation.

INTERROGATORIES

1. Identify each person known to or believed by you to have knowledge of the facts stated or relied upon in responding to these Interrogatories, and, for each person identified, describe in detail the substance of his or her knowledge.

2. Describe in detail the process by which the Subject Mark was selected, including in the description identification of all individuals involved in the creation, selection or adoption by you of the Subject Mark; the time period during which such process of selection occurred; and a description of the reason(s) that the Subject Mark was selected.

3. Describe in detail any trademark investigation undertaken by you in connection with the selection or adoption of, and/or the application to register, the Subject Mark in the United States.

4. Describe in detail any awareness or knowledge you had of Opposer's Marks (a) at the time use of the Subject Mark commenced in the United States; and (b) at the time of the filing of your application Serial No. 78/284,192 to register the Subject Mark.

5. Identify each and every good or service on which, or in connection with which, you are using, have used, have authorized the use of, or plan to use the Subject Mark in the United States. With respect to each such good or service:

- (a) State the period of time over which the Subject Mark has been or was used on or in connection with the goods or services;
- (b) State the total number and dollar amount of such goods or services sold in the United States on a monthly and annual basis since the Subject Mark was first used on or in connection therewith;
- (c) Identify the manufacturer(s) of the goods;

- (d) Describe in detail the channel(s) of trade in which you have sold or distributed or intend to sell or distribute such goods and/or services;
 - (e) Identify each store or other retail outlet through which any such good and/or services currently are sold; and
 - (f) Identify, by state, the geographic areas in which you sell or intend to sell each such good and/or service.
6. For all advertising conducted relating to goods or services on which, or in connection with which, the Subject Mark is, has been or will be used by you in the United States:
- (a) State by month and year the dollar amount of all such advertising; and
 - (b) Describe in detail each such advertisement, including the source of the advertisement (e.g., "direct mail", "brochure", name of newspaper, magazine, or television or radio station), the date or dates of the advertisement, and the geographic area covered by the advertisement.
7. Identify each person from whom you plan or expect to elicit testimony during the testimony period(s), and describe in detail the substance of each such person's expected testimony.
8. Identify each document or thing you plan or expect to offer into evidence during the testimony period.
9. For each person you have retained or specially employed to provide expert testimony in the case, provide the information required under Fed. R. Civ. P. 26(a)(2)(B).
10. Describe in detail the first use of the Subject Mark in interstate commerce, including in the description identification of the date on which such first use occurred, a

statement of the basis for fixing first use on that date, and a description of the goods or services in connection with which the Subject Mark was so used.

11. State whether there have been any instances of confusion, mistake or deception with respect to the origin, sponsorship or ownership of the Subject Mark or your goods and/or services, or between the Subject Mark or your goods and/or services and Opposer's Marks or Opposer's goods and/or services, or to any relationship between you and Opposer. For each such instance, if any:

- (a) State the date it occurred; and
- (b) Describe in detail the complete circumstances relating to the incident, including the identity of each person involved in the incident.

12. Identify and describe any plans to expand your use of the Subject Mark, including:

- (a) Any plans to expand your existing markets for goods and/or services bearing the Subject Mark, setting forth the markets being considered for expansion, the likelihood of such expansion, and the identity of the person or persons most knowledgeable about such plans or intentions; and
- (b) Any plans to expand the range of goods and/or services in connection with which the Subject Mark may be used, including in the description identification of all goods and services in connection with which the Subject mark may be used.

13. State in detail the basis for your denial of the allegations in paragraph 8 of the Notice of Opposition.

14. State in detail the basis for your denial of the allegations in paragraph 9 of the Notice of Opposition.

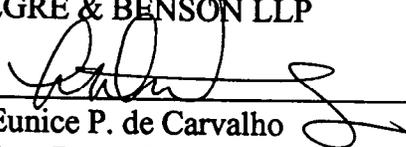
15. Identify all demographic information known to you about customers or potential customers for each good and/or service bearing the Subject Mark.
16. Identify those persons most knowledgeable about sales and profits from products bearing the Subject Mark, including the knowledge and involvement each such person had.
17. Identify with specificity each and every variation of the Subject Mark that you use or intend to use.
18. Describe in detail any arrangement by which you have licensed or otherwise authorized any other person to make use of the Subject Mark, and identify each such licensee or authorized user.
19. Describe in detail any affiliation between you and any retailer and any efforts you have undertaken to develop a relationship with any retailer.
20. Identify any predecessors and any actual or likely successors in interest with respect to the Subject Mark and/or your application Serial No. 78/284,182 and describe in detail the nature of their interest.
21. Identify any and all corporations, partnerships, limited liability companies, or other business entities, whether domestic or foreign, by or through which Applicant has conducted, currently conducts, or intends in the future to conduct any trade or business relating to the Subject Mark or to any goods and/or services on which or in connection with which the Subject Mark has at any time been used.

22. For each and every entity identified in response to Interrogatory No. 21 above, identify any and all past and current consultants and/or employees of each entity identified, and describe in detail the role of each one in connection with the entity so identified and in connection with the Subject Mark.

23. For each and every entity identified in response to Interrogatory No. 21 above, identify all parents, subsidiaries and/or related companies or partnerships of each entity identified which have used, are currently using, or which you have reason to believe may in the future use the Subject Mark.

Dated: February 2, 2005

FAEGRE & BENSON LLP

By: 

Eunice P. de Carvalho
Ann Dunn Wessberg
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Tel.: (612) 766-7000
Fax: (612) 766-1600

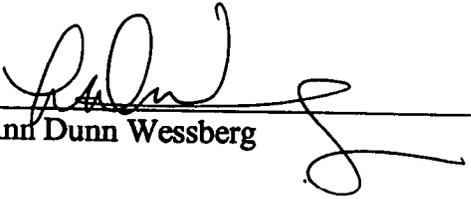
**Attorneys for Opposer
Target Brands, Inc.**

M2:20689149.01

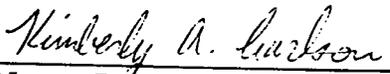
CERTIFICATE OF SERVICE

This certifies that a copy of **Opposer's First Set of Interrogatories to Applicant** was mailed this second day of February, 2005 by first class mail, postage prepaid, to counsel for Applicant:

Jonathan Y. Sue
Law Office of Jonathan Y. Sue
1220 Broadway, Suite 502
New York, NY 10001


Ann Dunn Wessberg

Subscribed and sworn to before me
this 2nd day of February, 2005


Notary Public

M2:20689149.01

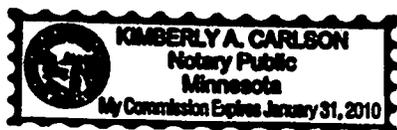
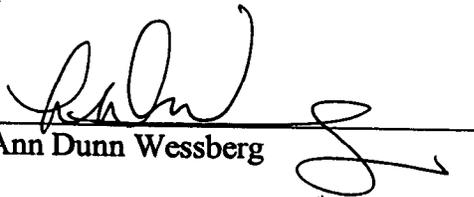


EXHIBIT C

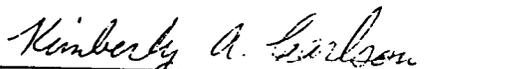
CERTIFICATE OF SERVICE

This certifies that a copy of Opposer's First Set of Requests for Production of Documents to Applicant was mailed this second day of February, 2005 by first class mail, postage prepaid, to counsel for Applicant:

Jonathan Y. Sue
Law Office of Jonathan Y. Sue
1220 Broadway, Suite 502
New York, NY 10001


Ann Dunn Wessberg

Subscribed and sworn to before me
this 2nd day of February, 2005



Notary Public





UNITED STATES | ENGLAND | GERMANY | CHINA

ANN DUNN WESSBERG
awessberg@faegre.com
612.766.7105

March 23, 2005

Jonathan Yoon Sue
Attorney at Law
Suite 502
1220 Broadway
New York, NY 10001

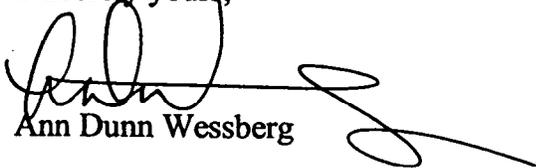
Re: Target Brands, Inc. v. Won Young Chung
Opposition No. 91161339
RE: BARONA Mark

Dear Mr. Sue:

On February 2, 2005, we served upon you Opposer's First Set of Interrogatories and Opposer's First Set of Request for Production of Documents, another copy of which is enclosed for your convenience.

Answers and documents to be produced were due on March 9, 2005. Please promptly deliver such them to my office as soon as possible. In the event, however, that I have not received the answers and documents in my office by March 30, 2005, TBI may have no choice but to file a Motion to Compel Discovery.

Sincerely yours,



Ann Dunn Wessberg

ADW:rasjb

Enclosures

M2:20701800.01

cc: Shayne Brown
James R. Steffen
Michelle Paninopoulos

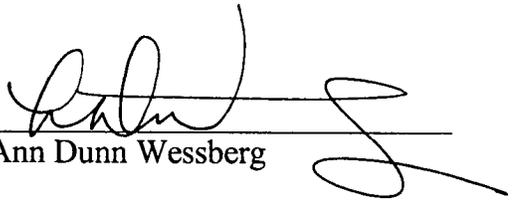
EXHIBIT D

to Applicant, dated February 2, 2005, together with the Certificate of Service of Opposer's First Set of Interrogatories to Applicant, also dated February 2, 2005.

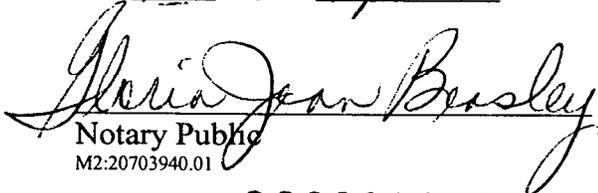
5. Attached hereto as Exhibit D is a true and correct copy of correspondence from the Affiant to Jonathan Yoon Sue, counsel for the Applicant, dated March 23, 2005.

6. To date, TBI has received no response to either the Requests for Production for Documents or to the Interrogatories served upon the Applicant on February 2, 2005, and no response, written or otherwise, to the correspondence sent on March 23, 2005.

FURTHER AFFIANT SAYETH NOT.


Ann Dunn Wessberg

Subscribed and sworn to before me
this 1st day of April, 2005.


Notary Public
M2:20703940.01



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

In the Matter of Application Serial No. 78/284,192

For the Mark: BARONA

Filed: August 6, 2003

Date of Publication: June 8, 2004

TARGET BRANDS, INC.

Opposition No. 91161339

Opposer,

vs.

WON YOUNG CHUNG,

Applicant.

**OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS TO APPLICANT**

TO: Applicant and its attorney Jonathan Y. Sue, Law Office of Jonathan Y. Sue, 1220 Broadway, Suite 502, New York, NY 10001.

Pursuant to 37 C.F.R. §2.120(d) and Rule 34 of the Federal Rules of Civil Procedure, Opposer Target Brands, Inc. hereby serves the following requests for production of documents upon Won Young Chung, documents responsive to which are to be produced at the Minneapolis office of Faegre & Benson LLP, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402 within thirty (30) days after service hereof, plus an additional five (5) days to account for service by mail. These requests for production of documents are governed by the following Definitions and Instructions, and shall be deemed continuing in nature so as to required supplementary answers between the time answers are served and time of trial, in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

EXHIBIT A

DEFINITIONS AND INSTRUCTIONS

The Definitions and Instructions set forth in Opposer's First Set of Interrogatories to Applicant are incorporated herein. In addition,

A. Whenever document is requested that is claimed by you to be privileged, you are required to:

- (1) provide the date and/or place thereof;
- (2) identify each person who participated in each oral communication, or who prepared, produced or reproduced, or who received copies of, each document;
- (3) identify each person who was present during all or any part of each oral communication;
- (4) identify the oral communication or document; and
- (5) identify the alleged privilege you seek to invoke and state each and every fact upon which you base your claim of privilege.

DOCUMENTS REQUESTS

1. All documents identified or referenced in response to Opposer's First Set of Interrogatories to Applicant.

2. A representative sample of each different product, label, packaging material, container, sign, advertisement, sales material, marketing material or other promotional material ever used or intended to be used in the United States in connection with the Subject Mark, including but not limited to catalogues, circulars, leaflets, direct mail pieces, newspaper and magazine advertisements, point of sale displays, telephone book placements, and Internet displays.

3. A representative sample of each variation of the Subject mark that you have used or plan to use.

4. All documents that constitute or relate to any state or federal registration or application for registration of the Subject Mark in the United States.
5. All documents referring or relating to any investigation, search, survey or study ever conducted by or on your behalf with respect to the Subject Mark.
6. All documents referring or relating to the creation, selection or adoption of the Subject Mark, including without limitation all documents relating to meetings, investigations, trademark searches, studies, focus groups, and/or surveys in connection with the creation, selection and/or adoption of the Subject Mark.
7. All documents that refer or relate to the date(s) of first use and first use in interstate commerce of the Subject Mark, including any such documents upon which Applicant plans to rely as proof of its date of first use of the Subject Mark in interstate commerce.
8. All documents that constitute or relate to any plans for marketing or selling the goods or services in connection with which the Subject Mark is used or is intended to be used in the United States.
9. All documents, writings or things which Applicant plans or expects to introduce as evidence in these proceedings.
10. Representative documents that evidence the total number and dollar amount of goods and services sold in connection with Applicant's use of the Subject Mark in the United States.
11. Representative documents that evidence moneys expended to advertise the Subject Mark or the goods and/or services on or in connection with which the Subject Mark will be or has been used in the United States.

12. All documents that refer or relate to the Opposer, TARGET® stores, or to any of the Opposer's Marks.

13. All documents referring or relating to the design and/or development of any wording, style, font, design, logo or other indicia used in connection with the Subject Mark by Applicant.

14. All documents constituting or relating to any communications between you and any agencies responsible for advertising and promoting the Subject Mark for use in connection with Applicant's goods or services in the United States.

15. All documents constituting or relating to any communications between you and any licensees or other authorized users of the Subject Marks.

16. All documents evidencing any instances of confusion, mistake or deception with respect to the origin or sponsorship of the Subject Mark or your goods and services, and the Opposer's Marks or the Opposer's goods and services.

17. All documents evidencing any plans that you have to expand your existing markets for goods and/or services bearing the Subject Mark in the United States.

18. All documents supporting or otherwise relating to any basis for your denial of the allegations in paragraph 8 of the Notice of Opposition.

19. All documents supporting or otherwise relating to any basis for your denial of the allegations in paragraph 9 of the Notice of Opposition.

20. All documents constituting or relating to any demographic information known to you about customers or potential customers for each good and/or service bearing the Subject Mark.

21. All documents provided to any person whom you have contacted with a view to obtaining any opinion, advice, report, study, facts or information from said person in connection with the present proceeding.

22. All documents constituting or relating to any statement, inquiry, comment or other communication by or from your customers, suppliers, competitors or other third parties, whether written or oral, that relate in any way to Opposer, Opposer's Marks and/or to TARGET® stores.

23. All documents constituting or relating to any license or permission you have granted any other person to use the Subject Mark.

24. All documents constituting or relating to communications between Applicant and licensees or others relating to the use, display and/or advertisement of the Subject Mark or of any goods and/or services on or in connection with which the Subject Mark has been used has been used.

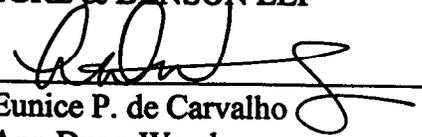
25. All documents relating to the channels of trade for each product bearing the Subject Mark.

26. For each entity identified in response to Interrogatory Nos. 21 and 23, such entity's articles of incorporation and by-laws.

27. For each entity identified in response to Interrogatory Nos. 21 or 23, such entity's annual reports, financial statements or similar documents of other title from the date of incorporation to the present.

Dated: February 2, 2005

FAEGRE & BENSON LLP

By: 

Eunice P. de Carvalho
Ann Dunn Wessberg
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Tel.: (612) 766-7000
Fax: (612) 766-1600

**Attorneys for Opposer
Target Brands, Inc.**

M2:20689150.01

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

In the Matter of Application Serial No. 78/284,192

For the Mark: BARONA

Filed: August 6, 2003

Date of Publication: June 8, 2004

TARGET BRANDS, INC.

Opposition No. 91161339

Opposer,

vs.

WON YOUNG CHUNG,

Applicant.

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

TO: Applicant and its attorney Jonathan Y. Sue, Law Office of Jonathan Y. Sue, 1220 Broadway, Suite 502, New York, NY 10001.

Pursuant to 37 C.F.R. §2.120(d) and Rule 33 of the Federal Rules of Civil Procedure, Opposer Target Brands, Inc. hereby serves the following interrogatories upon Applicant Won Young Chung to be answered under oath within thirty (30) days after service hereof, plus an additional five (5) days to account for service by mail. These interrogatories are governed by the following Definitions and Instructions, and shall be deemed continuing in nature so as to require supplementary answers between the time answers are served and the time of trial, in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, "the Subject Mark" refers to the mark that is the subject of Application Serial No. 78/284,192.

EXHIBIT B

B. As used herein, "Applicant", "you" and "your" refer to Applicant Won Young Chung, and to any predecessors or actual or likely successors in interest with respect to the Subject Mark, and to the extent that they are or have been involved in any way with the subject matter of the following Interrogatories, all persons or entities acting or purporting to act on behalf of or who are and/or were subject to the direction or control of Applicant, including, without limitation, any corporation, partnership, limited liability company, or other corporate form by which Applicant conducts any trade or business relating to the Subject Mark, its current and/or former attorneys, partners, representatives, agents, consultants and employees and/or any business entity wholly or substantially owned or controlled by Applicant.

C. As used herein, "TBI" and "Opposer" refer to Target Brands, Inc., and its predecessors or successors in interest with respect to Opposer's Marks, and to each and every current or former officer, director, employee, agent, attorney, representative or consultant of TBI when acting on TBI's behalf.

D. As used herein, "Opposer's Marks" refers collectively to the mark MERONA, including U.S. Trademark Registration Nos. 2,896,145, 2,677,625, and 2,685,944.

E. As used herein, the terms "person" or "party" refer to and include any natural person, as well as any juristic person (e.g., corporation) or any business or other organizational entity (e.g., partnership, trust, joint venture, group, association or organization), and his, her, its or their officers, agents and employees.

F. As used herein, the term “identify” or “identification” when used with respect to a natural person means to state:

- (1) his or her full name;
- (2) his or her present or last known residence address and telephone number;
- (3) his or her present or last known business address and telephone number; and
- (4) his or her present or last known job title, job description, and the date during which the job position was held.

G. Whenever the term “identify” or “identification” is used in these interrogatories with respect to any corporation, partnership, or business entity, you are required to state:

- (1) its present or last known full name;
- (2) all of its previous registered and/or operating business names, if any;
- (3) its state or country of incorporation;
- (4) its present or last known business address and telephone number; and
- (5) the nature of its business.

H. As used herein, “relate” or “relating” includes, without limitation, pertaining to, concerning, constituting, comprising, reflecting, discussing or having any logical or factual connection whatsoever with the subject matter in question.

I. As used herein with respect to a factual situation or allegations, the phrases “state in detail” or “describe in detail” mean: (1) to state or describe with particularity and specificity all facts known which bear upon or are related to the matter which is the subject of the inquiry; (2) to identify all documents evidencing or relating to those facts; and (3) where appropriate, to apply law to those facts.

J. Whenever the term “identify”, “identity” or “identification” is used in these interrogatories with respect to a document, you are required to:

- (1) describe the type of document (e.g., letter, memorandum, report, diary, chart, etc.);
- (2) provide the date, if any, of the document;
- (3) identify the author(s) of the document;
- (4) identify each addressee appearing on the document;
- (5) identify each recipient of the document or any copies of the document;
- (6) describe the contents of the document;
- (7) describe the present location of the document; and
- (8) identify the person(s) having possession custody or control of the document.

If any such document was, but is no longer, in your possession, custody, or control, state what disposition was made of it. For each interrogatory that requests the identification of document(s), you may produce for inspection and copying by Opposer’s counsel true and correct copies of the documents as they are kept in the usual course of business or organized and labeled to correspond with the categories in the request, all in accordance with Rule 33(c) of the Federal Rules of Civil Procedure, and such production of copies will be accepted as complying with such request.

K. As used in these interrogatories, the term “document” refers to any and all tangible items or sources of information within the meaning of Rule 34 of the Federal Rules of Civil Procedure, whether original or nonidentical copies of such items, in both final and draft form, of every kind and nature whatsoever, however produced, reproduced, or stored, that are within your possession, custody or control,

or that are known by you to exist. The term "document" includes, but is not limited to, all correspondence, memoranda, records, reports, notes, drafts, proposals, minutes of meetings, books, papers, drawings, telegrams, logs, diaries, computer printouts, computations, ledgers, journals, purchase orders, bills of lading, invoices, vouchers, checks, books of original entry and other books or records, recordings or memoranda of conversations, or any other written, printed, typewritten or other graphic or photographic matter or tangible thing on which any information is affixed and all mechanical, electronic, sound or video recordings or transcripts thereof, and all other magnetic recordings or matter existing in any other machine readable form, and all information capable of being retrieved from a computer. The term "document" also refers to all preliminary drafts, versions, or revisions of any of the aforementioned, to all underlying preparatory or supporting materials thereto, and to all studies, analyses, or other valuative or interpretive reports thereof.

L. As used herein, the term "communicate" or "communications" refers to all conversations, correspondence, or contacts between two or more individuals, whether in person, in writing, by telephone, or by any other means.

M. Whenever an answer to an interrogatory requires the identity of a document or oral communication claimed by you to be privileged, you are required to:

- (1) provide the date and/or place thereof;
- (2) identify each person who participated in each oral communication, or who prepared, produced or reproduced, or who received copies of, each document;

- (3) identify each person who was present during all or any part of each oral communication;
- (4) identify the oral communication or document; and
- (5) identify the alleged privilege you seek to invoke and state each and every fact upon which you base your claim of privilege.

N. As used herein, the term "sale", "sales", "sell" or "sold" shall include sales, licenses, leases, distribution to resellers and all methods of product distribution whether direct or indirect, and whether or not Applicant received or will receive revenue therefrom.

O. As used herein, the term "plan" means to have any present plan or intention to do something, whether such plan or intention is preliminary or final, fixed or tentative, and without regard to whether or not the means necessary to effectuate such a plan or intention are presently available to you.

P. As used herein, the singular form of a noun or pronoun will include within its meaning the plural form of the noun or pronoun, and vice versa; the use of the masculine form of a pronoun will include within its meaning the feminine form of the pronoun, and vice versa; the use of a tense of any verb will include all other tenses of the verb so used; and the use of "and" will include "or", and vice versa.

Q. When an interrogatory asks for specific information (e.g., a date) and the precise specific information is unknown, the answer shall give the best approximation of the information requested, provided that the answer also indicates the information being given if an approximation.

INTERROGATORIES

1. Identify each person known to or believed by you to have knowledge of the facts stated or relied upon in responding to these Interrogatories, and, for each person identified, describe in detail the substance of his or her knowledge.
2. Describe in detail the process by which the Subject Mark was selected, including in the description identification of all individuals involved in the creation, selection or adoption by you of the Subject Mark; the time period during which such process of selection occurred; and a description of the reason(s) that the Subject Mark was selected.
3. Describe in detail any trademark investigation undertaken by you in connection with the selection or adoption of, and/or the application to register, the Subject Mark in the United States.
4. Describe in detail any awareness or knowledge you had of Opposer's Marks (a) at the time use of the Subject Mark commenced in the United States; and (b) at the time of the filing of your application Serial No. 78/284,192 to register the Subject Mark.
5. Identify each and every good or service on which, or in connection with which, you are using, have used, have authorized the use of, or plan to use the Subject Mark in the United States. With respect to each such good or service:
 - (a) State the period of time over which the Subject Mark has been or was used on or in connection with the goods or services;
 - (b) State the total number and dollar amount of such goods or services sold in the United States on a monthly and annual basis since the Subject Mark was first used on or in connection therewith;
 - (c) Identify the manufacturer(s) of the goods;

- (d) Describe in detail the channel(s) of trade in which you have sold or distributed or intend to sell or distribute such goods and/or services;
 - (e) Identify each store or other retail outlet through which any such good and/or services currently are sold; and
 - (f) Identify, by state, the geographic areas in which you sell or intend to sell each such good and/or service.
6. For all advertising conducted relating to goods or services on which, or in connection with which, the Subject Mark is, has been or will be used by you in the United States:
- (a) State by month and year the dollar amount of all such advertising; and
 - (b) Describe in detail each such advertisement, including the source of the advertisement (e.g., "direct mail", "brochure", name of newspaper, magazine, or television or radio station), the date or dates of the advertisement, and the geographic area covered by the advertisement.
7. Identify each person from whom you plan or expect to elicit testimony during the testimony period(s), and describe in detail the substance of each such person's expected testimony.
8. Identify each document or thing you plan or expect to offer into evidence during the testimony period.
9. For each person you have retained or specially employed to provide expert testimony in the case, provide the information required under Fed. R. Civ. P. 26(a)(2)(B).
10. Describe in detail the first use of the Subject Mark in interstate commerce, including in the description identification of the date on which such first use occurred, a

statement of the basis for fixing first use on that date, and a description of the goods or services in connection with which the Subject Mark was so used.

11. State whether there have been any instances of confusion, mistake or deception with respect to the origin, sponsorship or ownership of the Subject Mark or your goods and/or services, or between the Subject Mark or your goods and/or services and Opposer's Marks or Opposer's goods and/or services, or to any relationship between you and Opposer. For each such instance, if any:

- (a) State the date it occurred; and
- (b) Describe in detail the complete circumstances relating to the incident, including the identity of each person involved in the incident.

12. Identify and describe any plans to expand your use of the Subject Mark, including:

- (a) Any plans to expand your existing markets for goods and/or services bearing the Subject Mark, setting forth the markets being considered for expansion, the likelihood of such expansion, and the identity of the person or persons most knowledgeable about such plans or intentions; and
- (b) Any plans to expand the range of goods and/or services in connection with which the Subject Mark may be used, including in the description identification of all goods and services in connection with which the Subject mark may be used.

13. State in detail the basis for your denial of the allegations in paragraph 8 of the Notice of Opposition.

14. State in detail the basis for your denial of the allegations in paragraph 9 of the Notice of Opposition.

15. Identify all demographic information known to you about customers or potential customers for each good and/or service bearing the Subject Mark.

16. Identify those persons most knowledgeable about sales and profits from products bearing the Subject Mark, including the knowledge and involvement each such person had.

17. Identify with specificity each and every variation of the Subject Mark that you use or intend to use.

18. Describe in detail any arrangement by which you have licensed or otherwise authorized any other person to make use of the Subject Mark, and identify each such licensee or authorized user.

19. Describe in detail any affiliation between you and any retailer and any efforts you have undertaken to develop a relationship with any retailer.

20. Identify any predecessors and any actual or likely successors in interest with respect to the Subject Mark and/or your application Serial No. 78/284,182 and describe in detail the nature of their interest.

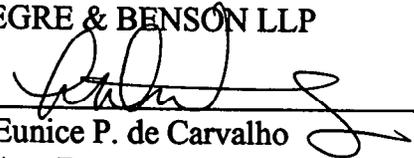
21. Identify any and all corporations, partnerships, limited liability companies, or other business entities, whether domestic or foreign, by or through which Applicant has conducted, currently conducts, or intends in the future to conduct any trade or business relating to the Subject Mark or to any goods and/or services on which or in connection with which the Subject Mark has at any time been used.

22. For each and every entity identified in response to Interrogatory No. 21 above, identify any and all past and current consultants and/or employees of each entity identified, and describe in detail the role of each one in connection with the entity so identified and in connection with the Subject Mark.

23. For each and every entity identified in response to Interrogatory No. 21 above, identify all parents, subsidiaries and/or related companies or partnerships of each entity identified which have used, are currently using, or which you have reason to believe may in the future use the Subject Mark.

Dated: February 2, 2005

FAEGRE & BENSON LLP

By: 

Eunice P. de Carvalho
Ann Dunn Wessberg
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Tel.: (612) 766-7000
Fax: (612) 766-1600

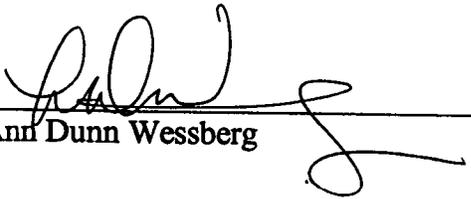
**Attorneys for Opposer
Target Brands, Inc.**

M2:20689149.01

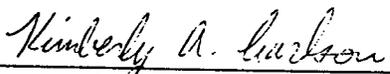
CERTIFICATE OF SERVICE

This certifies that a copy of **Opposer's First Set of Interrogatories to Applicant** was mailed this second day of February, 2005 by first class mail, postage prepaid, to counsel for Applicant:

Jonathan Y. Sue
Law Office of Jonathan Y. Sue
1220 Broadway, Suite 502
New York, NY 10001


Ann Dunn Wessberg

Subscribed and sworn to before me
this 2nd day of February, 2005


Notary Public

M2:20689149.01

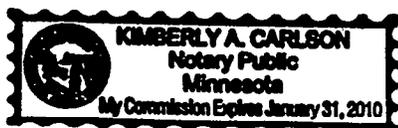
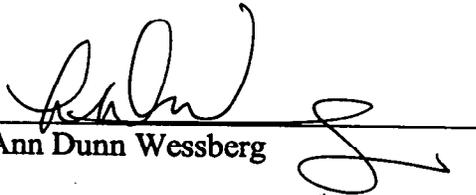


EXHIBIT C

CERTIFICATE OF SERVICE

This certifies that a copy of Opposer's First Set of Requests for Production of Documents to Applicant was mailed this second day of February, 2005 by first class mail, postage prepaid, to counsel for Applicant:

Jonathan Y. Sue
Law Office of Jonathan Y. Sue
1220 Broadway, Suite 502
New York, NY 10001


Ann Dunn Wessberg

Subscribed and sworn to before me
this 2nd day of February, 2005


Notary Public





UNITED STATES | ENGLAND | GERMANY | CHINA

ANN DUNN WESSBERG
awessberg@faegre.com
612.766.7105

March 23, 2005

Jonathan Yoon Sue
Attorney at Law
Suite 502
1220 Broadway
New York, NY 10001

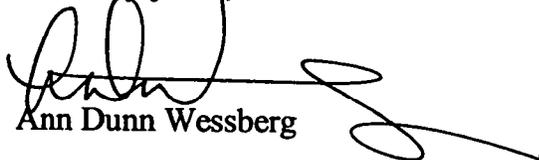
Re: Target Brands, Inc. v. Won Young Chung
Opposition No. 91161339
RE: BARONA Mark

Dear Mr. Sue:

On February 2, 2005, we served upon you Opposer's First Set of Interrogatories and Opposer's First Set of Request for Production of Documents, another copy of which is enclosed for your convenience.

Answers and documents to be produced were due on March 9, 2005. Please promptly deliver such them to my office as soon as possible. In the event, however, that I have not received the answers and documents in my office by March 30, 2005, TBI may have no choice but to file a Motion to Compel Discovery.

Sincerely yours,



Ann Dunn Wessberg

ADW:rasjb

Enclosures

M2:20701800.01

cc: Shayne Brown
James R. Steffen
Michelle Paninopoulos

EXHIBIT D