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

Proceeding	91162370
Party	Plaintiff De Boulle Diamond & Jewelry, Inc. De Boulle Diamond & Jewelry, Inc. De Boulle Diamond & Jewelry, Inc. 6821 Preston Road Dallax, TX 75205 UNITED STATES
Correspondence Address	David A. Harlow Nelson Mullins Riley & Scarborough LLP 4140 Parklake Avenue GlenLake One, Suite 200 Raleigh, NC 27612 UNITED STATES david.harlow@nelsonmullins.com
Submission	Other Motions/Papers
Filer's Name	Scott T. Griggs
Filer's e-mail	scott@griggslaw.com
Signature	/Scott Griggs/
Date	01/31/2007
Attachments	Opposer's Response to Applicant's Motionn for Discovery Sanctions & Exhibit B.pdf (31 pages)(8084713 bytes)

Exhibit B

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

DEBOULLE DIAMOND & JEWELRY, INC.,	§	
Opposer,	§	Consolidated Opposition No. 91165285
v.	§	
DE BEERS LV LTD.,	§	
Applicant.	§	

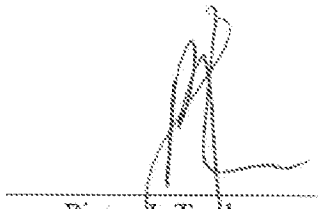
OPPOSER'S OBJECTIONS AND RESPONSES SUBJECT THERETO TO APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

TO: Applicant, De Beers LV Ltd., by and through its attorneys: Mark I. Peroff, Esq., Darren W. Saunders, Esq., and Melanie Bradley, Esq., Kirkpatrick & Lockhart Nicholson Graham, LLP, 599 Lexington Avenue, New York, NY 10022-6030

Opposer, De Boulle Diamond & Jewelry, Inc. ("Opposer" and/or "De Boulle"), hereby submits its Objections and Responses Subject Thereto to Applicant, De Beers LV Ltd.'s ("Applicant" and/or "De Beers") First Set of Requests for Production of Documents and Things to Opposer, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, 37 CFR §§2.116 and 2.120, and Trademark Trial and Appeal Board Manual of Procedure, Chapter 400 (collectively the "TBMP").

This the 30 day of December, 2005.

Respectfully submitted,



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- and -

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CO-COUNSEL FOR OPPOSER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served a copy of the foregoing document upon counsel of record via hand delivery, on this the 30 day of December, 2005, and addressed as follows:

Mark I. Peroff, Esq.
Darren W. Saunders, Esq.
Melanie Bradley, Esq.
Kirkpatrick & Lockhart Nicholson Graham, LLP
599 Lexington Avenue
New York, NY 10022-6030

Pieter J. Tredoux

I.

RECURRING OBJECTIONS

1. The objections set forth in paragraphs 2 through 12 below apply to and are incorporated into Opposer's response to each Request as if set forth at length, unless the context specifically states otherwise.

2. Applicant has set forth in its Requests Instructions and extremely broad Definitions of various terms purportedly to aid Opposer's responses to the Requests. Such Instructions and Definitions, however, have unduly complicated Opposer's ability to provide a response to the Requests, inasmuch as the Instructions and Definitions render the Requests ambiguous, overly broad, unduly burdensome, and repetitive. The Instructions and Definitions cause each of the Requests to which they apply to seek information which is not relevant, material, or reasonably calculated to lead to the discovery of admissible evidence; in that each such Request seeks information which is not even remotely connected to the facts and circumstances of this Proceeding. The Instruction and Definitions thus cause the scope of Applicant's Requests to be expanded to such an extent that they exceed the scope of discovery permitted under the TBMP; in that the relevant provisions of the TBMP provide all instructions and definitions recognized with respect to responding to discovery requests.

3. Opposer objects to the definition of "Opposer and "Applicant", contained in Definitions A and B, in that such definitions, require Opposer to make a determination whether a person or entity qualifies or acted within one of many enumerated capacities, and/or bears an enumerated relationship to or affiliation with another person or entity, which renders the Definitions and each Request to which they apply, unduly burdensome, vague, ambiguous, oppressive and harassing.

4. Opposer objects to the definitions of the term "documents" contained in Definitions E in that such Definition, as worded, and each Request to which it applies, are overly broad, unduly burdensome, vague, ambiguous, oppressive and harassing. The Definition causes the scope of Applicant's Requests to be expanded to such an extent that they exceed the scope of discovery permitted under the TBMP; in that the relevant provisions of the TBMP provide all instructions and definitions recognized with respect to responding to discovery requests.

5. Opposer objects to the definitions of the terms "and" as well as "or" contained in Definition F, and Instructions M and N, in toto, in that the Definition and Instructions, by their own wording, attempts to require Opposer to respond to Requests which are "otherwise outside [the] scope" of permissible discovery, and/or the matters inquired about in a particular Request, which renders the Definition and Instructions, and the Requests to which they apply, overly broad, unduly burdensome, vague, ambiguous, oppressive and harassing.

6. Opposer objects to the definition of "commerce", contained in Definition G, in that such definition is vague and ambiguous, and requires Opposer to make a legal determination and solve a plethora complex constitutional, regulatory and other legal arguments, as to whether Congress is entitled to regulate a particular activity, which renders the Definition and each Request to which it applies unduly burdensome, vague, ambiguous, oppressive and harassing.

7. Opposer objects to the Definition of "concerning", "relating to" and "pertaining to" contained in Definition H, in that such Definition, and the Requests to which it applies, are overly broad, unduly burdensome, vague, ambiguous, oppressive and harassing. Opposer further objects to the Definition in that each Request in which it is contained, as worded, seeks material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and

are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

8. Opposer objects to each Instruction and Definition, that requires Opposer to provide information concerning "each", "every", "any" and/or "all" of the designated area of inquiry and/or requires Opposer to provide information which "evidence", "refer", or "support" the designated area of inquiry, in that each such Instruction and Definition, and the Requests to which they apply, as worded, seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

9. Opposer objects to Instruction O, in that the relevant provisions of the TBMP provide all instructions and requirements pertaining to making objections and asserting privileges and immunities, recognized with respect to responding to discovery requests.

10. Opposer objects to Instructions I, J, K, and P, in that the relevant provisions of the TBMP provide all instructions and requirements recognized with respect to responding to discovery requests.

11. Opposer objects to Instruction Q, in that it renders the Requests overly broad, unduly burdensome, oppressive and harassing, in that Opposer has used some of its marks for more than 20 years, which causes the scope of Applicant's Requests to be expanded to such an extent that they exceed the scope of discovery permitted under the TBMP.

12. Opposer objects to producing the any documents and things requested or inquired about for inspection, copying or photographing at the offices of counsel for Applicant as

subjecting Plaintiff to undue burden and unnecessary expense, harassment and annoyance. Subject to its objections and to any protective order issued by the Board, Opposer will offer to produce all non-objectionable documents or tangible things responsive to these requests at the offices of Opposer's counsel, Pieter J. Tredoux, Esq., 1717 Main Street, Suite 3400, Dallas Texas, 75201, at a time mutually agreeable to the parties.

II.

OBJECTIONS AND RESPONSES
TO SPECIFIC REQUESTS

RESPONSES

1. All documents concerning the application for and the registration of Opposer's marks.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

2. All documents and things concerning Opposer's creation, development and adoption of Opposer's marks.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this Request, to the extent same exists, in the manner described in Paragraph 12 above.

3. All documents concerning Opposer's right to use or register each of Opposer's marks.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

4. All documents concerning any search, inquiry or investigation conducted to determine the availability or registrability of Opposer's mark.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

5. Documents sufficient to establish the date of first use of each of Opposer's marks in the United States and in commerce.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to establish" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

6. Representative photographs of each product sold, distributed or offered under Opposer's marks in the United States of America.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

7. All extant or proposed labels, packaging, stencils, mock-ups, in-store displays, and price lists which have ever been used, or are intended to be used on or in connection with any of the goods or services sold under each of Opposer's marks.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

8. Documents sufficient to identify each retail outlet or other point of sale, whether owned by Opposer or a third party, in which Opposer's goods are sold in the United States.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to identify" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

9. Photographs of Opposer's retail establishments, including any storefronts, signs or permanent displays containing any of Opposer's marks.

RESPONSE:

See Recurring Objections.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

10. Representative samples of catalogues featuring goods or services bearing Opposer's marks.

RESPONSE:

See Recurring Objections.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

11. Separately for each good or service offered by Opposer under or in connections with Opposer's mark, and for each calendar quarter (or, if not available, year) in which Opposer sold or offered such good or service, documents sufficient to identify the sale price or projected sales price for each good or service.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and

described. Opposer is unable to determine what is meant by the phrase "sufficient to identify" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this Request, to the extent same exists, in the manner described in Paragraph 12 above.

12. Separately for each good or service offered by Opposer under or in connection with Opposer's mark, and for each such calendar quarter (or, if not available, year) in which Opposer sold or offered such good or service, documents sufficient to identify the manner in which Opposer's mark was used or is intended to be used in association with such good or service.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to identify" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this Request in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this Request, to the extent same exists, in the manner described in Paragraph 12 above.

13. Separately for each good or service offered by Opposer under or in connection with Opposer's mark, and for each calendar quarter (or, if not available, year) in which Opposer sold or offered such good or service, documents sufficient to identify all other claimed (whether by Opposer or a third party) marks and designations used in connection with such good or service.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to identify" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this Request in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this Request, to the extent same exists, in the manner described in Paragraph 12 above.

14. Separately for each good or service offered by Opposer under or in connection with Opposer's mark, and for each calendar quarter (or, if not available, year) in which Opposer sold or offered such good or service, documents sufficient to Identify the class of purchasers that would be considered typical end users of each of applicant's goods or services sold in connection with applicant's mark.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to identify" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this Request, to the extent same exists, in the manner described in Paragraph 12 above.

15. Documents sufficient to identify any manufacturers, contractors or sub-contractors that produce items bearing Opposer's marks.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to identify" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this Request, to the extent same exists, in the manner described in Paragraph 12 above.

16. Any marketing, advertising and/or promotional plans and analyses that have been prepared by or for Opposer in connection with the promotion or sale of goods or services under each of Opposer's marks.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this Request, to the extent same exists, in the manner described in Paragraph 12 above.

17. Documents concerning studies performed by or on behalf of Opposer regarding its "DE BOULLE," " DE B and Design" and "DB marks," including but not limited to market research, consumer recognition, brand imagery or identity, focus group and any other research conducted in the United States.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

18. Documents sufficient to identify Opposer's primary competitors in the retail jewelry business.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and

described. Opposer is unable to determine what is meant by the phrase "sufficient to identify" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

19. Documents sufficient to identify any plans to expand its retail jewelry business outside of the Dallas, Texas area.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to identify" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

20. Representative samples of all sales, advertising, marketing and promotional materials or items which Opposer uses or has used in connection with Opposer's marks.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

21. Documents sufficient to establish the amounts Opposer spent on advertising and promotion, year by year, in connection with the advertising and promotion of goods and services bearing or associated with Opposer's marks, for each year in which there have been such expenditures.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to establish" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

22. Documents sufficient to identify the media (including but not limited to publications, radio, newspapers and the Internet) in which Opposer advertises, displays or promotes, or intends to advertise, display or promote, each good or service in connection with Opposer's mark.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to identify" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

23. Documents sufficient to establish total unit and dollar sales of goods and services bearing or associated with Opposer's marks by month for each year in which there have been such sales.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and

described. Opposer is unable to determine what is meant by the phrase "sufficient to establish" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

24. Documents sufficient to establish total unit and dollar sales of goods and services bearing or associated with Opposer's web site www.deboulle.com and bearing or associated with Opposer's marks by month for each year in which there have been such sales.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to establish" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

25. Documents sufficient to establish total unit and dollar sales of goods and services bearing or associated with Opposer's marks sold in catalogues by month for each year in which there have been such sales.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to establish" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

26. Documents sufficient to establish total unit and dollar sales of goods and service bearing or associated with Opposer's marks sold to customers outside of Texas.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to establish" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

27. Documents sufficient to identify any consent, authorization or permission given by Opposer to any person or entity to use Opposer's marks, including without limitation, through the use of agreements, contracts and licenses, if any.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to identify" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

28. Documents sufficient to identify any consent, authorization or permission given to Opposer by any person or entity to use Opposer's marks, including without limitation, through the use of agreements, contracts and licenses, if any.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to identify" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

29. Documents concerning communications to the trade or the public that Opposer's "DE B and Design" or "DB" marks are trademarks and/or exclusive property of Opposer.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

30. Documents sufficient to identify all policies or procedures of Opposer regarding enforcement or policing of Opposer's marks, and all documents concerning any efforts by Opposer, whether successful or unsuccessful, to enforce or police its alleged rights in and to Opposer's marks.

RESPONSE:

See Recurring Objections.

Opposer further objects to this interrogatory for the reason that same is vague, ambiguous, and overly broad, in that it inquires about matters that are not adequately defined and described. Opposer is unable to determine what is meant by the phrase "sufficient to identify" as used in this Request, which renders the Request vague, ambiguous, and overly broad.

Opposer further objects to this interrogatory for the reason that it assumes facts not in evidence in describing or characterizing Opposer's long-standing and recognized rights in and to its marks and brands as "alleged" rights.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

31. Documents concerning any protest, objection or proceeding, including but not limited to U.S. Patent and Trademark Office proceeding (including a refusal to register by a Trademark Examining Attorney), or federal or state court action, instituted by the Opposer against the use, application for registration of any trade name, trademark or service mark based on its alleged similarity to any of Opposer's marks.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

32. Documents concerning third parties who use the initials "D" and "B" for jewelry and/or retail jewelry stores in the United States.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

33. Documents concerning Opposer's decision to file trademark applications for each of its marks in the United States Patent & Trademark Office.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

34. Any written report or opinion which Opposer has ever received from an attorney, whether or not such attorney was or is employed by Opposer, concerning:
    (a) its rights in and the scope of protection in and to Opposer's marks, and;
    (b) the effect of Applicant's use or registration of Applicant's mark upon Opposer's mark or the goodwill relating thereto.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

35. Documents concerning any instances of actual confusion or mistake in the marketplace as to source, sponsorship or affiliation between the goods and services of Opposer and those of Applicant.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

36. Documents concerning any investigations, searches, or surveys which Opposer has conducted or commissioned, or caused to be conducted or commissioned, relating to whether there is, or may be, a likelihood of confusion between Applicant's marks and Opposer's marks.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

37. Documents that support Opposer's claims that Opposer's "DB' and "DE B and Design" marks are "famous, distinctive and well-known." See Paragraph 7 of each of Opposer's Notice(s) of Opposition to applications for DB LOGO, DB MONOGRAM, DB STAR, and SO DB; Paragraph 6 of Opposer's Notice of Opposition to DB SIGNATURE.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

38. Documents that support Opposer's claims that confusion is likely between each of Opposer's marks and each of Applicant's marks. See Paragraphs 10-14 of each of Opposer's Notice(s) of Opposition to applications for DB LOGO, DB MONOGRAM, DB; and SO DB; Paragraphs 9-13 of Opposer's Notice fo Opposition to DB SIGNATURE.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

39. Documents that support Opposer's claim that Applicant's marks would "cause dilution of the distinctive quality" of Opposer's marks, including, but not limited to any investigation, study or survey measuring dilution. See Paragraph 15 of each of Opposer's Notice(s) of Opposition to Applicant's DB LOGO, DB MONOGRAM, DB STAR, and SO DB marks; and Paragraph 14 of Opposer's Notice of Opposition to DB SIGNATURE.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

40. An organizational chart or other document which list or from which it may be determined the identities of each officer, manager and sales representative of Opposer.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

41. All documents on which Opposer will rely to prove the allegations set forth in its Notice(s) of Opposition.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request, in general, for the reason that same is vexatious, ambiguous, overly broad, and unduly burdensome, which cause the scope of Applicant's inquiry to be expanded to such an extent that it exceeds the scope of discovery permitted under the TBMP.

Opposer further objects to this Request for the reason that it inquires about matters which are non-public, confidential, private, and trade secret information concerning Opposer. Opposer will suffer irreparable damage and harm if Opposer's confidential and private information is disclosed to Applicant, who is a competitor of Opposer or otherwise disseminated or disclosed to third parties.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.

42. Any expert report that Opposer intends to use in this opposition proceeding.

RESPONSE:

See Recurring Objections.

Opposer further objects to this Request for the reason that it seek material which is exempt or immune from discovery, including, but not limited to, the notes and correspondence of counsel, the work-product of Opposer, its attorneys and representatives, and are therefore protected from discovery under the attorney/client, attorney work-product, party communication, and other applicable privilege, exemption or immunity.

Opposer further reserves the right to supplement its response to this Request in accordance with the requirements of the scheduling order in this Proceeding, and the requirements of the TBMP.

Subject to the foregoing objections and while continuing to insist on same for all purposes, Opposer will produce non-objectionable documents responsive to this request, to the extent same exists, in the manner described in Paragraph 12 above.