

ESTTA Tracking number: **ESTTA357254**

Filing date: **07/09/2010**

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

Proceeding	91167207
Party	Defendant DVD WORLD Pictures Corp.
Correspondence Address	Erik M. Pelton Erik M. Pelton & Associates, PLLC P.O. Box 100637 Arlington, VA 22210 UNITED STATES uspto@tm4smallbiz.com
Submission	Testimony For Defendant
Filer's Name	Erik M. Pelton
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Signature	/ErikMPelton/
Date	07/09/2010
Attachments	DHALIWAL Testimony Non-Confidential FINAL.pdf (196 pages)(7580267 bytes)

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

Ms. Anita Dhaliwal
Opposer,

v.

DVD WORLD Pictures Corp.,
Applicant.

Opposition No. 91167207

Application Serial No. 78495856

Mark:

DVD World

**TESTIMONY DEPOSITION OF ANITA DHALIWAL
AND DEPOSITION EXHIBITS**

Applicant, by its undersigned attorney, hereby submits for filing in this proceeding the attached certified transcript of the testimony deposition of Opposer Anita Dhaliwal, taken on March 16, 2010, an errata sheet, and deposition Exhibits A, B, C, E, G, H, and I. The enclosed version of the original deposition transcript and exhibits are submitted on behalf of Applicant, and were prepared by the court reporter and transmitted to the undersigned for filing in accordance with Trademark Rules 2.123 and 2.125. Pages 14-22 have been marked confidential and are filed under separate cover.

Dated this 9th day of July, 2010.



Erik M. Pelton
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Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of TESTIMONY DEPOSITION OF ANITA DHALIWAL AND DEPOSITION EXHIBITS has been served on the following by delivering said copy on July 9, 2010, via First Class Mail, postage prepaid, to counsel for Opposer at the following address:

R. Joseph Trojan
Trojan Law Offices
9250 Wilshire Blvd, Suite 325
Beverly Hills, CA 90212
UNITED STATES

By: 

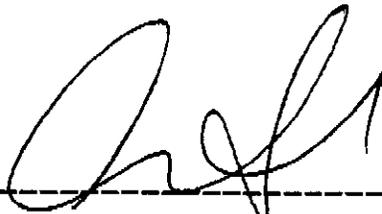
Erik M. Pelton, Esq.

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DECLARATION UNDER PENALTY OF PERJURY

I, Anita Dhaliwal, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on March 16, 2010; that I have made such corrections as appear noted herein in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

DATED this 21st day of May,
2010, at _____,
California.



Anita Dhaliwal



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DEPOSITION ERRATA SHEET

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RE: Esquire Deposition Solutions

File No. 53145

Case Caption: MS. ANITA DHALIWAL

vs. DVD WORLD Pictures Corp

Deponent: ANITA DHALIWAL

Deposition Date: MARCH 16, 2010

To the Reporter:

I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me. I request that the following changes be entered upon the record for the reasons indicated. I have signed my name to the Errata Sheet and the appropriate Certificate and authorize you to attach both to the original transcript.

Page No. 34 Line No. 18 Change to: villagemama

Reason for change: _____

Page No. 20 Line No. 21 Change to: Ravi and Roj

Reason for change: _____

Page No. 26 Line No. 21 Change to: Ravi and Roj

Reason for change: _____



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Deposition of ANITA DHALIWAL

Page No. 11 Line No. 8 Change to: L-a-ho-t-i

Reason for change: Loh-t-i

Page No. 67 Line No. 7 Change to: Lahoti

Reason for change: Loh-t-i

Page No. 25 Line No. 18 Change to: Lahoti

Reason for change: Loh-t-i

Page No. 31 Line No. 4 Change to: Lahoti

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

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Reason for change: _____

SIGNATURE: [Handwritten Signature] DATE: May, 2010

ANITA DHALIWAL



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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MS. ANITA DHALIWAL,

Opposer,

CASE NO. 91167207
SERIAL No. 78495856

vs.

DVD WORLD Pictures Corp,

Applicant.
~~~~~

**DEPOSITION OF**

**ANITA DHALIWAL**

**NON-CONFIDENTIAL PORTIONS**

March 16, 2010  
10:50 a.m.

9250 Wilshire Boulevard, Suite 325  
Beverly Hills, California

Paulette Radcliff, CSR No. 12111



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

MS. ANITA DHALIWAL,  
Opposer,

vs.

CASE NO. 91167207  
SERIAL No. 78495856

DVD WORLD Pictures Corp,  
Applicant.

~~~~~

DEPOSITION OF
ANITA DHALIWAL
NON-CONFIDENTIAL PORTIONS

MARCH 16, 2010
10:50 a.m.

9250 Wilshire Boulevard, Suite 325
Beverly Hills, California 90212

Paulette Radcliff, CSR No. 12111



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LOS ANGELES, CALIFORNIA;
TUESDAY, MARCH 16, 2010; 10:50 A.M.

ANITA DHALI WAL,
having been first duly sworn, testified as
follows:

EXAMINATION

BY MR. DONAHEY:

Q. Good morning. Thank you for coming in.
Thank you to everybody. Again I'm Mark Donahey
for the record. Over here with us we have Eric
Pelton and also intern sitting in, Matilda, she
works with our office, and can we maybe go around
to everyone who's there on the other side and
introduce themselves?

MR. TROJAN: Joseph Trojan for the
opposer.

THE WITNESS: Anita Dhaliwal.

MR. TROJAN: And that's that.

MR. DONAHEY: All right, and Paulette,
the court reporter. All right.

BY MR. DONAHEY:

Q. All right, Anita, you said your name for



1 the record. Again, I'm Mark Donahey. I'm the
2 attorney for the applicant in this case.

3 Is it all right if I call you Anita or
4 do you prefer Ms. Dhaliwal?

5 A. Anita is great.

6 Q. Anita, okay.

7 Can you spell your name for the record,
8 please?

9 A. A-n-i-t-a, and the last name is
10 D-h-a-l-i-w-a-l.

11 Q. Thank you. Have you ever given
12 testimony or a deposition before?

13 A. No.

14 Q. In no proceedings at all?

15 A. No.

16 Q. All right, and okay, so I'll give you a
17 little background here. This is just like
18 testifying in a courtroom. You're under the same
19 oath. There is the same penalty for giving false
20 and misleading testimony. There's a court
21 reporter here, just like there would be in a
22 courtroom to take down the transcript of your
23 testimony. The only difference is that the judge
24 isn't present to hear the testimony and to rule
25 on objections while they're made, so the judge



1 will be looking at the transcript that's created
2 from this and will -- and that will be into
3 evidence before the judge.

4 Now, that makes the transcript very
5 important, so the way we'll be proceeding with
6 the questioning, I'll be asking a series of
7 questions here on matters that we hope you'll
8 have, you know, knowledge about. When I'm done
9 with the questions that I ask, Mr. Trojan will
10 have the option to come in and ask you some
11 follow-up questions, maybe to clarify some points
12 or bring out some more information. If based on
13 those questions and answers I feel like I need to
14 ask more questions, I might be that, and we might
15 go back and forth like that. But we'll try to
16 keep it brief as possible. Also in the course of
17 this, I might refer to some of the documents that
18 are there and ask you questions related to
19 information that's in there or ask you to
20 identify those documents for us.

21 A. Okay.

22 Q. Now, because the transcript is very
23 important, we want to make it easy on Paulette,
24 the court reporter. Now that requires that we
25 speak one at a time. We don't talk over one



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1 another. We speak slowly, so it's easier for her
2 to keep up, and I'd ask that all of your answers
3 be verbal. Shaking your head, answering with
4 hand gestures or responses like "uh-huh" or "huh-
5 uh" don't come out very well in the transcript.

6 Do you have any questions so far?

7 A. No.

8 Q. Now, while we're asking questions,
9 Mr. Trojan might object to some questions, but
10 this process isn't like testimony maybe you've
11 seen on TV. He will be objecting to make notes
12 of objections for the record. You will still
13 answer the question, in the vast majority of
14 cases. What the judge will do though is rule on
15 the objection after the fact, and if his
16 objection is sustained, they'll disregard your
17 answer, and if it's over-ruled the answer needs
18 to be on transcript to be considered.

19 And the final point we also want to make
20 it easy for you, so if you ever need a break,
21 just ask. We'll have a quick recess. You can go
22 get a drink of water, if the case starts to go
23 long. If the question is unclear, or you don't
24 understand, feel free to let us know and we'll
25 try to clarify that for you. If you need more



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1 time to look at the documents for example, we'll
2 provide that for you, and if we ask you something
3 you don't remember the answer, just say so. If
4 you need to estimate the answer, just say so.
5 We're just looking for your personal knowledge,
6 what your recollection is and what you know. So
7 don't look to Mr. Trojan or anybody else for an
8 answer. Answer based on just what you know and
9 refer only to the documents that we're directing
10 you to refer to.

11 Any questions on any of that?

12 A. No.

13 Q. All right, well, thank you for your
14 patience. So begin the questioning, how did you
15 prepare for your testimony here today? Did you
16 do anything?

17 A. I spoke to the law office here, and they
18 indicated that I'm going to have a deposition so.

19 Q. Okay. Did you refer to any documents to
20 prepare for your testimony?

21 A. No.

22 Q. Did you discuss your testimony today
23 with anyone else?

24 A. I'm not clear what your question,
25 anybody else meaning who?



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1 Q. So for example, we've heard testimony
2 from your brother Dave. Have you discussed the
3 testimony with him?

4 A. No.

5 Q. And anybody else who might be related to
6 the case, whether or not we know about them?

7 A. No.

8 Q. And so you haven't looked at any filings
9 that have been made in this proceeding?

10 A. Well, I just looked at the -- briefly
11 the documents that Mr. Trojan showed me, but very
12 briefly.

13 Q. Documents that we sent over?

14 A. Yes, I'm assuming the document A.

15 Q. Okay, all right, so you looked through
16 those?

17 A. Yes.

18 Q. Okay. Any other preparation for this
19 testimony?

20 A. No.

21 Q. And then is Anita Dhaliwal your full
22 legal name?

23 A. Yes.

24 Q. Do you have a middle name?

25 A. Yes.



1 Q. And what is that?

2 A. Rani, R-a-n-i.

3 Q. And your name isn't short for anything?

4 A. No.

5 Q. Did you go by any other names?

6 A. Maiden last name.

7 Q. Okay, what's your maiden last name.

8 A. L-a-h-o-t-i.

9 Q. And what is your address?

10 MR. TROJAN: You can contact her through
11 our office.

12 MR. DONAHEY: Okay, well, we don't
13 intend to contact her. This is just a matter of,
14 you know, verifying, you know, the identity of
15 the witness.

16 MR. TROJAN: You can say the city that
17 you live in.

18 THE WITNESS: Orange.

19 BY MR. DONAHEY:

20 Q. Orange?

21 A. California.

22 MR. DONAHEY: If the concern is that
23 this information will be public, we can make the
24 transcript confidential for this portion if you
25 like. I'm not sure there's any ground for



1 objecting to this question.

2 MR. TROJAN: Well, now-a-days you can
3 collect enough information about somebody and so
4 it's coming more and more common. Unless you
5 have some compelling reason to know her address,
6 I'm not going to disclose that. I didn't ask for
7 it from your client. I don't expect it. There's
8 no reason for it. If you have some reason --

9 MR. DONAHEY: -- confidential
10 information, we can make the transcript
11 confidential for this portion.

12 MR. TROJAN: I don't think the board
13 would compel me to give her address.

14 MR. DONAHEY: Okay, now we have -- you
15 gave an address or at least an address was given
16 as part of the court record when notice of
17 opposition was filed. Is that somehow
18 confidential information then?

19 MR. TROJAN: You're looking at the
20 document A?

21 MR. DONAHEY: I'm not referring to
22 document A, but I'm just asking the witness for
23 very basic information, and if you're concerned
24 about confidentiality --

25 Paulette, would you mind making the



1 transcript confidential for this portion?

2 MR. TROJAN: Okay.

3 You can answer.

4 THE WITNESS: Okay, you want the
5 address; correct?

6

7 (Pages 14 through 22 are designated
8 Confidential and are bound
9 under separate cover.)

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1 (Pages 14 through 22 are
2 deemed confidential)

3 BY MR. DONAHEY:

4 Q. After college what did you do?

5 A. I got married.

6 Q. Okay, I'm looking for professional.

7 A. Okay -- oh, we started a printing
8 business.

9 Q. And how long were you both in that?

10 A. 18 years.

11 Q. 18 years?

12 A. Yes.

13 Q. And it's still -- still ongoing?

14 A. No.

15 Q. And what years were those?

16 A. Repeat that, please?

17 Q. I'm sorry, what years were you involved
18 in that?

19 A. 1991 to 2009.

20 Q. So very recently. And then have you had
21 any other employment aside from that?

22 A. Yes.

23 Q. What would that be?

24 A. That was my own business, and then I
25 also sold jewelry and watches to a chain store.



1 Q. Now the printing business what was it
2 called?

3 A. Quality Printing.

4 Q. And did you sell that business?

5 A. No.

6 Q. So what was the disposition back then?

7 A. What does that mean?

8 Q. I'm sorry, how did -- did the business
9 close? How did your involvement in the business
10 end?

11 A. Well, I became -- we converted into me
12 being a broker, and then slowly I got more
13 involved with Diva Village, and that just kind of
14 faded away. I give a client to somebody --
15 another printing business.

16 Q. Okay, and you said converted into a
17 broker?

18 A. We had our own printing business, and
19 then I became -- we sold the -- we sold equipment
20 and everything, instead I just brokered
21 everything through trade.

22 Q. Okay. And then you said after that you
23 sold or maybe while that was going on, you sold
24 watches?

25 A. Correct.



1 Q. And what years did you do that?

2 A. 1995 to 2005.

3 Q. And was that a business you owned as
4 well, or did you work for someone?

5 A. I owned that business myself.

6 Q. And how did your involvement in that
7 business end? Was that sold or some other way?

8 A. No, I just -- I stopped selling
9 merchandise, and I ended up doing some sales on
10 E-bay.

11 Q. And so is that a third business then,
12 the E-bay?

13 A. Yes, if you want to call E-bay a third
14 business, yes.

15 Q. Okay. And what years were you doing
16 that?

17 A. 2003 until sometimes even now.

18 Q. I'm sorry?

19 A. 2003 and even currently on and off.

20 Q. Okay, thank you. And then you mentioned
21 Diva Village?

22 A. Correct.

23 Q. What is that?

24 A. It's an on-line empowering website to
25 awaken women to a higher way of thinking, living



1 and believing.

2 Q. Okay, and what's your role with Diva
3 Village?

4 A. I'm a founder and creative director.

5 Q. And what years have you been involved
6 with Diva Village?

7 A. 2005 to present.

8 Q. Have you had any other ventures or
9 employment?

10 A. I'm currently working with my brothers
11 at On-line Guru as a creative director.

12 Q. Okay, and when did you become involved
13 with that?

14 A. October 2009.

15 Q. And you're employed by On-line Guru, or
16 are you an owner?

17 A. I am employed by On-line Guru.

18 Q. And you said your brothers are involved?

19 A. Yes.

20 Q. Which brothers?

21 A. Ravi and Raj.

22 Q. And do they own On-line Guru?

23 A. Yes.

24 Q. And you are presently involved in that
25 too?



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1 A. Yes.

2 Q. Any other employment or business
3 ventures?

4 A. No.

5 Q. Now, have you ever been involved in any
6 sort of disputes similar to this one? Have you
7 ever been involved in any trademark disputes?

8 A. No.

9 Q. Either personally or through one of your
10 businesses or ventures?

11 A. No.

12 Q. Any trademark -- have you ever
13 registered any trademarks?

14 A. No.

15 Q. And for all of these I'll be asking both
16 for you personally and for any ventures you that
17 might have been involved in.

18 So no trademark infringement?

19 A. No.

20 Q. You neither alleged it against anyone
21 else or had it alleged against you?

22 A. No.

23 Q. No trademark counterfeiting?

24 A. No.

25 Q. Have you ever been in any domain



1 disputes?

2 A. No.

3 Q. No UDRP cases?

4 A. No.

5 Q. Any customs cases?

6 A. No.

7 Q. No, okay. Any ITC disputes,
8 International Trade Commission?

9 A. No.

10 Q. Any trademark, trial?

11 A. No.

12 Q. Okay, no federal court cases?

13 A. No.

14 Q. And have you ever been convicted of
15 fraud?

16 A. No.

17 Q. Perjury?

18 A. No.

19 Q. Any other crimes related to dishonesty?

20 A. No.

21 Q. Okay, so how are you related to this
22 proceeding?

23 A. I purchased this domain on my credit
24 card.

25 Q. And by this domain you mean?



1 A. Dvdworld.com.

2 Q. And you purchased it on your credit
3 card?

4 A. Correct.

5 Q. With your funds?

6 MR. TROJAN: With what?

7 BY MR. DONAHEY:

8 Q. You purchased it with your funds?

9 A. Correct.

10 Q. And for what purpose did you purchase
11 the domain?

12 A. Well, my brother saw this opportunity.
13 He expressed it to me. He didn't have the
14 funds. He wanted me to get involved with my
15 creative aspect, and I saw it as a great
16 opportunity. I didn't want it to slide, so I
17 purchased it on my credit card.

18 Q. And what was it -- was he going to use
19 the domain name, or were you going to use the
20 domain name?

21 A. I had an idea to -- since I was already
22 selling products on E-bay and had experience in
23 selling products, I wanted to sell, you know,
24 DVD's on-line and bring about a bunch of DVD's
25 and offer it in the world, and create a great



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1 visitor experience, and, you know, I had
2 experience with being creative, so I saw that as
3 a great opportunity, and therefore I took that
4 opportunity.

5 Q. Okay. And when did you purchase it?

6 A. 2004.

7 Q. Do you remember the date?

8 A. I don't recall 100 percent, but I
9 believe it's in the end of 2004.

10 Q. And how much did you purchase it for?

11 A. I don't recall the amount.

12 Q. Do you remember roughly how much you
13 purchased it for?

14 A. No.

15 Q. Was it more or less than a thousand
16 dollars?

17 A. More.

18 Q. Was it more or less than \$10,000?

19 A. Yes, I believe it was more because of
20 the reason my brother didn't have the funds. I
21 believe it was a lot of money, and I had a credit
22 card that I was able to use to, so.

23 Q. So your answer is that you believe it
24 was more than \$10,000?

25 A. Yes.



1 Q. Do you believe it was more than \$15,000?

2 A. That I don't know.

3 Q. Okay, so you're not sure whether it was
4 more or less than \$15,000?

5 A. Correct.

6 Q. But you do believe it is more than ten?

7 A. Correct.

8 Q. And were you repaid for the amount that
9 you paid for the domain name?

10 A. Yes.

11 Q. Were you repaid in full?

12 A. Yes.

13 Q. And who paid you?

14 A. Dave Lahoti.

15 Q. And when did he pay you?

16 A. I recall within a month's time.

17 Q. Okay. And so it was maybe before your
18 next credit card bill was due?

19 A. Possibly, yes.

20 Q. Possibly. And did you ever sell DVD's
21 through dvdworld.com?

22 A. No.

23 Q. Did you ever use dvdworld.com for any
24 other purpose?

25 A. No.



1 Q. Since he repaid you -- was your
2 involvement -- characterize your involvement as a
3 loan?

4 A. My involvement was to be a creative
5 director in the company and come up with ideas
6 and handle all the -- since I have experience
7 with E-bay and selling products, I was going to
8 apply that experience on DVD World.

9 Q. Did you ever act as a creative director
10 for any project involving dvdworld.com?

11 A. I don't understand what you mean by
12 that.

13 Q. So you never sold DVD's through
14 dvdworld.com?

15 A. No, we did not.

16 Q. And you never offered any other services
17 through dvdworld.com?

18 A. No.

19 Q. Did you provide any creative direction
20 or any other services in, I guess, this
21 opportunity that you referred to that you
22 recognized -- I'm sorry just scratch that.

23 Did you have any agreement with your
24 brother Dave, written or otherwise, regarding the
25 ownership of dvdworld.com?



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1 A. Yes, we were going to have -- be equal
2 partners, and I was going to do the creative
3 direction and website design, concept and all of
4 that, and he was going to take care of all the
5 technical part of the business.

6 Q. Was this agreement written?

7 A. No, verbal.

8 Q. Did you ever provide any creative
9 directions for dvdworld.com?

10 A. Concept, ideas.

11 Q. Are any of those written down?

12 A. I don't have any of those now, no.

13 Q. Do you recall when your concepts and
14 ideas were for dvdworld.com?

15 A. To provide a website where we have every
16 type of DVD available, even those ones that have
17 been archived to the world.

18 Q. Thank you.

19 Do you own any other domain names?

20 A. Yes.

21 Q. How many domain names do you own?

22 A. I don't know exactly.

23 Q. Can you estimate?

24 A. Maybe 40.

25 Q. 40?



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1 A. Correct.

2 Q. How did you acquire these other domain
3 names?

4 A. How did I acquire them?

5 Q. Yes.

6 A. Couple of them through my brother.

7 Q. Your brother Dave?

8 A. Yes, and several of them through Go
9 Daddy -- Google, Go Daddy, and some of them
10 through Enam (phonetic)?

11 Q. What is Enam?

12 A. A domain registration.

13 Q. Okay, like Go Daddy?

14 A. Correct.

15 Q. The domain names you got through your
16 brother, Dave, do you recall what those are?

17 A. Heal your body today, heal yourself
18 today, village mom.

19 Q. Okay. And then you purchased other
20 domain names through sites like godaddy.com and
21 Enam?

22 A. Correct.

23 Q. How was dvdworld.com purchased?

24 A. What do you mean how was it purchased?
25 I just paid -- I put the money down. As far as



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1 technical stuff, I relied on Dave to figure those
2 things out.

3 Q. Okay, you basically gave your credit
4 card to Dave to make the purchase?

5 A. No, I put in my own credit card. It was
6 my credit card. I punched it in, you know,
7 wherever, you know, he was my technical guy, and
8 so I just, you know, paid for it. I saw an
9 opportunity and so.

10 Q. And so did you purchase it through
11 godaddy.com?

12 A. I don't recall that.

13 Q. You don't recall anything about the
14 website you purchase it through?

15 A. Yeah, no, I don't recall anything.

16 Q. Do you have any record of the purchase?

17 A. Not that I have -- no, no.

18 Q. How about credit card statements showing
19 the purchase?

20 A. I don't have any right now, no.

21 Q. Did you ever?

22 A. I'm sure it was there.

23 Q. Have you searched for records?

24 A. No.

25 Q. And then do you have any record of the



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1 repayment from your brother Dave?

2 A. I don't have any record with me now, but
3 I'm sure it's there.

4 Q. So at the time you had a record showing
5 that he paid back?

6 A. Yes.

7 Q. And what kind of record would that have
8 been?

9 A. I don't recall.

10 Q. You don't recall if he paid by check?

11 A. I don't recall -- yeah, I don't remember
12 exactly if he paid me by check or sent it to the
13 credit card -- I have no idea. I don't remember.

14 Q. Have you ever searched for a record
15 showing that he repaid the money?

16 A. I just know he repaid me, so I just
17 purged it out of my mind. Once he repaid me it's
18 done.

19 Q. Going back to your other domain names,
20 have you ever sold any domain name before?

21 A. No.

22 Q. Have you ever purchased domain names at
23 an auction?

24 A. Yes.

25 Q. What domain names would those be?



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1 A. Divawedding.com.

2 Q. Diva wedding?

3 A. Correct.

4 Q. Is that related to Diva Village?

5 A. What do you mean is it related?

6 Q. Is it related to your Diva Village

7 business?

8 A. Yes.

9 Q. So after Dave repaid you, who owned the
10 dvdworld.com domain name?

11 A. We were in partnership in the sense, so
12 I and he's my technical guy, so I've always --
13 what do you mean who owned it?

14 Q. Well, it's property. Who is the
15 property of the dvdworld.com domain name?

16 MR. TROJAN: Objection, vague as to
17 time.

18 THE WITNESS: I'm sorry I did not
19 understand. What was that?

20 MR. TROJAN: Can you repeat the
21 question?

22 BY MR. DONAHEY:

23 Q. Who owned the dvdworld.com domain name?

24 A. I owned it when I purchased it. After
25 that I gave it to Dave to take care of so.



1 Q. Did the two of you own it in
2 partnership?

3 A. I took it as -- I'm a partner as the
4 creative director.

5 Q. And so you didn't own it all by
6 yourself?

7 A. No.

8 Q. And Dave didn't own it all by himself?

9 A. No.

10 Q. Thank you. Was there a company that you
11 owned the domain name with Dave through?

12 A. Can you clarify that question?

13 Q. Did you and Dave have a company that you
14 owned the domain through?

15 A. No.

16 Q. But you both owned it in partnership
17 with one another?

18 A. Correct.

19 Q. Now, who initiated this proceeding
20 before the TTAB?

21 A. I don't know.

22 Q. When did you first learn about this
23 proceeding that you are testifying for today?

24 A. When I was told that I'm going in for a
25 deposition.



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1 Q. So prior to that, you had not heard of
2 this proceeding or the TTAB?

3 A. I did, but it wasn't something that I
4 was handling. I just gave the information to
5 Dave, and, you know, he handled it for me. So I
6 have no idea all the details.

7 Q. So when did you first hear about the
8 proceeding?

9 A. I don't recall.

10 Q. Was it this year?

11 A. I vaguely remember a little discussion,
12 but I wasn't too concerned about it, so I don't
13 recall when exactly I heard about it.

14 Q. So it could have been in the last year,
15 two years? Can you estimate for us?

16 A. I have no idea. I don't remember.

17 Q. You just gave information to Dave for
18 some proceeding?

19 A. I'm sorry, say that again?

20 Q. Dave just asked you for information to
21 give in a proceeding before the TTAB?

22 A. I don't even understand that question.

23 Q. I will try to be more clear. What
24 information did you give to Dave for this
25 proceeding?



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1 A. I didn't give him any information.

2 Q. I'm sorry, I thought that your testimony
3 a moment ago was that you heard about the
4 proceeding from Dave, and you gave him some
5 information to use in the proceeding?

6 A. No, I didn't give him any information.

7 Q. So did Dave initiate this proceeding?

8 A. Yes.

9 Q. Do you know why Dave initiated this
10 proceeding?

11 A. I don't know 100 percent.

12 Q. Were you involved in initiating this
13 proceeding?

14 A. No.

15 Q. Do you know what the purpose of this
16 proceeding is?

17 A. I'm not sure.

18 Q. But you know it involves the
19 dvdworld.com domain name?

20 A. Yes.

21 Q. Do you have any information other than
22 that?

23 A. Just the documents that you have here.

24 Q. Okay. Let's go to those documents. I'd
25 like to draw your attention to document A. I



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1 think you referenced it before to get the
2 address.

3 MR. DONAHEY: I'd like to enter that
4 into the record. If we could have it -- if
5 Paulette could mark that for us as Exhibit A.

6 (Exhibit A marked for identification.)

7 MR. DONAHEY: Is Exhibit A marked?

8 MR. TROJAN: Yes.

9 BY MR. DONAHEY:

10 Q. Anita, if you could look over the
11 document for me, can you tell me what this
12 document is -- once you have had a chance?

13 A. Notice of opposition, is that what you
14 are referring to?

15 Q. Yes.

16 A. Okay, so what do you want to know from
17 this?

18 Q. This document is a notice of opposition;
19 correct?

20 A. Yes.

21 Q. Do you know when this was file? Do you
22 see a filing date?

23 A. October 27th, 2005.

24 Q. And who is the opposer?

25 A. Anita Dhaliwal.



1 Q. And do you know what the purpose of this
2 document is?

3 MR. TROJAN: Calls for a legal
4 conclusion.

5 MR. DONAHEY: She can still answer.

6 MR. TROJAN: If she can.

7 THE WITNESS: I'm assuming Dave and my
8 attorney are handing this, so.

9 BY MR. DONAHEY:

10 Q. And did you -- so you don't know what
11 the purpose of this is?

12 A. That wasn't my part in this so, no.

13 Q. Are there any other opposers' names in
14 the document?

15 A. No.

16 Q. And you had a chance to look it over?

17 A. I'm briefly looking over it right now.

18 Q. If you need more time?

19 MR. TROJAN: The document speaks for
20 itself.

21 BY MR. DONAHEY:

22 Q. Have you ever seen this document before?

23 A. This morning.

24 Q. This morning?

25 A. Uh-huh -- I mean before the phone call,



1 I mean I was given this document.

2 Q. Have you seen this document before
3 today?

4 A. I don't recall seeing it.

5 Q. You don't recall seeing it?

6 A. Huh-uh.

7 Q. I would like to turn your attention to
8 document B.

9 MR. DONAHEY: If the court reporter
10 could mark this as Exhibit B?

11 (Exhibit B marked for identification.)

12 MR. TROJAN: We're ready.

13 MR. DONAHEY: Okay.

14 Q. So, Anita, you have Exhibit B in front
15 of you?

16 A. Yes.

17 Q. Take a look at it and let me know when
18 you're ready.

19 A. I don't understand this lingo, so I rely
20 on my attorney to figure it out for me.

21 Q. I understand. Have you ever seen this
22 document before?

23 A. No, except for this morning I don't
24 recall seeing it.

25 Q. So you never seen this document before



1 today; correct?

2 A. I may have seen it.

3 Q. Do you recall when you might have seen
4 it?

5 A. A few years ago.

6 Q. Do you know what this document is?

7 MR. TROJAN: Calls for a legal
8 conclusion.

9 MR. DONAHEY: She can still answer.

10 THE WITNESS: Where I have to answer
11 some questions, I'm not sure exactly 100 percent.

12 BY MR. DONAHEY:

13 Q. Okay. Let me direct you to the title of
14 the document. It looks like it's the first page
15 there. "Applicant's first set of interrogatories
16 to Opposer."

17 Do you see that?

18 A. Yes.

19 Q. And you are the opposer in this
20 proceeding; correct?

21 A. Correct.

22 Q. I would like to turn your attention to
23 the definition section on page 3S. Could you
24 read for the record the paragraph under
25 Definition Section No. 1?



1 MR. TROJAN: Do you have a question
2 about it? Asking witnesses to read documents is
3 inappropriate. It's objectionable. If you have
4 a question, she can answer a question about it.

5 MR. DONAHEY: My apologies.

6 Q. Ms. Dhaliwal, do you see where paragraph
7 1 under Definition it says, "The term opposer
8 includes Anita Dhaliwal, her predecessors and
9 successors in interest and all of their parent
10 subsidiary and affiliated companies and officer,
11 directors, employees, agents and representatives,
12 both present and past"?

13 A. Okay, yes.

14 Q. Do you understand what that's stating?

15 MR. TROJAN: Objection, calls for a
16 legal conclusion, beyond competency of the
17 witness to testify.

18 If you have a lay understanding, you can
19 answer.

20 BY MR. DONAHEY:

21 Q. Do you understand what that paragraph
22 defines opposer to mean?

23 A. No, I don't.

24 Q. Are you included in opposer?

25 A. Yes.



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1 Q. Okay, I would like to go to the last
2 page of this document Exhibit B. This says a
3 certification mailed, and it says that this was
4 served upon Mr. Trojan on the 17th of May 2006;
5 is that correct?

6 A. Correct.

7 Q. And Mr. Trojan is your attorney?

8 A. Yes.

9 Q. When did you retain Mr. Trojan?

10 A. I asked Dave to handle all of this.

11 Q. So when did you ask Dave to handle all
12 of this?

13 A. Well, he's the IT guy, and so when I
14 purchased the domain that was his responsibility
15 and his role. I was just going to do the
16 creative direction on this site.

17 Q. So you asked him to purchase the domain?

18 A. I didn't say that.

19 MR. TROJAN: She said after she
20 purchased the domain.

21 MR. DONAHEY: Okay.

22 Q. So what did you ask Dave to handle
23 related to this proceeding?

24 A. Dave was to handle anything technical,
25 anything regarding -- other than my part, which



1 was creative direction.

2 Q. Okay, thank you. I would like to draw
3 your attention to document C.

4 MR. DONAHEY: Have that marked as
5 Exhibit C.

6 (Exhibit C marked for identification.)

7 BY MR. DONAHEY:

8 Q. Let me know when it's ready.

9 MR. TROJAN: The witness has it before
10 her.

11 BY MR. DONAHEY:

12 Q. Anita, I would like to point out the
13 title of this document, "Opposers Responses and
14 Objection to Applicant's First Set of
15 Interrogatories."

16 Do you see that?

17 A. Okay.

18 Q. And the caption above that, who is
19 listed as the opposer?

20 A. Anita Dhaliwal.

21 Q. And next to that?

22 A. An individual.

23 Q. Okay, is anyone else listed as opposer
24 there?

25 A. I don't see anything else.



1 Q. Have you ever seen this document before?

2 A. I don't recall.

3 Q. Do you know if you were involved in the
4 preparing of this document?

5 Are you reviewing the document?

6 A. Yes, I'm reviewing.

7 Q. Let me know when you're ready.

8 MR. TROJAN: What is the question?

9 MR. DONAHEY: Was she involved -- I
10 asked if Anita was involved in preparing this
11 document.

12 MR. TROJAN: Okay, objection asked and
13 answered.

14 MR. DONAHEY: I asked her before whether
15 or not she had seen it before?

16 MR. TROJAN: Right, if she doesn't
17 recall, how is she going to know that.

18 MR. DONAHEY: Well, then her answer
19 would be no.

20 Q. Is that your answer, Ms. Dhaliwal?

21 A. I don't recall.

22 Q. Ms. Dhaliwal, do you recall whether you
23 were involved in the preparation of this
24 document?

25 MR. TROJAN: She's still looking at it.



1 She's on page 13.

2 Let me know when there's time for a
3 restroom break.

4 MR. DONAHEY: We can take one after
5 this.

6 MR. TROJAN: Okay.

7 THE WITNESS: Dave handled a lot of this
8 and so.

9 BY MR. DONAHEY:

10 Q. You don't recall?

11 A. He might have asked me the questions and
12 then took care of dealing with this whole thing
13 for me.

14 Q. So you did not say that you were
15 involved in the preparation of this document?

16 A. No. I didn't type it up, no.

17 Q. Or the answers to the document?

18 A. I mean some of it sounds -- looks
19 familiar, so we might have discussed it and then
20 had the attorney handle it.

21 Q. Do you remember when this discussion
22 might have taken place?

23 A. Few years ago.

24 Q. Sorry, I could not hear you?

25 A. A few years ago.



1 Q. A few years ago?

2 A. Yes.

3 Q. Did you ever speak with your attorney
4 about this case before learning about this
5 deposition?

6 A. I handled everything through Dave.

7 Q. So you didn't?

8 A. I handled everything through Dave.

9 Q. So does that mean that you personally
10 did not speak to your attorneys about this case
11 prior to learning about this deposition?

12 A. Correct.

13 MR. DONAHEY: A recess has been
14 requested. You want to take -- is five minutes
15 enough?

16 MR. TROJAN: Yes.

17 MR. DONAHEY: Okay, we'll meet back
18 at -- I guess let's make it five until the hour.
19 Okay?

20 MR. TROJAN: Okay.

21 (Brief recess.)

22 BY MR. DONAHEY:

23 Q. Anita, we are looking at Exhibit C. If
24 I could have you turn to page 22.

25 Let me know when you're there.



1 A. Okay, I'm there.

2 Q. Do you see where it says, where it's
3 "Signed and submitted by opposer Anita Dhaliwal
4 by" -- and it appears to be Mr. Trojan's
5 signature?

6 A. Yes.

7 Q. You understand that he submitted this
8 document on your behalf?

9 A. Yes.

10 MR. TROJAN: I would just object.
11 That's not my signature so.

12 MR. DONAHEY: That's not your
13 signature? I'm sorry. Whose signature is it?

14 MR. TROJAN: Ye Won Min.

15 MR. DONAHEY: Okay, great, thank you.

16 Q. Anita, have you ever been asked to
17 verify the answers submitted on your behalf in
18 this document?

19 A. Dave and I briefly probably went over
20 it, and he handled all of this for me. I vaguely
21 remember all the details.

22 Q. Do you remember when you and Dave would
23 have gone over this?

24 A. Few years ago.

25 Q. Did you ever sign a statement verifying



1 that these answer were true to the best of your
2 knowledge?

3 A. I don't recall.

4 Q. You testified that you owned
5 dvdworld.com domain name in partnership with
6 Dave; is that correct?

7 A. Yes.

8 Q. I would like to turn your attention to
9 objection No. 2. It's on page 5 of Exhibit C?

10 A. I'm here.

11 Q. It reads, "Opposer objects to the
12 definition of term opposer in that opposer is a
13 natural person and the definition of the term
14 does not make sense, as well as possibly
15 rendering the interrogatory is overbroad, unduly
16 burdensome, calls for production and beyond the
17 scope of Rule 33."

18 Do you see where it says that?

19 A. Yes.

20 Q. And I would like to turn your attention
21 to interrogatory response No. 1. It's on page
22 6.

23 A. Correct.

24 Q. Do you see where it says interrogatory
25 request 1 says, "identify the nature, scope of



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1 opposer's business, the place of business, the
2 form of business orientation, and its date of
3 incorporation"?

4 A. Wait, I'm sorry I don't see that. Oh,
5 okay.

6 Q. And then you responded or at least
7 someone submitted a response on your behalf
8 stating, "Opposer further objects to the
9 interrogatory as confusing and irrelevant in that
10 opposer is an individual, a natural person."

11 Is that correct?

12 A. Yes.

13 Q. I'm sorry, I couldn't hear you?

14 A. Yes.

15 MR. TROJAN: She's saying yes that's
16 what it says.

17 BY MR. DONAHEY:

18 Q. That's what it says, and these were
19 submitted on your behalf to the best of your
20 knowledge?

21 A. Yes.

22 Q. And you now testified that you may have
23 been involved with the preparation of these
24 documents?

25 A. Are you asking me a question?



1 Q. Yes. Your testimony before the break,
2 you could not remember whether or not you seen
3 this document before; correct?

4 MR. TROJAN: Asked and answered, prior
5 testimony speaks for itself, mischaracterizes the
6 testimony.

7 Do you have a new question?

8 BY MR. DONAHEY:

9 Q. All right, I'd like to turn your
10 attention to interrogatory 2 further down on page
11 6.

12 A. Okay.

13 Q. It asks you to identify any and all
14 predecessors or successors to opposer and all
15 entities with any interest in opposer's business,
16 involving opposer's domain name and any related
17 marks.

18 Do you understand what opposer domain
19 name is in this context?

20 A. Dvdworld.com.

21 Q. And do you understand that this question
22 is asking you to identify all predecessors or
23 successors and all entities with an interest in
24 dvdworld.com?

25 A. Like I said I looked to my attorney and



1 Dave to handle all of this.

2 Q. And you don't recall whether you signed
3 a verification stating that these answers were
4 correct?

5 A. I don't recall all of that. I didn't
6 study law.

7 Q. Are you -- is there anyone who has an
8 interest or at this time as of the date this was
9 submitted, I believe it was -- just one moment --
10 as of June 16th, 2006, was there anyone else who
11 had an ownership interest in dvdworld.com?

12 MR. TROJAN: Objection, calls for a
13 legal conclusion.

14 Can you define -- what do you mean by
15 "ownership interest"?

16 MR. DONAHEY: She already testified that
17 she's the owner of dvdworld.com. She understands
18 what ownership means.

19 Q. Do you understand the question?

20 A. Can you rephrase it?

21 Q. As of June 16th, 2006, did you own part
22 or all of the domain name dvdworld.com?

23 A. Did I own part or -- yes.

24 Q. So you were one owner of dvdworld.com;
25 correct?



1 A. Correct.

2 Q. Were there any other owners of
3 dvdworld.com as of that time?

4 A. I was doing this in partnership with my
5 brother.

6 Q. So your brother is also an owner of
7 dvdworld.com at this time; correct?

8 A. Yeah, he was a partner in the business
9 so.

10 Q. Were there any other owners of
11 dvdworld.com at this time?

12 MR. TROJAN: Objection, assumes facts
13 not in evidence.

14 MR. DONAHEY: I'm asking the witness
15 whether or not there were any other owners of the
16 domain. I don't understand your objection.

17 MR. TROJAN: You said any other owners.
18 It lacks foundation. You didn't establish
19 another owner, let along any other owners.

20 MR. DONAHEY: Well, I -- that's what I'm
21 asking to do. I'm asking to see if there are any
22 other owners.

23 She can answer the question, and if your
24 objection is sustained.

25 Q. At that time were there any other owners



1 to your knowledge?

2 A. Not to my knowledge. I was a creative
3 director for this business, and everything else I
4 let Dave handle it.

5 Q. Okay. Based on your testimony, is the
6 last line of your response to interrogatory No.
7 2; correct?

8 A. Yes.

9 Q. And that line reads "Without waiving
10 this objection opposer states that it is the sole
11 owner of the domain name, www.dvdworld.com?"

12 A. Yes.

13 Q. And that was accurate as of June 16th,
14 2006?

15 A. Correct.

16 Q. And opposer is you, Anita Dhaliwal as an
17 individual; correct?

18 A. Correct.

19 Q. And you now say that you were the sole
20 owner, the only owner of the domain name at that
21 time?

22 A. Yes.

23 Q. Would you like to revise your testimony
24 you gave a moment ago?

25 MR. TROJAN: Objection, vague.



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1 MR. DONAHEY: A moment ago you testified
2 that you and your brother were both owners of the
3 dvdworld.com domain name.

4 MR. TROJAN: Objection, misstates the
5 testimony. She said they were partners.

6 MR. DONAHEY: Okay. I withdraw the
7 question.

8 Q. Anita, a moment ago you testified that
9 you and your brother owned dvdworld.com in
10 partnership?

11 MR. TROJAN: Objection, misstates the
12 testimony.

13 MR. DONAHEY: I'm sorry I cannot hear
14 you.

15 MR. TROJAN: Objection, misstates the
16 testimony, lacks foundation.

17 MR. DONAHEY: Can we go off the record
18 for a moment.

19 MR. TROJAN: Sure.

20 (Off the record.)

21 MR. DONAHEY: Back on the record.

22 Q. Anita, turning again to interrogatory --
23 the answer to interrogatory No. 2 and request for
24 interrogatory No. 2, Exhibit C., would you
25 describe in your own words the state of the



1 ownership of the dvdworld.com domain name as of
2 June 16th, 2006, the date this document was
3 signed?

4 A. So what's your question?

5 Q. Would you state in your own words your
6 understanding of the ownership of the
7 dvdworld.com domain name as of June 16th, 2006?

8 A. I'm the owner.

9 Q. The only owner?

10 A. Correct.

11 Q. At this time are there any other
12 owners -- I'm sorry as of June 16th, 2006, were
13 there any other owners of dvdworld.com?

14 A. Of dvdworld.com, I'm the owner. I'm in
15 partnership with Dave for the business.

16 Q. So the business owned it?

17 MR. TROJAN: Misstates her testimony.

18 THE WITNESS: No.

19 MR. DONAHEY: I'm trying to -- she said
20 she's the only owner, and she said that she and
21 Dave owned it together in business.

22 MR. TROJAN: That's not what she said --

23 BY MR. DONAHEY:

24 Q. I'm sorry, Anita, if you would explain
25 the difference, if any, between you being the



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1 only owner and you and Dave owning it, this part
2 of the business.

3 A. The domain dvdworld.com I owned it. The
4 business that we were going to pursue, we were
5 doing it as a partner.

6 Q. Okay. And that business did not own
7 dvdworld.com?

8 A. Did not what?

9 Q. Did not own dvdworld.com?

10 A. We didn't get that far you know, I don't
11 recall how the technicalities of -- I was dealing
12 with my brother, so we didn't have to put all of
13 this in writing or anything like that. We just
14 had an understanding that we were going to do
15 this in partnership, and I was going to do the
16 creative direction on this business.

17 Q. But you can say with certainty that you
18 were the only owner of dvdworld.com as of June
19 16th, 2006?

20 MR. TROJAN: Asked and answered. You
21 can answer again.

22 THE WITNESS: Yes.

23 BY MR. DONAHEY:

24 Q. As of June 16th, 2006, whose name was
25 dvdworld.com registered in?



1 A. It was registered in my name.

2 Q. In your name?

3 A. And I gave Dave that responsibility,
4 take care of all the technical aspects of the
5 business and anything other than the creative
6 direction of the business.

7 Q. Do you have any documentation showing
8 that it was registered in your name?

9 A. I don't have any documentation right
10 now, no.

11 Q. Did you ever have any documentation
12 showing that it was in your name?

13 A. I'm sure there was some documentation
14 when I purchased it. I printed out something
15 that said that.

16 Q. Okay, and you've seen that documentation
17 at some point?

18 A. I believe so. I don't recall. It been
19 so many years ago so -- I mean, like I said I
20 worked with my brother on this. He's technically
21 savvy, and I just did the creative direction. I
22 saw an opportunity.

23 MR. TROJAN: Counsel, I need to look at
24 the -- have the court reporter read back a
25 question.



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1 MR. DONAHEY: Okay.

2 MR. TROJAN: About five questions ago.
3 You said she answered yes. It was asking -- I
4 believe it was the last yes.

5 (Record read.)

6 BY MR. DONAHEY:

7 Q. I'd like to bring the witness's
8 attention to -- I'm sorry, scratch that.

9 During this proceeding have you ever
10 searched for documentation showing whose name
11 dvdworld.com was registered in as of June 16th,
12 2006?

13 A. No.

14 Q. I'm sorry, I couldn't hear you?

15 A. No.

16 Q. No. Have you searched for documents
17 showing whose name dvdworld.com was registered in
18 at any time?

19 A. No.

20 Q. I would like to turn your attention to
21 document G.

22 MR. DONAHEY: Is it possible just to
23 label it Exhibit G?

24 MR. TROJAN: Of course.

25 MR. DONAHEY: Just let me know when it's



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1 ready.

2 (Exhibit G marked for identification.)

3 THE WITNESS: Okay, it's ready.

4 BY MR. DONAHEY:

5 Q. Okay, this is Opposer's Responses to
6 Applicant's First Request for Production of
7 Documents. Have you ever seen this document
8 before to your knowledge?

9 A. It has been so many years. I don't
10 recall.

11 Q. I would like to turn your attention to
12 request for production No. 11 and response No. 11
13 on page 10 at the bottom.

14 A. Okay.

15 Q. Do you see where request 11 asks you to
16 produce all documents referring or relating to
17 the acquisition, transfer, assignment or sale of
18 opposer's domain or any related marks?

19 A. Okay, yes.

20 Q. And in response to this request, did you
21 search for any of these documents?

22 A. Like I said anything other than creative
23 direction, I just asked my brother to handle this
24 for me.

25 Q. Okay, let's see. And on the next one,



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1 its request production No. 12, ask for documents
2 sufficient to identify all entities with any
3 interest in opposer's business, involving
4 opposer's domain name.

5 Did you search for any documents related
6 to the ownership of your business or the
7 ownership of the domain name in response to this
8 request?

9 A. I asked Dave to handle those.

10 Q. And I would like to turn your attention
11 to request No. 3, which is on page 20, and it
12 asks for "all documents concerning opposer's
13 acquisition and ownership for dvdworld.com domain
14 name."

15 Do you see that?

16 A. Yes.

17 Q. And you have not conducted a search for
18 documents responsive to this request?

19 A. I asked Dave to handle all of this.

20 Q. And turn to the last page -- I'm sorry
21 the second to the last page 26. This is
22 submitted on your behalf, opposer Anita Dhaliwal;
23 correct?

24 A. Correct.

25 Q. Were you aware of this proceeding as of



1 June 16th, 2006?

2 A. I mean I recall something, but as far as
3 details and technicalities, I asked Dave to
4 handle all of this so.

5 Q. Okay. Thank you.

6 Now are you familiar with the company
7 called Virtual Point?

8 A. Yes.

9 Q. What is Virtual Point?

10 A. Dave's business.

11 Q. Dave's business, your brother?

12 A. Yes.

13 Q. Do you know what Virtual Point does?

14 A. The technical stuff I don't get into.

15 Like I said I'm the creative person, so.

16 Q. Do you have any role in Virtual Point?

17 A. No.

18 Q. The answer was no?

19 A. Say the question again?.

20 Q. Do you have any role in Virtual Point?

21 A. No.

22 Q. You're not an owner?

23 A. No.

24 Q. You're not employed by Virtual Point?

25 A. No.



1 Q. And you are not an investor of Virtual
2 Point?

3 A. No.

4 Q. We talked about the ownership of
5 dvdworld.com as of June 2006. Did you continue
6 to own dvdworld.com after June 2006?

7 A. Like I said it was a partnership so.

8 Q. Does that arrangement still exist today?

9 A. Yes.

10 Q. It has not changed?

11 A. It changed since I have become --
12 initially when we first developed the idea, I was
13 going to be able to put a block of time into the
14 business, but now that I'm very involved in my
15 other business, brother's business and my own, I
16 only have so much time to put into it, so we've
17 changed the structure.

18 Q. When did that change take place?

19 A. This year.

20 Q. 2010?

21 A. Correct.

22 Q. And prior to this change, the old
23 arrangement that was active June 2006 --

24 A. Yes.

25 Q. -- continued. So this is the only



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1 change since then?

2 A. Correct.

3 Q. In fact it's the only change since the
4 purchase of the domain; correct?

5 A. What do you mean by "the only change"?

6 Q. Did the ownership of the domain name
7 change between the day the domain name was
8 purchased and June 2006?

9 A. Well, he's in charge of IT, so he might
10 of, you know, transferred the domain and, you
11 know, to take care of the IT aspect of all of it,
12 but as far as our understanding of developing the
13 business, it was always equal partnership and my
14 creative direction.

15 Q. And so this business that you had equal
16 partnership in?

17 A. Uh-huh.

18 Q. Did that own the domain name throughout
19 this period?

20 A. No.

21 Q. You owned it personally?

22 A. Yes.

23 Q. But the business that used the domain
24 name was the partnership between you and Dave?

25 A. Okay, rephrase that question?



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1 Q. The business that you planned to use the
2 domain name with was a partnership between you
3 and Dave?

4 A. Yes.

5 Q. But you owned the domain name
6 personally?

7 A. Yes.

8 Q. Okay. Thank you.

9 I'd like to turn your attention to
10 Exhibit H.

11 MR. DONAHEY: And if we could have that
12 -- document H, if we could have that marked as
13 Exhibit H?

14 (Exhibit H marked for identification.)

15 BY MR. DONAHEY:

16 Q. Let me know when you're ready.

17 A. Okay.

18 Q. Tell me what it is, if you know?

19 A. Transfer of domain rights.

20 Q. Okay, and have you ever seen this
21 document before?

22 A. Yes.

23 Q. Have you ever seen it before today?

24 A. Yes.

25 Q. When did you see it?



1 A. January.

2 Q. January?

3 A. Correct.

4 Q. Do you know what day in January?

5 A. The beginning of January I recall.

6 Q. Whose signature appears at the bottom?

7 A. Dave Lahoti.

8 Q. And you recognize his signature?

9 A. Yes.

10 Q. Do you know what this document does?

11 A. Transfer of domain name rights.

12 Q. So this document transfers to you a 25

13 percent ownership interest in the domain name; is

14 that your understanding?

15 A. Yes.

16 Q. And you paid \$1 for this?

17 A. Correct.

18 Q. And you now own 25 percent of the DVD

19 World domain name?

20 A. Correct.

21 Q. Did you ever pay the dollar to your

22 brother?

23 A. In other ways.

24 Q. In other ways? In what ways were those?

25 A. Bought him a drink.



1 Q. Bought him a drink? Do you remember
2 what kind? You don't have any documentation for
3 this giving him the dollar for the purchase of
4 the 25 percent domain name?

5 A. I bought him a drink.

6 Q. Okay, you don't have a receipt?

7 A. I could get it for you.

8 Q. Thank you. I'd appreciate it.

9 And how did you agree upon \$1 as the
10 price?

11 MR. TROJAN: Misstates the document.

12 MR. DONAHEY: I'm sorry, what was the
13 objection?

14 MR. TROJAN: Misstates the document.
15 It's says, "the sum of \$1 and other good and
16 available consideration."

17 MR. DONAHEY: I will scratch the
18 question.

19 Q. Anita, what was the other goods and
20 available consideration?

21 THE WITNESS: Should I answer that?

22 BY MR. DONAHEY:

23 Q. Was that drink, if the drink was more
24 than a dollar?

25 I'm sorry, let me rephrase the



1 question. In addition -- did you pay anything in
2 addition to \$1 for 25 percent of the rights in
3 the dvdworld.com domain name?

4 A. No.

5 Q. Thank you.

6 And -- so did the two of you negotiate
7 on the price of \$1?

8 A. Yes.

9 Q. You did, and how did you arrive at that
10 price?

11 A. We negotiated.

12 Q. Okay, were you aware of this transaction
13 before January 6th, 2010?

14 A. This transaction took place in January,
15 so January 6th of 2010, we acknowledged this
16 transaction.

17 Q. When did you negotiate the price?

18 A. I don't recall.

19 Q. It was before January 6th, 2010?

20 A. Yes.

21 Q. Do you remember how long before?

22 A. I don't remember.

23 Q. And today you own 25 percent of the
24 dvdworld.com domain name; correct?

25 A. Correct.



1 Q. Prior to this agreement, who owned the
2 dvdworld.com domain name?

3 A. I did.

4 Q. I direct you to the first paragraph of
5 the agreement where it says "Whereas Virtual
6 Point Inc., a California corporation, having a
7 place of business at 25 Moshley, Suite 350,
8 Irvine, California is the owner of the domain
9 name dvdworld.com."

10 Is this a true statement of the facts
11 before January 6th, 2010.

12 Are you reviewing the document?

13 A. Yes, I'm reviewing it. So like I said
14 he's my brother, so he handled all the technical
15 stuff in transferring and maintaining the IT of
16 dvdworld.com, and with me being busy with all the
17 other businesses that I'm involved with, I showed
18 an interest that I only want 25 percent and for,
19 you know, that I can only offer, you know, my
20 creative direction to a certain point, and so I
21 indicated to him that he handle all of this, and
22 I want 25 percent of it.

23 Q. Did you ever convey your ownership or
24 your share of ownership in dvdworld.com to
25 Virtual Point?



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1 A. What do you mean convey? What does that
2 mean to you?

3 Q. Did you ever sell it to Virtual Point or
4 give it to Virtual Point?

5 A. Yeah, I gave it to him.

6 Q. And when did this take place?

7 A. I don't recall exactly.

8 Q. Was it after June of 2006?

9 A. Definitely after, but I don't recall
10 exactly when.

11 Q. This agreement took place this year. Do
12 you recall how long before this agreement you
13 conveyed your ownership of dvdworld.com to
14 Virtual Point?

15 A. I don't recall.

16 Q. Do you have any documentation of your
17 transfer of ownership of the domain to
18 virtualpoint.com?

19 A. I don't have any documentation, no.

20 Q. Did he give you anything in exchange for
21 your ownership in dvdworld.com?

22 A. Did he give me anything in exchange
23 for -- whose ownership? My ownership?

24 Q. In this case you gave him a dollar?

25 A. Correct.



1 Q. In exchange of 25 percent of
2 dvdworld.com?

3 A. Uh-huh.

4 Q. When you gave your ownership rights to
5 dvdworld.com to Virtual Point, did Virtual Point
6 give you anything for your ownership rights in
7 dvdworld.com?

8 A. Well, he's always supported my business
9 in any way I needed help technically, so, you
10 know, he's my brother and basically that was, you
11 know, he helped me out.

12 Q. So he did then give you something, or I
13 guess did he or did he not give you something in
14 exchange for your ownership rights in
15 dvdworld.com?

16 A. I mean I'm the registered owner.

17 Q. You are the registered owner today?

18 A. No, I'm saying originally.

19 Q. Okay, and when did -- is Virtual Point
20 the registered owner today?

21 A. Yes.

22 Q. And when did Virtual Point become the
23 registered owner?

24 A. I have no idea.

25 Q. Was it at the time of this agreement,



1 Exhibit H?

2 A. I don't know.

3 Q. Was it after that?

4 A. After what?

5 Q. After June 6th, 2010?

6 A. I'm not sure exactly.

7 Q. You don't know whether it was before?

8 A. No.

9 Q. But you know at some point you were the
10 registered owner?

11 A. Yes.

12 Q. And at some point after June 2006 that
13 changed?

14 A. Yes.

15 Q. And you don't have any documentation
16 related to that change?

17 A. Not that I -- no.

18 Q. Did you ever have any documentation
19 related to that change?

20 A. I'm not sure.

21 Q. Have you ever searched for any
22 documentation in response to any of the document
23 request I showed you earlier in this deposition?

24 A. No.

25 Q. Give me a moment here to review my



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1 notes.

2 All right, I would like to turn the
3 witness's attention to document E, which I have
4 had entered into the record as Exhibit E.

5 A. Okay, ready.

6 (Exhibit E marked for identification.)

7 BY MR. DONAHEY:

8 Q. Okay. What you have before you is
9 Opposer's Responses and Objections to Applicant's
10 First Set Request for Admission, and you are the
11 opposer; correct?

12 A. Correct.

13 Q. In your individual capacity -- I'm
14 sorry, as an individual?

15 A. An individual, yes, correct.

16 Q. And take your attention to page 5?

17 A. Yes.

18 Q. This document was submitted on your
19 behalf as opposer Anita Dhaliwal; is that
20 correct?

21 A. Correct.

22 Q. There is six requests for admission
23 here. Could you briefly look at those and
24 confirm that they are -- I'm sorry, before you do
25 that, have you ever seen this document before?



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1 A. I don't recall.

2 Q. And would you mind, if you would please
3 look at the request for admission. We'll go down
4 one through six -- I'm sorry --

5 A. No.

6 Q. If you could confirm for us whether or
7 not these responses to these six requests for
8 admission are accurate to the best of your
9 knowledge?

10 So we start with request No. 1.

11 MR. TROJAN: She's reading through the
12 request.

13 MR. DONAHEY: Okay.

14 THE WITNESS: Okay.

15 MR. TROJAN: She can answer collectively
16 to all.

17 MR. DONAHEY: If they all have the same
18 answer?

19 MR. TROJAN: You're just asking her to
20 confirm the answers; right?

21 MR. DONAHEY: Yes, to confirm whether
22 they are all correct.

23 THE WITNESS: They are all correct.

24 BY MR. DONAHEY:

25 Q. And they're all correct as of the date



1 they were submitted June 16th, 2006?

2 A. Correct.

3 Q. Are they still all correct today?

4 A. I'm not sure.

5 Q. Which ones are you not sure of?

6 A. This date, yes, they are correct.

7 Q. As of this date they are correct?

8 A. As of June 16th, 2006 they are correct.

9 Q. Okay, and as of today are they correct?

10 Are they still correct?

11 A. I'm not really involved in that
12 business, so I really don't know as far as all
13 the details, but.

14 Q. Okay. Have you ever made any use of
15 dvdworld.com since November 26th, 2004?

16 A. No.

17 Q. Has any business or partnership you were
18 a part of the -- ever use dvdworld.com since
19 November 29th, 2004?

20 A. Not that I'm aware of.

21 Q. Okay. Have you used any trademarks or
22 any business that you are a part of or
23 partnership you are a part of that use any
24 trademarks that use the words "DVD World"?

25 A. No.



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1 Q. At any time?

2 A. So can you repeat the question?

3 Q. Have you, a business you are a part of,
4 whether it be a partnership or a corporation,
5 have you or any business you are a part of, ever
6 used any trademarks or trade names that used DVD
7 World in them?

8 A. No.

9 Q. Have you ever sold any goods or traded
10 any services in connection with dvdworld.com?

11 A. No.

12 Q. And no business or partnership that you
13 have been a part of has sold any goods or
14 provided any services using the domain name?

15 A. No.

16 Q. And is there an active website at
17 dvdworld.com today?

18 A. Not that I know of.

19 Q. Okay. And in preparation for this
20 deposition, did you e-mail your brother Dave
21 about your testimony today?

22 A. Did I e-mail him? What do you mean by
23 that?

24 Q. Did you communicate with him about your
25 testimony today, whether it be by e-mail or over



1 the phone or in conversation in person?

2 MR. TROJAN: Other than conversations
3 with counsel; correct?

4 MR. DONAHEY: Correct. I'm asking
5 whether she spoke to Dave?

6 MR. TROJAN: Other than with me?

7 THE WITNESS: No.

8 MR. DONAHEY: And Mr. Trojan, do you
9 also represent Mr. Dhaliwal?

10 MR. TROJAN: Excuse me?

11 MR. DONAHEY: Do you also represent
12 Mr. Dhaliwal?

13 MR. TROJAN: You're deposing me now?

14 MR. DONAHEY: I'm serious. Never mind.

15 Q. And have you or any business or
16 partnership you are a part of, ever used the
17 phrase DVD World in any marketing or promotion?

18 A. No.

19 Q. And besides your brother Dave, does
20 anyone else have any information about this case?

21 MR. TROJAN: Lacks foundation.

22 THE WITNESS: I have no idea.

23 MR. DONAHEY: If we want to take a five-
24 minute recess, I'll just take one more look over
25 my notes, but I think my question is drawing to a



1 close, so break for five. Come back. Maybe I'll
2 have a question or two, probably not, and if you
3 have any follow-up, Mr. Trojan, we can do that.

4 MR. TROJAN: Okay, sounds good.

5 MR. DONAHEY: Okay, let's get back in
6 five minutes.

7 MR. TROJAN: Okay.

8 MR. DONAHEY: Thank you.

9 (Brief recess.)

10 BY MR. DONAHEY:

11 Q. Just a couple of more questions. First
12 have you received the deposition notice that we
13 sent to you?

14 MR. TROJAN: Yes, what do you want to
15 mark that as?

16 MR. DONAHEY: I guess -- let's go with
17 Exhibit I.

18 MR. TROJAN: Okay, it's been marked.

19 MR. DONAHEY: There are no objections to
20 the notice?

21 MR. TROJAN: Correct.

22 (Exhibit I marked for identification.)

23 MR. DONAHEY: Okay.

24 Q. All right, Anita, thank you for your
25 patience today. Apart from your attorney, have



1 you discussed this case with anyone?

2 A. No.

3 Q. You have not discussed this case with
4 Dave?

5 MR. TROJAN: You mean outside the
6 presence of her attorney?

7 BY MR. DONAHEY:

8 Q. Outside the presence of your attorney?

9 A. No.

10 Q. Have you exchanged e-mails with Dave
11 about this case?

12 MR. TROJAN: At any time?

13 BY MR. DONAHEY:

14 Q. At any time.

15 A. About this case?

16 Q. About this case or the proceeding?

17 A. Well, just cc'ed on anything that was
18 exchanged with the attorney.

19 Q. I'm sorry, was Dave cc'ed on anything
20 between you and your attorney, or were you cc'ed
21 on anything between Dave and the attorney?

22 A. Few times he was cc'ed. I was cc'ed,
23 you know,

24 Q. And you and Dave have not discussed this
25 case over e-mail without cc'ing the attorney?



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1 A. I don't recall, no.

2 Q. Have you and Dave ever e-mailed each
3 other regarding the domain name?

4 A. Concepts of the direction of the
5 business, I mean that was possible.

6 Q. And do you still have those e-mails?

7 A. Not that I recall.

8 Q. When were those conversations that
9 occurred?

10 A. Few years ago.

11 Q. Have you ever searched for any of those
12 e-mails in response to the discovery request that
13 we went over today?

14 A. I don't recall.

15 Q. Have you seen the discovery request that
16 we went over today before today?

17 MR. TROJAN: Asked and answered.

18 BY MR. DONAHEY:

19 Q. In the last 12 hours, have you taken any
20 medication, drugs or alcohol that would in any
21 way impair your ability to give complete and
22 accurate testimony today?

23 A. No.

24 Q. And your testimony today was complete
25 and accurate to the best of your knowledge?



1 A. Yes.

2 MR. DONAHEY: We don't have any further
3 questions.

4

5 EXAMINATION

6 BY MR. TROJAN:

7 Q. SO I'm going to ask you just a few
8 follow-up questions. Was there any time since
9 the purchase of dvdworld.com that you were not
10 partners with your brother in a business that you
11 planned to establish to sell DVD's?

12 A. No.

13 Q. And was there a reason that you reduced
14 your ownership interest in the partnership to 25
15 percent?

16 A. Yes.

17 Q. Why is that?

18 A. I already had started Diva Village, and
19 then I started working on my brother's in October
20 2009, my other two brothers, and I just couldn't
21 handle, you know, another big project, so I
22 reduced -- I had mentioned that I can't
23 contribute the same way, but I can still give
24 creative direction, so in exchange for the 25
25 percent.



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1 Q. So is Diva Village is that a successful
2 website?

3 A. Yes.

4 Q. How long have you had that?

5 A. Since 2005.

6 Q. And how much time did you -- and when
7 did you start working with your other two
8 brothers?

9 A. October 2009.

10 Q. How much time do you have to give to
11 them?

12 A. What do you mean, in hours or?

13 Q. Well, are you actively participating?

14 A. Yes, yes.

15 Q. On a weekly basis?

16 A. Yes.

17 Q. And so then by -- between October 2009
18 and January 2010, did you discuss with Dave
19 Lahoti your need to reduce the interest in
20 dvdworld.com?

21 A. Yes.

22 MR. TROJAN: I have nothing further.

23

24 FURTHER EXAMINATION

25 BY MR. DONAHEY:



1 Q. What is your duties as creative
2 director?

3 A. User experience, ensuring that visitor
4 comes and has a positive experience in website,
5 design, concepts, initiating press releases,
6 marketing, end product. Anything that would
7 allow the visitor to have a better experience on
8 the website.

9 Q. Did you do any of these tasks in
10 relation to your plans, project with
11 dvdworld.com?

12 A. I was waiting for my brother to give me
13 that -- the go on that when we're ready to do
14 that, but, you know, initial concepts, ideas,
15 yes, but we never fulfilled any of them.

16 Q. What do you hope to accomplish with this
17 proceeding before the trademark and review board?

18 A. I'm sorry, can you ask that question
19 again?

20 Q. What do you hope to accomplish in
21 bringing this proceeding before the trademark
22 trial review board?

23 A. So my ultimate goal is to develop this
24 website and be able to give visitors around the
25 world a great experience in obtaining the best,



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1 you know, DVD's that they're looking for, so
2 that's my ultimate goal. So whatever it takes to
3 achieve that goal is what I'm looking to do.

4 Q. So what are the consequences if you lose
5 this case?

6 MR. TROJAN: Objection, calls for a
7 legal conclusion. Calls for speculation.

8 MR. DONAHEY: She can answer.

9 MR. TROJAN: Objection, relevancy.
10 She can answer if she knows.

11 BY MR. DONAHEY:

12 Q. What are the consequences, if you lose
13 this case?

14 A. For my personal goals? Won't be
15 achieved, I don't --

16 Q. What personal goals would those be?

17 A. Like I said earlier to give visitors
18 around the world an opportunity to get the DVD's
19 that they want, to offer them, you know, a place
20 that they can count on to find the DVD's that
21 they're looking for.

22 Q. Who is your opponent in this case?

23 A. DVD World Pictures Corp.

24 MR. DONAHEY: I have no further
25 questions.



1 MR. TROJAN: Okay, she'll have 20 days
2 to review and sign the transcript and make any
3 changes that are necessary, after she receives --
4 after the transcript is sent to me.

5 MR. DONAHEY: Okay.

6 MR. TROJAN: Then she can sign it under
7 penalty of perjury. I'll provide any changes to
8 you as soon as I receive them. So stipulated?

9 MR. DONAHEY: So stipulated.

10

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DECLARATION UNDER PENALTY OF PERJURY

I, Anita Dhaliwal, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on March 16, 2010; that I have made such corrections as appear noted herein in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

DATED this ____ day of _____,
20____, at _____,
California.

Anita Dhaliwal



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REPORTER CERTIFICATION

I, Paulette Radcliff, Certified Shorthand Reporter, in and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name this 14 day of May, 2010.

Paulette Radcliff
Paulette Radcliff, CSR No.12111



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RE: Esquire Deposition Solutions

File No. 53145

Case Caption: MS. ANITA DHALIWAL

vs. DVD WORLD Pictures Corp

Deponent: ANITA DHALIWAL

Deposition Date: MARCH 16, 2010

To the Reporter:

I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me.

I request that the following changes be entered upon the record for the reasons indicated. I have signed my name to the Errata Sheet and the appropriate Certificate and authorize you to attach both to the original transcript.

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1 Deposition of ANITA DHALIWAL

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DOCUMENT A

Pages - 9 EXHIBIT A
FOR IDENTIFICATION
3-16-10
WITNESS: Anita Dhatiwala

ESTTA Tracking number: **ESTTA50843**

Filing date: **10/27/2005**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Ms. Anita Dhaliwal		
Entity	Individual	Citizenship	UNITED STATES
Address	8502 E Chapman#306 Orange, CA 92869 UNITED STATES		

Attorney information	R. Joseph Trojan Trojan Law Offices 9250 Wilshire Blvd Suite 325 Beverly Hills, CA 90212 UNITED STATES trojan@trojanlawoffices.com Phone: 310-777-8399		
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Applicant Information

Application No	78495856	Publication date	09/27/2005
Opposition Filing Date	10/27/2005	Opposition Period Ends	10/27/2005
Applicant	DVD WORLD Pictures Corp. 63 McGaw Ave. Lake Grove, NY 11755 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 19970514First Use In Commerce: 19981119
All goods and seVICES in the class are opposed, namely: Online Retail store services and distributorships of DVD movies

Class 041. First Use: 19970514First Use In Commerce: 19981119
All goods and seVICES in the class are opposed, namely: Motion Picture Production and Distribution

Attachments	Opposition.pdf (6 pages)
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Signature	/yewon min/
Name	YeWon Min
Date	10/27/2005

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

ANITA DHALIWAL, an Individual)	Opposition No.
)	Re: DVD WORLD
)	Serial No.: 78495856
Opposer,)	NOTICE OF OPPOSITION
v.)	
)	
DVD WORLD PICTURES CORP.)	
)	
Applicant.)	

CERTIFICATE OF MAILING AND TRANSMISSION

I hereby certify that this correspondence is transmitted via ESTTA and being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Arlington, Virginia 22202-3514 on the date shown below:

YeWon Min

Date



Oct 27 2005

Box TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Notice of Opposition

Anita Dhaliwal ("Opposer"), an individual with a mailing address at 8502 E Chapman #306, Orange, California 92869, believes that it will be damaged by the registration of the alleged mark shown in Serial No. 78495856 and opposes such registration through its attorneys. Opposer opposes registration of this alleged mark in all classes for which Applicant has applied, which, upon information and belief, are International Classes 35 and 41.

On information and belief, Application Serial No. 78495856 for DVD WORLD for Online Retail store services and distributorships of DVD movies in International Class 35 and Motion Picture Production and Distribution in International Class 41 was filed on October 6, 2004 by DVD WORLD Pictures Corp., a New York corporation with a place of business at 63 McGaw Ave. Lake Grove, New York 11755.

As grounds for opposition, Opposer alleges that:

1. Since at least as early as November 29, 2004, Opposer has owned the domain name DVD WORLD in connection with the sale of DVDs.

2. As Opposer is the owner of the domain name www.dvdworld.com, Opposer will be damaged by the issuance of a registration for DVD WORLD to Applicant as sought in Application Serial No. 78495856. Opposer opposes the registration of the mark based on the following grounds:

I. First Cause for Opposition: The Mark Is Not Distinctive and Applicant Does Not Have Exclusive Rights to the Mark

3. There are at least 114 other persons who are using the alleged mark DVD WORLD in conjunction with the sale of DVDS.

4. Given the widespread use of the mark in conjunction with the sale of DVDs, the alleged mark DVD WORLD is not distinctive and does not serve any single source identification function in any manner whatsoever in light of the widespread use of the term in connection with the sale of DVDs. Accordingly, Applicant does not have exclusive rights to DVD WORLD.

5. Accordingly, Opposer states that Applicant is not entitled to Federal registration of its alleged mark in that the alleged mark is not distinctive and cannot serve as a source identifier.

II. Second Cause for Opposition:

Fraud—Non-Use of Mark in Connection with Claimed Scope of Services

6. Opposer re-alleges paragraphs 1-5 as if they were stated in full herein.

7. Upon information and belief, Applicant is not using the mark DVD WORLD in connection with Motion Picture Production and Distribution in International Class 41, as stated in Applicant's Amendment to Allege Use filed with the Patent and Trademark Office.

8. Applicant's knowledge of the falsity in its Application and Declaration submitted to the Patent and Trademark Office regarding the scope of services constitutes fraud.

9. Accordingly, Applicant is not entitled to Federal registration of its alleged mark in International Class 41.

III. Third Cause for Opposition:

Lack of Use as a Mark Prior to Registration

10. Opposer hereby incorporates by reference the allegations contained in paragraphs 1 through 9, inclusive, as if they had been fully restated herewith.

11. Applicant is not using the alleged mark DVD WORLD as a trademark.

12. Even in the Amendment to Allege Use filed by Applicant with the Patent and Trademark Office, Applicant admits that its name is THE DVD WORLD COMPANY.

13. The specimen submitted by Applicant fails to show use of DVD WORLD as a trademark.

14. Applicant uses the marks DVD DESTINATION, DVD WORLD ONLINE, DVD WORLD PICTURES CORP. and/or THE DVD WORLD COMPANY as source identifier(s), not DVD WORLD.

15. In view of the above, Applicant is not entitled to Federal registration of its alleged mark in that Applicant's proposed use is likely to cause confusion, or to cause mistake, or to deceive.

IV. Fourth Cause of Opposition:

Misuse of the ® Notice

16. Opposer hereby incorporates by reference the allegations contained in paragraphs 1 through 14, inclusive, as if they had been fully restated herewith.

17. Applicant has misused the ® Notice by using it in conjunction with the alleged mark DVD WORLD prior to registration by unlawfully attaching the ® mark to all mention of the words "DVD world" on Applicant's website.

18. Accordingly, Applicant is not entitled to Federal registration of the alleged mark in that Applicant has misused the ® notice in violation of 15 U.S.C. § 1111.

V. Fifth Cause of Opposition:

Failure to Disclaim

19. Opposer hereby incorporates by reference the allegations contained in paragraphs 1 through 18, inclusive, as if they had been fully restated herewith.

20. Applicant seeks to register the alleged mark DVD WORLD in connection with Online Retail store services and distributorships of DVD movies in International Class 35 and Motion Picture Production and Distribution in International Class 41.

21. The word "DVD" is merely descriptive of Applicant's services and must be disclaimed.

22. Applicant has failed to disclaim "DVD" from its application for registration of the alleged mark.

23. Accordingly, Applicant is not entitled to Federal registration of the alleged mark.

VI. Conclusion

For the foregoing reasons, Opposer respectfully requests that Application Serial No. 78495856 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

This Notice of Opposition is being submitted pursuant to 37 C.F.R. §§2.101-12.107. The appropriate fee under 37 C.F.R. §2.6 is also submitted herewith. Please direct all future correspondence to the undersigned.

Respectfully submitted,

Opposer Anita Dhaliwal

By:

Date: October 27, 2005



By Joseph Trojan

YeWon Min

Trojan Law Offices

9250 Wilshire Blvd. Suite 325

Beverly Hills, CA 90212

DOCUMENT B

Pages- 14 EXHIBIT B
3-16 10
FRANLETTE DADOLFF, WITNESS
WITNESS: Anita Dhaliwal

**In the United States Patent and Trademark Office
Before the Trademark Trial and Appeal Board**

-----X
ANITA DHALIWAL, :
 :
 : Opposer, : Opposition No. 91167207
 :
 v. : Serial No. 78/495,856
 :
 DVD WORLD Pictures Corp., :
 :
 : Applicant. :
-----X

APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, Applicant DVD World Pictures Corp. ("Applicant"), requests that Anita Dhaliwal ("Opposer") answer each of the following Interrogatories separately and under oath. These Interrogatories are continuing in nature. Any information which is discovered after timely service of answers should be provided to Applicant's counsel through supplemental answers within a reasonable time after discovery thereof. Each of these Interrogatories is subject to the following instructions and definitions.

INSTRUCTIONS

1. In each instance where an Interrogatory is answered upon information and belief, Opposer must set forth the basis for such information and belief.
2. In each instance where Opposer denies knowledge or information sufficient to answer the Interrogatory, it is requested that Opposer set forth the name and address of each person, if any, known or believed to have such knowledge.
3. In each instance where the existence of a document is disclosed, Opposer is requested to attach a copy of such document to its answer. If the document is not in Opposer's

custody, possession or control, Opposer is requested to state the name and address of each person known or believed by Opposer to have such possession or control, and identify which documents are in such person's possession or control.

4. Manner of Identifying a Trademark or Service Mark Whenever an Interrogatory inquires about a trademark, service mark, or trademark or service mark application or registration, please include:

- (i) Its country or state;
- (ii) The application or registration number, date of filing and current status;
- (iii) Its date of first use in the country or state and a full description of the goods on which it was first used;
- (iv) The trademark owner and all prior owners or claimants; and
- (v) The class and description of the goods or services for which registered and the class and description of the goods or services in connection with which it is or was used.

5. Manner of Identifying Products or Services Whenever an Interrogatory inquires about products or services, indicate:

- (i) The catalog, stock or like number;
- (ii) The name, type, and grade;
- (iii) Sizes or quantity customarily sold;
- (iv) Whether primarily intended for personal retail consumption, commercial retail consumption or wholesale use; and
- (v) Any other designation customarily used by Opposer or by the trade to designate such product or service.

6. Objections If Opposer objects to any Interrogatory, state the specific grounds for

the objection and provide all information responsive to the Interrogatory which is outside the scope of the objection.

7. Claim of Privilege If Opposer alleges privilege as the basis for withholding information or material responsive to an Interrogatory, specifically identify the privilege asserted, the basis therefore, identify all information or material for which Opposer alleges privilege and identify whether any information has been withheld on the basis of such privilege.

DEFINITIONS

1. The term "Opposer" includes Anita Dhaliwal, her predecessors and successors in interest, and all of their parent, subsidiary and affiliated companies and officers, directors, employees, agents and representatives, both present and past.

2. The term "Applicant" includes DVD WORLD Pictures Corp., its predecessors and successors in interest, and all of its parent, subsidiary and affiliated companies and officers, directors, employees, agents and representatives, both present and past.

3. As used herein, the term "person" includes any individual, corporation, company, division, partnership, agency or other organization or entity.

4. As used herein, the word "identify," when used in reference to an oral statement, means that Opposer shall provide the following information: State the name of the speaker; the date of the statement; the place at which the statement was made; the person or persons to whom the statement was addressed, if practicable, or otherwise a general description of the persons to whom the statement was addressed; the subject matter and substance of the statement; and if the statement was memorialized in a writing or mechanical, electronic or other recording, state the date and present location of said writing or mechanical, electronic or other recording.

5. As used herein, the word "identify," when used in connection with a document, means that Opposer shall provide the following information: the name of the author; the type of document or writing; the date; the addressee, if appropriate; the subject matter; and the present

location or whereabouts of the written statement. In lieu of such identification, you may attach a copy of the writing containing said written statement and refer thereto in your answer.

6. As used herein, the word "identify," when used in connection with an individual, means that Opposer shall provide the following information: the name of the individual; his or her present business and personal addresses; present employer (if self-employed, so state); position or title held, if applicable; and if the interrogatory applies to a previous period of time, give the above information as it existed at the time covered by the interrogatory.

7. As used herein, the word "document" shall be deemed to mean and include any written, recorded or graphic matter, however reproduced, including, but not limited to, any statement contained in books, records, memoranda, agreements, communications (including intracompany communications), reports, correspondence, telegrams, summaries or records of telephone conversations, summaries or records of personal conversations or interviews and diaries, statistical statements, graphs, notebooks, charts, forecasts, projections, drawings, checks, invoices, bills of sale, minutes or records of meetings or conferences, reports and/or summaries or investigations, opinions of counsel, consultants, investigators or others, labels, packaging, brochures, pamphlets, advertisements, circulars, trade letters, press releases, original or preliminary notes, drafts of any document and marginal comments appearing on any document, notes, papers and any other writings, whether originals or copies, formal or informal, of any nature, kind or description; and any other physical objects, including without limitation photographs and recordings, on or in which is recorded any information or in any other writing known to you or in your possession, custody or control.

8. Use of Conjunctive Terms As used herein, "and" as well as "or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of an Interrogatory all responses which otherwise might be construed as outside its scope.

9. Use of Singular, Plural and Tense of Terms As used herein, the singular shall include the plural and the present tense shall always include the past tense, and vice versa.

10. Opposer's Domain Name As used herein, the term "Opposer's Domain Name" refers to the www.dvdworld.com domain name referenced in Opposer's Notice of Opposition. As used herein, the term "Opposer's Domain Name" is not an admission or verification that Opposer has any type of ownership rights in, any right to use, or is entitled to any type of protection whatsoever for such domain name.

11. Related Marks As used herein, the term "Related Marks" refers to any trademarks or service marks used by Opposer incorporating the terms "DVD WORLD", "DVD" or "WORLD."

12. Applicant's Mark As used herein, the term "Applicant's Mark" means the "DVD WORLD" mark for which Applicant has filed application Serial Number 78/495,856.

13. Applicant's DVD WORLD & Design Mark As used herein, the term "Applicant's DVD WORLD & Design Mark" means the mark for which Applicant has secured United States Registration No. 2,912,970.

INTERROGATORIES

1. Identify the nature and scope of Opposer's business, its place or places of business, its form of business organization and its date of incorporation.
2. Identify any and all predecessors, or successors of Opposer, and all entities with any interest in Opposer's business involving Opposer's Domain Name and/or any Related Marks.
3. Identify all persons, including officers, directors and managerial employees of Opposer, that were involved in or have knowledge of the selection, design, and creation of Opposer's Domain Name and/or any Related Marks.
4. With respect to each such officer, director and managerial employee listed in the response to Interrogatory Number 3, describe his or her responsibilities, duties and length of tenure, including the dates when each commenced his or her employment.
5. Identify and describe each product and/or service sold by Opposer in connection with Opposer's Domain Name and/or any Related Marks, including any products and/or services which are no longer offered by Opposer.
6. For each product or service identified in answer to Interrogatory 5, identify:
 - (a) the earliest date when Opposer made such sale and the time period during which such sale continued;
 - (b) the locality and state in which such product was sold;
 - (c) all documents showing or describing such product;
 - (d) all documents reflecting each such sale including the price at which such product was or is offered for sale; and
 - (e) all persons with knowledge of such sale;
 - (f) the manufacturer of such products;
 - (g) the total number of such products manufactured; and

(h) the total number of such products currently in inventory.

7. Identify any clearance procedures and/or trademark searches conducted by Opposer or at Opposer's request with respect to Opposer's Domain Name and/or any Related Marks.

8. Identify the person or persons employed by Opposer who are or were primarily responsible for the selection of Opposer's Domain Name and/or any Related Marks.

9. Identify all advertisements and promotions showing Opposer's Domain Name and/or any Related Marks in connection with Opposer's goods and services and indicate the date when each advertisement appeared, the medium or media in which the advertisements or promotions appeared, the geographic locations where such advertisements or promotions appeared, and the class of consumer or purchaser to whom each advertisement or promotion was directed.

10. Identify the total dollar amount expended annually by Opposer in connection with the promotion and advertising of Opposer's Domain Name and/or Related Marks and identify all documents which reflect such expenditures.

11. Identify the total dollar amount of annual revenues received by Opposer in connection with goods and/or services sold in connection with Opposer's Domain Name and/or Related Marks and identify all documents which reflect such revenues.

12. Identify the channels of trade in which Opposer's Domain Name and/or Related Marks are used, or in which Opposer presently has a bona fide intent to use the Opposer's Domain Name and/or Related Marks, including but not limited to the names of any wholesale and retail distribution outlets used in connection with any goods or services sold in connection with Opposer's Domain Name and/or Related Marks.

13. Indicate the period of time during which Opposer has used Opposer's Domain Name and/or any Related Marks in each of the channels of trade listed in the response to Interrogatory Number 12.

14. Identify any policy which Opposer may have, written or otherwise, concerning the use, display, advertising and promotion of Opposer's Domain Name and/or any Related Marks, and identify any documents undertaken pursuant to and relating to such policy.

15. Identify all uses known to Opposer by persons other than itself of a mark containing the word "DVD WORLD" or any variants thereof.

16. Identify any and all actions, claims, opposition proceedings, or any similar legal or administrative proceeding involving Opposer's Domain Name and/or any Related Marks.

17. Identify all of Opposer's pending or prior trademark and/or service mark applications and/or registrations for marks, including but not limited to those containing the terms "DVD", "WORLD", "DVD WORLD" or any similar terms.

18. For each application or registration identified in the response to the preceding interrogatory, identify:

- (a) all persons who were involved in the selection, design and creation of the mark;
- (b) the date of filing, serial number and, if applicable, registration number of the application;
- (c) the goods or services upon which the mark was or is used;
- (d) the earliest date Opposer made such sale and the time period during which such sales continued;
- (e) the locality and state in which such product or service was sold or rendered;
- (f) all documents showing or describing such product or service;

- (g) all documents reflecting each such sale; and
- (h) the current status of the application, including explanation of any prior opposition proceedings, inter partes proceedings, claims, settlements, consents, licenses, abandonment, rejection or cancellation of or in connection with the application or registration.

19. State when and how Opposer first became aware of Applicant's Mark and who became aware of such mark.

20. State when and how Opposer first became aware of Applicant's DVD WORLD & Design Mark and who became aware of such mark.

21. Identify all of Opposer's applications for registration of domain names.

22. Identify all documents concerning Opposer's acquisition and ownership of the www.dvdworld.com domain name.

23. Identify any of Opposer's uses of Opposer's Domain Name and/or Related Marks on the Internet.

24. Identify any instance or occurrence in which Opposer or any person acting for or on behalf of Opposer has received any communication, oral or in writing, from any person which suggest, implies, or infers that Opposer may be connected or associated with Applicant or any other corporation, or which comprises any inquiry as to whether there is or may be or which evidences any connection or association.

25. Identify any instance or occurrence in which any person was actually confused between Opposer and Applicant or their services or goods due to their use of any marks, trade name or domain names, and describe with specificity each such instance or occurrence.

26. Identify all expert witnesses which Opposer has consulted with or retained with respect to any issues involved in this proceeding, and if such expert witnesses exist, identify all documents upon which the expert will base her expert opinion, and describe the subject matter concerning which he or she was consulted or retained.

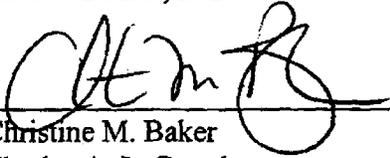
-
27. Identify all witnesses the Opposer intends to call to testify on its behalf in connection with this proceeding and state the facts or subject matter concerning which they are expected to testify.
28. Identify the documents upon which Opposer intends to rely upon in connection with this proceeding.
29. Identify all documents which support Opposer's contention that Applicant's mark lacks distinctiveness.
30. Identify all documents which support Opposer's contention that Applicant is not using Applicant's mark in connection with Motion Picture Production and Distribution in International Class 41.
31. Identify all documents which support Opposer's contention that Applicant is not using Applicant's mark as a trademark or service mark.
32. Identify all documents which support Opposer's contention that Applicant has misused the ® notice.
33. Identify all documents which support Opposer's contention that Applicant has failed to make a disclaimer of "DVD" in connection with the application for Applicant's Mark.
34. Identify the date upon which Opposer first made use of a website in connection with Opposer's Domain Name.
35. Identify any periods in which Opposer's Domain Name did not support an active website, specifying all relevant dates of use or non-use.
36. Identify any and all documents responsive to the foregoing interrogatories which have been lost or destroyed, the dates and the reasons for such loss or destruction and the persons most knowledgeable about such loss or destruction.

37. Identify all persons who participated or assisted in the search for answers to each of the foregoing interrogatories and specify in what aspects of the search each such person participated or for which aspect he or she was responsible.

Dated: New York, New York
May 17, 2006

**MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.**

By: _____


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Beverly Hills, CA 90212

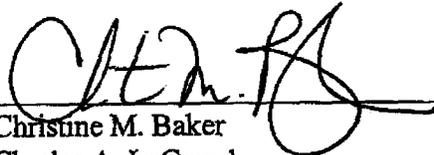
Certification of Mailing

I hereby certify that the foregoing Applicant's First Set of Interrogatories to Opposer was deposited with the United States Postal Service as first class mail in an envelope addressed as follows on this 17th day of May 2006:

R. Joseph Trojan, Esq.
Ye Won Min, Esq.
Trojan Law Offices
9250 Wilshire Blvd.
Suite 325
Beverly Hills, CA 90212

MINTZ LEVIN COHN FERRIS GLOVSKY
AND POPEO, P.C.

By: _____


Christine M. Baker
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666 Third Avenue
New York, New York 10017
(212) 935-3000
Attorneys for Applicant

DOCUMENT C

Pages- 24
3-16
Anita Dhalwal

is substantially the same for Applicant and Opposer, Opposer reserves its right to use any such documents or the information contained therein.

2. These responses and objections are made solely for the purpose of this action. Each response is subject to all objections as to competence, authenticity, foundation, relevance, materiality, propriety, privilege and admissibility and any and all other objections that would require exclusion of any statement in these responses and objections if that statement were made by a witness testifying in court. Opposer reserves all of those objections and may interpose any of them in any subsequent proceeding or at the time of trial. Opposer further reserves the right to object to the introduction of these responses and objections into evidence and the right to object on any ground at any time to other discovery involving the subject matter of the Interrogatories or Opposer's responses and objections to the Interrogatories.

3. Opposer makes or intends no incidental or implied admissions by its objections and responses to these Interrogatories. Nothing in these objections and responses shall be construed as a waiver by Opposer of all or any part of any objection to any Interrogatory.

GENERAL OBJECTIONS

1. Opposer objects that these Interrogatories are overbroad, oppressive, and unduly burdensome.

2. Opposer objects to the definitions, instructions, and requests in the Interrogatories to the extent that they demand documents or information beyond the scope of discovery.

3. Opposer objects to each and every Interrogatory to the extent that it seeks information that is more readily discoverable by other means.

4. Opposer objects to each and every Interrogatory to the extent that it calls for Opposer (a) to consult or produce information or documents not in Opposer's possession, custody or control, (b) to consult or produce information or documents to which Applicant has or has had equal access, or (c) to identify or describe persons, entities or events not reasonably known to Opposer, on the grounds that such an inquiry would exceed any obligation imposed by law, would subject Opposer to unreasonable and undue burden and expense, and would seek to impose upon Opposer an obligation to investigate or discover information or materials from third parties or sources that are or were equally accessible to Applicant.

5. Opposer objects to each and every Interrogatory to the extent it calls for information protected from disclosure by the attorney-client privilege, the attorney-work product doctrine, and/or any other applicable privilege or protection, including, but not limited to, information from documents that: were prepared for or in anticipation of litigation; contain or reflect the analysis, mental impressions, or work of counsel; contain or reflect attorney-client communications; or are otherwise privileged. Any inadvertent disclosure of privileged or protected information shall not constitute a waiver, in whole or in part, of any such privilege. Applicant shall not use in any manner whatsoever any information derived solely from any inadvertently disclosed privileged or protected information.

6. Opposer objects to each and every Interrogatory to the extent that it contains subparts or is a compound, conjunctive or disjunctive question.

7. Opposer objects to each and every Interrogatory to the extent that it calls for information already in Applicant's possession, custody, or control, or to which Applicant has had equal access. Opposer further objects to each and every Interrogatory as unduly burdensome to the extent that responsive information is contained in publicly available

materials, including, but not limited to, business directories, newspaper clippings, and Internet sites that are as equally accessible to Applicant as to Opposer. Similarly, Opposer objects to each and every Interrogatory to the extent that it calls for information that has already been produced in this litigation. To the extent that Opposer has produced documents to Applicant which contain responsive information, the burden of identifying such documents and the information contained therein is substantially the same for Applicant and Opposer.

8. Opposer objects to each and every Interrogatory to the extent that it seeks to require Opposer to do more than use reasonable diligence in preparing its response based on an examination of those files that reasonably may be expected to yield responsive information. Opposer further objects to each and every subpart of the Interrogatory to the extent that it seeks production of information unrelated to the scope of this Opposition.

9. Opposer objects to each and every Interrogatory to the extent that it seeks proprietary or confidential business information, trade secrets, medical, personal, or other sensitive information. Opposer will only disclose such information subject to the May 5, 2006 Stipulated Protective Order in this proceeding.

10. Opposer objects to each and every Interrogatory to the extent that it assumes disputed facts or legal conclusions. Opposer's objection and response to any Interrogatory does not constitute a waiver of its objection to those disputed facts or legal conclusions.

11. Opposer objects to each and every Interrogatory to the extent that the information sought is unreasonably cumulative or duplicative, has previously been produced in this litigation, or is obtainable from some other source that is more convenient, less burdensome, or less expensive.

12. Opposer objects to each and every Interrogatory to the extent that it seeks the disclosure of information that is neither relevant to the subject matter of the lawsuit nor reasonably calculated to lead to the discovery of admissible evidence.

**OBJECTIONS TO THE DEFINITIONS AND INSTRUCTIONS IN THE
INTERROGATORIES**

1. Opposer objects to all definitions to the extent that they are vague, confusing and overbroad. Opposer will interpret the Interrogatories reasonably and in good faith in accordance with common English usage as supplemented by Opposer's understanding of the common meaning of terms.

2. Opposer objects to the definition of the term "Opposer" in that Opposer is a natural person and the definition of the term does not make sense as well as possibly rendering the Interrogatories overly broad, unduly burdensome and calls for the production of information beyond what is required by Rule 33 of the Federal Rules of Civil Procedure.

3. Opposer objects to the definition of the term "identify" to the extent that it calls for Opposer to provide information beyond the requirements of Rule 33 of the Federal Rules of Civil Procedure.

4. Opposer objects to the definition of the term "Related Marks" in that it is overly broad, vague, unduly burdensome, and calls for the production of information beyond what is required by Rule 33 of the Federal Rules of Civil Procedure.

INTERROGATORIES

Subject to, consistent with, and without waiving its General Objections, Opposer responds and objects to the Interrogatories as follows:

Interrogatory 1

Identify the nature and scope of Opposer's business, its place or places of business, its form of business organization and its date of incorporation.

Response to Interrogatory No. 1

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer further objects to the Interrogatory as confusing and irrelevant in that Opposer is an individual, a natural person.

Interrogatory 2

Identify any and all predecessors, or successors of Opposer, and all entities with any interest in Opposer's business involving Opposer's Domain Name and/or any Related Marks.

Response to Interrogatory No. 2

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer further objects to the Interrogatory as confusing and irrelevant in that Opposer is an individual, a natural person. Opposer also objects to the Interrogatory in that it has no relevance to the proceeding at hand. Without waiving its objections, Opposer states that it is the sole owner of the domain name www.dvdworld.com.

Interrogatory 3

Identify all persons, including officers, directors and managerial employees of Opposer, that were involved in or have knowledge of the selection, design, and creation of Opposer's Domain Name and/or any Related Marks.

Response to Interrogatory No. 3

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer further objects

to the Interrogatory as confusing and irrelevant in that Opposer is an individual, a natural person. Opposer also objects to the Interrogatory in that it has no relevance to the proceeding at hand. Without waiving its objections, Opposer states that David Lahoti has knowledge regarding the selection of the www.dvdworld.com domain name.

Interrogatory 4

With respect to each such officer, director and managerial employee listed in the response to Interrogatory Number 3, describe his or her responsibilities, duties and length of tenure, including the dates when each commenced his or her employment.

Response to Interrogatory No. 4

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer further objects to the Interrogatory as confusing and irrelevant in that Opposer is an individual, a natural person. Opposer also objects to the Interrogatory in that it has no relevance to the proceeding at hand. Without waiving its objections, Opposer states that David Lahoti is responsible for maintaining the www.dvdworld.com website.

Interrogatory 5

Identify and describe each product and/or service sold by Opposer in connection with Opposer's Domain Name and/or any Related Marks, including any products and/or services which are no longer offered by Opposer.

Response to Interrogatory No. 5

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that the www.dvdworld.com website has not been used to sell products or services during Opposer's ownership of the www.dvdworld.com website.

Interrogatory 6

For each product or service identified in answer to Interrogatory 5, identify:

- (a) the earliest date when Opposer made such sale and the time period during which such sale continued;*
- (b) the locality and 'state in which such product was sold;*
- (c) all documents showing or describing such product;*
- (d) all documents reflecting each such sale including the price at which such product was or is offered for sale; and*
- (e) all persons with knowledge of such sale;*
- (f) the manufacturer of such products;*
- (g) the total number of such products manufactured; and*
- (h) the total number of such products currently in inventory.*

Response to Interrogatory No. 6

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that the website has not been used to sell products or services during Opposer's ownership of the website.

Interrogatory 7

Identify any clearance procedures and/or trademark searches conducted by Opposer or at Opposer's request with respect to Opposer's Domain Name and/or any Related Marks.

Response to Interrogatory No. 7

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that no searches were conducted by Opposer prior to the acquisition of the domain name www.dvdworld.com.

Interrogatory 8

Identify the person or persons employed by Opposer who are or were primarily responsible for the selection of Opposer's Domain Name and/or any Related Marks.

Response to Interrogatory No. 8

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that Opposer has no employees primarily responsible for the selection of the domain name www.dvdworld.com.

Interrogatory 9

Identify all advertisements and promotions showing Opposer's Domain Name and/or any Related Marks in connection with Opposer's goods and services and indicate the date when each advertisement appeared, the medium or media in which the advertisements or promotions appeared, the geographic locations where such advertisements or promotions appeared, and the class of consumer or purchaser to whom each advertisement or promotion was directed.

Response to Interrogatory No. 9

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that Opposer has no advertisements or promotions concerning the www.dvdworld.com domain name.

Interrogatory 10

Identify the total dollar amount expended annually by Opposer in connection with the promotion and advertising of Opposer's Domain Name and/or Related Marks and identify all documents which reflect such expenditures.

Response to Interrogatory No. 10

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that it does not promote or advertise the www.dvdworld.com domain name.

Interrogatory 11

Identify the total dollar amount of annual revenues received by Opposer in connection with goods and/or services sold in connection with Opposer's Domain Name and/or Related Marks and identify all documents which reflect such revenues.

Response to Interrogatory No. 11

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that Opposer has no advertisements or promotions concerning the www.dvdworld.com domain name.

Interrogatory 12

Identify the channels of trade in which Opposer's Domain Name and/or Related Marks are used, or in which Opposer presently has a bona fide intent to use the Opposer's Domain Name and/or Related Marks, including but not limited to the names of any wholesale and retail distribution outlets used in connection with any goods or services sold in connection with Opposer's Domain Name and/or Related Marks.

Response to Interrogatory No. 12

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that Opposer intended and intends to use the www.dvdworld.com domain name to sell and/or distribute DVDs.

Interrogatory 13

Indicate the period of time during which Opposer has used Opposer's Domain Name and/or any Related Marks in each of the channels of trade listed in the response to Interrogatory Number 12.

Response to Interrogatory No. 13

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that Opposer has not used the domain name www.dvdworld.com to sell or distribute DVDs.

Interrogatory 14

Identify any policy which Opposer may have, written or otherwise, concerning the use, display, advertising and promotion of Opposer's Domain Name and/or any Related Marks, and identify any documents undertaken pursuant to and relating to such policy.

Response to Interrogatory No. 14

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer also objects to the Interrogatory in that it has no relevance to the proceeding at hand. Without waiving its objections, Opposer states that it has no official or written policy concerning the use of the www.dvdworld.com domain name.

Interrogatory 15

Identify all uses known to Opposer by persons other than itself of a mark containing the word "DVD WORLD" or any variants thereof.

Response to Interrogatory No. 15

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer states that other users of "dvd world" or variants thereof are equally discoverable upon research by both Opposer and Applicant. Without waiving its objections, Opposer states that it is aware of a user in Oregon as well as various users of domain names, including:

DVDWORLDUSA.COM
DVDWORLD.CO.UK
DVDWORLD.DE
DVDWORLD.NL
1800DVDWORLD.COM
2DVDWORLD.COM
ADULTDVDWORLD.COM
ADULTDVDWORLD.NET
ADULTDVDWORLDONLINE.COM
ANIME-DVD-WORLD.COM
ANIME-DVDWORLD.COM
ANIMEDVDWORLD.COM
ASIANDVDWORLD.COM
BARGAINDVDWORLD.COM
BLU-RAYDVDWORLD.COM
BLURAYDVDWORLD.COM
BLURAYDVDWORLD.NET
CARTOONDVDWORLD.COM
CD-DVDWORLD.COM
CD-DVDWORLD.NET
CDDVDWORLD.COM
CUSTOMDVDWORLD.COM
DISCOUNTDVDWORLD.COM
DOLLARDVDWORLD.COM
DUALDVDWORLD.COM
DVD-WORLD.COM
DVD-WORLD.NET
DVD-WORLD24.COM
DVDWORLD-WEB.COM
DVDWORLD.COM
DVDWORLD.NET
DVDWORLD24.COM
DVDWORLDAUCTIONS.COM
DVDWORLDALI.COM
DVDWORLDCOMPANY.COM
DVDWORLDIRECT.COM
DVDWORLDISTRIBUTION.COM
DVDWORLDEXPRESS.COM
DVDWORLDFREE.COM
DVDWORLDRAISING.COM
DVDWORLDGAMES.COM
DVDWORLDHOMEVIDEO.COM
DVDWORLDITALIA.COM
DVDWORLDLP.COM
DVDWORLDMAG.COM
DVDWORLDMALL.COM

DVDWORLDMUSIC.COM
DVDWORLDNET.NET
DVDWORLDNEWS.COM
DVDWORLDONLINE.COM
DVDWORLDONLINE.NET
DVDWORLDPICTURES.COM
DVDWORLDPREMIERE.COM
DVDWORLDPRODUCTIONS.COM
DVDWORLDREPORT.COM
DVDWORLDS.COM
DVDWORLDS.NET
DVDWORLDSEALS.COM
DVDWORLDSHOP.COM
DVDWORLDSTORE.COM
DVDWORLDTRAVEL.COM
DVDWORLDUK.NET
DVDWORLDUSA.COM
DVDWORLDUSA.NET
DVDWORLDVALENCIA.COM
DVDWORLDWEBCREATIONS.COM
DVDWORLDWEBHOSTING.COM
DVDWORLDWIDE.COM
DVDWORLDWIDE.NET
EROTICDVDWORLD.COM
EROTIK-DVD-WORLD.COM
EROTIK-DVD-WORLD.NET
EURODVDWORLD.COM
FREEDVDWORLD.COM
GAYDVDWORLD.COM
HD-DVDWORLD.COM
HD-DVDWORLD.NET
HDDVDWORLD.COM
HDDVDWORLD.NET
HITACHIDVDWORLD.COM
JAPANDVDWORLD.COM
K-DEESDVDWORLD.COM
MADONNADVDWORLD.COM
MAGICDVDWORLD.COM
MAGICDVDWORLD.NET
MC-DVD-WORLD.COM
MUSICDVDWORLD.COM
MY-DVD-WORLD.COM
MYDVDWORLD.COM
NEW-DVD-WORLD.COM
NEW-DVD-WORLD.NET
NT-DVD-WORLD.COM

NT-DVD-WORLD.NET
PLAYBOYDVDWORLD.COM
PORN-DVD-WORLD.COM
PORNDVDWORLD.COM
PORTABLEDVDWORLD.COM
RDVDWORLD.COM
ROBINSDVDWORLD.COM
SEXDVDWORLD.COM
SONYDVDWORLD.COM
TELUGUDVDWORLD.COM
THEDVDWORLD.COM
THEDVDWORLDCOMPANY.COM

TRISTATEMUSICDVDWORLD.COM
TSDVDWORLD.COM
WWWDVDWORLD.COM
XDVDWORLD.COM
XXX-DVD-WORLD.COM
XXX-DVDWORLD.COM
XXX-SEXTOY-VIDEO-DVD-
WORLD.COM
XXXDVDWORLD.COM
XXXDVDWORLD.NET
YOURDVDWORLD.COM

Interrogatory 16

Identify any and all actions, claims, opposition proceedings, or any similar legal or administrative proceeding involving Opposer's Domain Name and/or any Related Marks.

Response to Interrogatory No. 16

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that there are no other actions, claims, opposition proceedings, or any similar legal or administrative proceeding involving Opposer's Domain Name apart from the one at hand.

Interrogatory 17

Identify all of Opposer's pending or prior trademark and/or service mark applications and/or registrations for marks, including but not limited to those containing the terms "DVD", "WORLD", "DVD WORLD" or any similar terms.

Response to Interrogatory No. 17

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer further objects to the Interrogatory as confusing, vague and overbroad. Opposer also objects to the Interrogatory in that it has no relevance to the proceeding at hand. Without waiving its

objections, Opposer states that Opposer has no other pending or prior trademark applications or registrations for marks that include the term DVD WORLD.

Interrogatory 18

For each application or registration identified in the response to the preceding interrogatory, identify:

- (a) all persons who were involved in the selection, design and creation of the mark;*
- (b) the date of filing, serial number and, if applicable, registration number of the application;*
- (c) the goods or services upon which the mark was or is used;*
- (d) the earliest date Opposer made such sale and the time period during which such sales continued;*
- (e) the locality and state in which such product or service was sold or rendered;*
- (f) all documents showing or describing such product or service;*
- (g) all documents reflecting each such sale; and*
- (h) the current status of the application, including explanation of any prior opposition proceedings, inter partes proceedings, claims, settlements, consents, licenses, abandonment, rejection or cancellation of or in connection with the application or registration.*

Response to Interrogatory No. 18

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer further objects to the Interrogatory as confusing, vague and overbroad. Opposer also objects to the Interrogatory in that it has no relevance to the proceeding at hand. Without waiving its objections, Opposer states that Opposer has no other pending or prior trademark applications or registrations for marks that include the term DVD WORLD.

Interrogatory 19

State when and how Opposer first became aware of Applicant's Mark and who became aware of such mark.

Response to Interrogatory No. 19

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer also objects to the Interrogatory in that it has no relevance to the proceeding at hand. Without waiving its objections, Opposer states that it first became aware of Applicant's existence when it received an email from John Clark of Applicant's "Legal Dept" on December 22, 2004.

Interrogatory 20

State when and how Opposer first became aware of Applicant's DVD WORLD & Design Mark and who became aware of such mark.

Response to Interrogatory No. 20

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer also objects to the Interrogatory in that it has no relevance to the proceeding at hand. Without waiving its objections, Opposer states that it first became aware of Applicant's existence when it received an email from John Clark of Applicant's "Legal Dept" on December 22, 2004.

Interrogatory 21

Identify all of Opposer's applications for registration of domain names.

Response to Interrogatory No. 21

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer further objects to the Interrogatory as beyond the scope of these proceedings. Opposer also objects to the Interrogatory in that it has no relevance to the proceeding at hand.

Interrogatory 22

Identify all documents concerning Opposer's acquisition and ownership of the www.dvdworld.com domain name.

Response to Interrogatory No. 22

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that it acquired the domain name from a domain name auction site.

Interrogatory 23

Identify any of Opposer's uses of Opposer's Domain Name and/or Related Marks on the Internet.

Response to Interrogatory No. 23

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer further objects to the Interrogatory as confusing, vague and overbroad. Opposer also objects to the Interrogatory in that it has no relevance to the proceeding at hand. Without waiving its objections, Opposer states that the domain name www.dvdworld.com does not currently support an active website.

Interrogatory 24

Identify any instance or occurrence in which Opposer or any person acting for or on behalf of Opposer has received any communication, oral or in writing, from any person which suggest, implies, or infers that Opposer may be connected or associated with Applicant or any other corporation, or which comprises any inquiry as to whether there is or may be or which evidences any connection or association.

Response to Interrogatory No. 24

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer further objects to the Interrogatory as confusing and vague. Without waiving its objections, Opposer states

that it has not received any communication suggesting, implying or inferring Opposer's connection or association with Applicant.

Interrogatory 25

Identify any instance or occurrence in which any person was actually confused between Opposer and Applicant or their services or goods due to their use of any marks, trade name or domain names, and describe with specificity each such instance or occurrence.

Response to Interrogatory No. 25

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer further objects to the Interrogatory as confusing and vague. Without waiving its objections, Opposer states that it has not received any communication suggesting, implying or inferring Opposer's connection or association with Applicant.

Interrogatory 26

Identify all expert witnesses which Opposer has consulted with or retained with respect to any issues involved in this proceeding, and if such expert witnesses exist, identify all documents upon which the expert will base her expert opinion, and describe the subject matter concerning which he or she was consulted or retained.

Response to Interrogatory No. 26

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that Opposer has not yet determined which expert witnesses it intends to call to trial in this case.

Interrogatory 27

Identify all witnesses the Opposer intends to call to testify on its behalf in connection with this proceeding and state the facts or subject matter concerning which they are expected to testify.

Response to Interrogatory No. 27

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that it has not yet identified witnesses it intends to call.

Interrogatory 28

Identify the documents upon which Opposer intends to rely upon in connection with this proceeding.

Response to Interrogatory No. 28

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that it intends to rely upon the documents produced by Applicant, Applicant's own website, and websites that use DVD WORLD as a source identifier.

Interrogatory 29

Identify all documents which support Opposer's contention that Applicant's mark lacks distinctiveness.

Response to Interrogatory No. 29

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer identifies the websites listed in response to Interrogatory 15. Opposer reserves the right to supplement this response with other documents.

Interrogatory 30

Identify all documents which support Opposer's contention that Applicant is not using Applicant's mark in connection with Motion Picture Production and Distribution in International Class 41.

Response to Interrogatory No. 30

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer identifies Applicant's own website and document production.

Interrogatory 31

Identify all documents which support Opposer's contention that Applicant is not using Applicant's mark as a trademark or service mark.

Response to Interrogatory No. 31

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer identifies documents produced by Applicant and Applicant's own website.

Interrogatory 32

Identify all documents which support Opposer's contention that Applicant has misused the ® notice.

Response to Interrogatory No. 32

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer identifies Applicant's own website as documents showing misuse of the

® notice. Opposer responds that it has not yet designated documents to be introduced into evidence in this proceeding.

Interrogatory 33

Identify all documents which support Opposer's contention that Applicant has failed to make a disclaimer of "DVD" in connection with the application for Applicant's Mark.

Response to Interrogatory No. 33

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer reserves the right to supplement this response with other documents. Without waiving its objections, Opposer responds that it has not yet designated documents to be introduced into evidence in this proceeding.

Interrogatory 34

Identify the date upon which Opposer first made use of a website in connection with Opposer's Domain Name.

Response to Interrogatory No. 34

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Opposer further objects to the Interrogatory as vague and confusing. Opposer also objects to the Interrogatory in that it has no relevance to the proceeding at hand. Without waiving its objections, Opposer states that Opposer does not have an active website at www.dvdworld.com.

Interrogatory 35

Identify any periods in which Opposer's Domain Name did not support an active website, specifying all relevant dates of use or non-use.

Response to Interrogatory No. 35

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without limitation in time or to a time frame or time frames relevant to this proceeding, this interrogatory also seeks the discovery of information or documents neither relevant to a claim or defense of any party, or to the subject matters of this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence, and Opposer objects on these grounds. Without waiving its objections, Opposer states that to during its ownership Opposer has not operated an active website at www.dvdworld.com.

Interrogatory 36

Identify any and all documents responsive to the foregoing interrogatories which have been lost or destroyed, the dates and the reasons for such loss or destruction and the persons most knowledgeable about such loss or destruction.

Response to Interrogatory No. 36

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that it is now aware of any documents that have been lost or destroyed, unless Applicant has destroyed portions of its website.

Interrogatory 37

Identify all persons who participated or assisted in the search for answers to each of the foregoing interrogatories and specify in what aspects of the search each such person participated or for which aspect he or she was responsible.

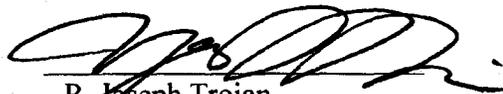
Response to Interrogatory No. 37

Opposer incorporates by reference its Preliminary Statement, General Objections, and Objections to the Definitions and instructions in the Interrogatories. Without waiving its objections, Opposer states that Dave Lahoti assisted in the general preparation of the responses as well as in providing the domain names in response to Interrogatory 15.

Opposer Anita Dhaliwal
by

Dated:

June 16, 2006



R. Joseph Trojan
Ye Won Min

Trojan Law Offices
9250 Wilshire Blvd.
Suite 325
Beverly Hills, CA 90212

PROOF OF SERVICE

I am over the age of 18 years, employed in the County of Los Angeles, and not a party to the above entitled action. My business address is 9250 Wilshire Blvd., Suite 325, Beverly Hills, California 90212.

On June 16, 2006, I served:

-OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSIONS;

-OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S FIRST SET OF INTERROGATORIES; and

-OPPOSER'S RESPONSE TO APPLICANT'S REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

by transmitting to:

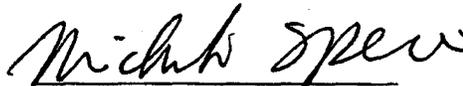
Christine M. Baker, Esq.
MINTZ LEVIN COHEN FERRIS GLOVSKY and POPEO, PC
666 Third Ave.
New York, NY 10017
Fax 212-983-3115

BY FACSIMILE: I caused a copy of such document to be sent via facsimile machine to the office of the addressee(s) at the phone number shown above.

BY MAIL: I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Beverly Hills, California, in the ordinary course of business. I am aware that on the motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing shown on this proof of service.

FEDERAL: I declare, under penalty of perjury under the laws of the United States that the foregoing is true and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 16, 2006, at Beverly Hills, California.


Michiko Speier

DOCUMENT E

Pages-6 E
3-16 10
WITNESSES: Anita Dhalwal

GENERAL OBJECTIONS

1. Opposer objects to Applicant's Requests for Admissions to the extent that: (a) Applicant seeks to require Opposer to provide any information beyond what is available to Opposer at present from a reasonable inquiry of its present employees and/or is beyond Opposer's possession, custody, or control; and/or (b) Applicant seeks to impose on Opposer any obligation not imposed by the Federal Rules of Civil Procedure.

2. Opposer objects to revealing information protected by the attorney-client privilege and/or attorney work product immunity. Furthermore, Opposer objects to Applicant's Request for Production to the extent that it is overbroad and unduly burdensome.

3. Opposer objects to Applicant's requests on the grounds that they are vague and ambiguous insofar as many terms are undefined or can be read to have different meanings.

4. Opposer objects to Applicant's requests to the extent that they call for information that comprises trade secrets or confidential proprietary technical and business information of Opposer.

5. To the extent that Opposer responds at a future date, such response is made in an effort to expedite discovery in this action, and nothing in any response should be construed as waiving any rights or objections which otherwise might be available to Opposer, nor shall Opposer's answers to any of these requests be deemed an admission of relevancy, materiality, or admissibility in evidence of the requests or the responses thereto.

6. Opposer objects to the definition of "Related Marks" in Applicant's Requests on the grounds of being vague and ambiguous, and the use of the terms in the Requests render the Requests overly broad, unduly burdensome, and seeks the production of documents that

are neither relevant to any claim or defense, nor reasonably calculated to lead to the discovery of admissible evidence.

7. These General Objections apply to all of Opposer's responses as if interposed in response to each discovery request. To the extent that specific objections are raised because they are particularly applicable to a specific discovery request, these specific objections shall not be construed as a waiver of any applicable General Objections.

8. The following responses reflect Opposer's present knowledge, information, and belief, as well as documents currently within their possession, custody, and control, and are subject to change or modification based on Opposer's investigation or on facts or circumstances which may come to Opposer's knowledge.

RESPONSES AND OBJECTIONS TO INDIVIDUAL REQUESTS

Subject to and consistent with its General Objections, and without waiving any of those objections, Opposer responds and objects to the Requests as follows:

REQUEST FOR ADMISSION NO.1:

Admit that Opposer acquired Opposer's Domain Name after November 19, 1998.

RESPONSE TO REQUEST NO.1:

Admitted.

REQUEST FOR ADMISSION NO.2:

Admit that Opposer made no use of Opposer's Domain Name until after November 29, 2004.

RESPONSE TO REQUEST NO. 2:

Admitted.

REQUEST FOR ADMISSION NO.3:

Admit that the Opposer made no use of any Related Marks until after November 19, 1998.

RESPONSE TO REQUEST NO.3:

Admitted.

REQUEST FOR ADMISSION NO.4:

Admit that the Opposer made no use of any Related Marks until after 2003.

RESPONSE TO REQUEST NO.4:

Admitted.

REQUEST FOR ADMISSION NO.5:

Admit that Opposer has never sold any goods or provided any services in connection with Opposer's Domain Name.

RESPONSE TO REQUEST NO. 5:

Admitted.

REQUEST FOR ADMISSION NO.6:

Admit that Opposer's Domain Name does not currently support an active website.

RESPONSE TO REQUEST NO.6:

Admitted.

Opposer Anita Dhaliwal
by

Dated: *June 16 2006*



R. Joseph Trojan
Ye Won Min
Trojan Law Offices
9250 Wilshire Blvd.
Suite 325
Beverly Hills, CA 90212

PROOF OF SERVICE

I am over the age of 18 years, employed in the County of Los Angeles, and not a party to the above entitled action. My business address is 9250 Wilshire Blvd., Suite 325, Beverly Hills, California 90212.

On June 16, 2006, I served:

-OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSIONS;

-OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S FIRST SET OF INTERROGATORIES; and

-OPPOSER'S RESPONSE TO APPLICANT'S REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

by transmitting to:

Christine M. Baker, Esq.
MINTZ LEVIN COHEN FERRIS GLOVSKY and POPEO, PC
666 Third Ave.
New York, NY 10017
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FEDERAL: I declare, under penalty of perjury under the laws of the United States that the foregoing is true and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 16, 2006, at Beverly Hills, California.


Michiko Speier

DOCUMENT G

Pages - 28 EXHIBIT G
FOR IDENTIFICATION
3-16 10
FANNETTE INSOLVENCY CONSULTANTS
WITNESS: Anita Dhalwal

Further, to the extent Opposer may supplement its response at a future date, such supplemental responses are made in an effort to expedite discovery in this action, and nothing in any response should be construed as waiving any rights or objections which otherwise might be available to Opposer.

Finally, the production of any documents by Opposer in response to these Requests shall not be deemed an admission of relevancy, materiality or admissibility in evidence of any such documents.

GENERAL OBJECTIONS

1. Opposer objects to each and every Request to the extent that it: (a) seeks to require Opposer to provide any information beyond what is available to Opposer at present from a reasonable inquiry and/or is beyond Opposer's possession, custody, and/or control; and/or (b) seeks to impose on Opposer any obligation beyond those imposed by the Federal Rules of Civil Procedure and/or the Trademark Trial and Appeal Board Manual of Procedure.
2. Opposer objects to each and every Request to the extent that it seeks information that is not relevant to the issues in this litigation and/or is not reasonably calculated to lead to the discovery of relevant or admissible evidence.
3. Opposer objects to each and every Request to the extent that it is overly broad, unduly burdensome, cumulative, duplicative and redundant, including to the extent that responsive documents are in Applicant's possession, custody, or control, or as to which Applicant has equal access.
4. Opposer objects to Applicant's Requests to the extent that they are unreasonably vague and ambiguous insofar as any term is undefined, or can be read to have different meanings.

5. Opposer objects to each and every Request to the extent that it seeks documentation or other information protected by attorney-client privilege and/or attorney work product immunity. To the extent that privileged and/or work product information is called for, the information will be identified in a manner agreed to by counsel, in a listing of privileged and work product documents, which will be exchanged at a date to be agreed upon among counsel. Any privileged information shall not be produced.

6. Opposer objects to each and every Request to the extent that it calls for information that comprises trade secrets or confidential commercial, financial, technical and/or proprietary business information, or other sensitive information, or seeks documents that contain information that is non-responsive to the Requests. Opposer further objects to each and every Request to the extent that they seek information protected by constitutional, statutory and/or common law rights to personal privacy and confidentiality.

7. Opposer objects to each and every Request to the extent it seeks to compel the production or disclosure of confidential and/or privileged material protected under, without limitation, the attorney-client privilege and the work product doctrine, consulting expert, or any other statutory or common-law privilege, prohibition, limitation, or immunity from disclosure. Any inadvertent production of a privileged or protected document shall not constitute a waiver, in whole or in part, of any such privilege or protection. Any document subject to a privilege, if inadvertently produced, shall be returned by Applicant immediately. Applicant shall not use any information derived solely from an inadvertently produced document that is privileged or protected in any manner. Opposer objects to the instruction concerning the creation of a privilege log to the extent that it requires the production of information beyond that required by the Federal Rules of Civil Procedure. Opposer will

neither produce nor log documents solely related to the litigation or administration of this action.

8. Opposer objects to each and every Request to the extent that it calls for the production of documents that are not in Opposer's possession, custody, or control, including those that are not maintained by Opposer in the normal course of business or are no longer maintained by Opposer, as beyond that required by the Federal Rules of Civil Procedure.

9. Opposer objects to each and every Request to the extent that it seeks the production of "all documents" where "documents sufficient to show," or a reasonable quantity of documents, would suffice to identify the requested data or information.

10. To the extent that any Request seeks documents that include expert material, Opposer objects to any such Request as premature and expressly reserves the right to supplement, clarify, revise, or correct any or all responses to such Request, and to assert additional objections or privileges, in one or more subsequent supplemental response(s) in accordance with the time period for exchanging expert reports to be determined by the Court.

11. Opposer objects to the definition of "Related Marks" in Applicant's Requests on the grounds of being vague and ambiguous, and the use of the terms in the Requests render the Requests overly broad, unduly burdensome, and seeks the production of documents that are neither relevant to any claim or defense, nor reasonably calculated to lead to the discovery of admissible evidence.

12. These General Objections apply to all of Opposer's responses. To the extent that specific General Objections are provided or reiterated in response to any particular request for production, such General Objections are believed to be particularly applicable to

the specific request and the same should not to be construed as a waiver to the other General Objection(s), which may be applicable to the requested information and/or documentation.

RESPONSES AND OBJECTIONS TO INDIVIDUAL REQUESTS

Subject to and consistent with its General Objections, and without waiving any of those objections, Opposer responds and objects to the Requests as follows:

REQUEST FOR PRODUCTION NO. 1

All documents and things required by Opposer to be identified in response to Applicant's First Set of Interrogatories to Opposer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1

Opposer incorporates its General Objections into this response. Opposer further objects to this Request to the extent that it is unduly burdensome and oppressive. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Opposer further objects to this Request to the extent that the identified documents are already in the possession, custody, or control of Applicant. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 2

All documents and things not identified in answers to Applicant's First Set of Interrogatories to Opposer which were relied upon, in whole or in part, by Opposer in answering such Interrogatories, or which otherwise support Opposer's answers thereto.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2

Opposer incorporates its General Objections into this response. Opposer further objects to this Request to the extent that it is unduly burdensome and oppressive. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Opposer further objects to this Request to the extent that the identified documents are already in the possession, custody, or control of Applicant. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 3

Specimens of each label, brochure, tag, trade dress, package, advertisement or the like ever used or planned to be used by Opposer in connection with the sale, offering for sale or distribution of goods or services in connection with Opposer's Domain Name and/or any Related Marks, including specimens reflecting Opposer's initial use of Opposer's Domain Name and/or any Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states there are no such documents in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 4

All documents referring or relating to the use of Opposer's Domain Name and/or any Related Marks in the actual or anticipated marketing, distribution, sale, advertising or promotion of Opposer's goods or services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 5

All documents referring or relating to any past or present claim of right to use Opposer's Domain Name and/or any Related Marks and/or any license or assignment through or under which Opposer claims any right in such domain name and/or marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as confusing, vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 6

All documents referring, relating to or evidencing any likelihood of confusion or instances of confusion caused by the use of Applicant's Mark by any person, including but not limited to any confusion between the goods, services or businesses operated by Opposer and Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Opposer further objects to this Request to the extent that the identified documents are in the possession of Applicant. Subject to and consistent with all of its objections, Opposer states there are no such documents in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 7

All documents referring or relating to any complaint, objection, opposition, cancellation, administrative proceeding, legal opinion or civil action involving Opposer's use of or application for registration of Opposer's Domain Name and/or any Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated

to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states there are no such documents in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 8

All documents referring or relating to complaints voiced by distributors, salespersons, customers, or others involved in the marketing and/or distribution of Opposer's goods or services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states there are no such documents in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 9

All documents referring or relating to Applicant or the use of Applicant's Mark including but not limited to any investigation of Applicant initiated by Opposer or at Opposer's behest.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9

Opposer incorporates its General Objections into this response. Opposer further objects to this Request to the extent that it is unduly burdensome and oppressive. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably

calculated to lead to discovery of admissible evidence. Opposer further objects to this Request to the extent that the identified documents are already in the possession, custody, or control of Applicant. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 10

All documents referring or relating to Opposer's licensing or assignment of the right to use Opposer's Domain Name and/or Related Marks to another person or entity, including but not limited to all licenses.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states there are no such documents in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 11

All documents referring or relating to the acquisition, transfer, assignment or sale of Opposer's Domain Name and or any Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the

extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 12

Documents sufficient to identify any and all predecessors, or successors of Opposer, and all entities with any interest in Opposer's business involving Opposer's Domain Name and/or any Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 13

All documents referring or relating to the creation and selection of Opposer's Domain Name and/or any Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the

extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 14

All documents referring or relating to the adoption and use of Opposer's Domain Name and/or any Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 15

All search reports and investigation reports prepared by or for Opposer which refer to, relate to, or comment upon Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated

to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states there are no such documents within its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 16

All documents referring or relating to or comprising any consumer or market survey, test, or study Opposer has conducted or has caused to be conducted regarding the public's or the trade's recognition of or reaction to Opposer's Domain Name and/or Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states there are no such documents within its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 17

All documents referring or relating to or comprising any consumer or market survey, test, or study Opposer has conducted or has caused to be conducted regarding the public's or the trade's recognition of or reaction to Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the

extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states there are no such documents within its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 18

All documents referring or relating to clearances and/or trademark searches conducted by Opposer or at Opposer's request with respect to Opposer's Domain Name and/or any Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states there are no such documents within its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 19

All documents referring to or relating to Opposer's first notice of Applicant's use and application and registration of Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the

extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Opposer further objects to this Request to the extent that the identified documents are already in the possession of Applicant. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 20

All documents referring or relating to Opposer's sale of goods or services in connection with Opposer's Domain Name and/or any Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 21

One copy of each advertisement or promotion showing Opposer's Domain Name and/or any Related Marks in connection with Opposer's goods and services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 22

Documents sufficient to identify the total dollar amount expended annually by Opposer in connection with the promotion and advertising of Opposer's Domain Name and/or Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 23

Documents sufficient to identify the total dollar amount of annual revenues received by Opposer in connection with goods and/or services sold in connection with Opposer's Domain Name and/or Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 24

Documents sufficient to identify the channels of trade in which Opposer's Domain Name and/or Related Marks are used, or in which Opposer presently has a bona fide intent to

use the Opposer's Domain Name and/or Related Marks, including but not limited to the names of any wholesale and retail distribution outlets used in connection with any goods or services sold in connection with Opposer's Domain Name and/or Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 25

All documents referring or relating to any policy which Opposer may have, written or otherwise, concerning the use, display, advertising and promotion of Opposer's Domain Name and/or any Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Opposer states there are no such documents in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 26

All documents referring or relating to uses known to Opposer by persons other than itself of a mark or domain name containing the word "DVD WORLD" or any variants thereof.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26

Opposer incorporates its General Objections into this response. Opposer objects to the description "or any variants thereof" as overly broad. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 27

All documents concerning actions, claims, opposition proceedings, or any similar legal or administrative proceeding involving Opposer's Domain Name and/or any Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27

Opposer incorporates its General Objections into this response.. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states there are no such documents within Opposer's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 28

All documents and things referring to or relating to, or comprising any challenges Opposer has ever made to any third party concerning the use of any service mark, trademark or trade name which was considered to conflict with Opposer's Domain Name and/or any Related Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states there are no such documents within Opposer's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 29

All documents concerning any of Opposer's pending or prior trademark and/or service mark applications and/or registrations for marks, including but not limited to those containing the terms "DVD", "WORLD", "DVD WORLD" or any similar terms.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its

objections, Opposer states there are no such documents within Opposer's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 30

All documents concerning Opposer's acquisition and ownership of the www.dvdworld.com domain name.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 31

All documents referring or relating to any instance or occurrence in which Opposer or any person acting for or on behalf of Opposer has received any communication, oral or in writing, from any person which suggest, implies, or infers that Opposer may be connected or associated with Applicant or any other corporation, or which comprises any inquiry as to whether there is or may be or which evidences any connection or association.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the

extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states there are no such documents within Opposer's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 32

All documents referring or relating to any instance or occurrence in which any person was actually confused between Opposer and Applicant or their services or goods due to their use of any marks, trade name or domain names.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states there are no such documents within Opposer's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 33

All documents upon which any expert Opposer has consulted with or retained the expert will base her expert opinion.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the

extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states that it has not consulted with or retained experts as of the date of this Response.

REQUEST FOR PRODUCTION NO. 34

All documents upon which Opposer intends to rely upon in connection with this proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34

Opposer incorporates its General Objections into this response. Opposer further objects to this Request to the extent that it is unduly burdensome and oppressive. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Opposer further objects to this Request to the extent that it calls for documents within the possession, custody, or control of Applicant. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 35

All documents which support Opposer's contention that Applicant's mark lacks distinctiveness.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 36

All documents which support Opposer's contention that Applicant is not using Applicant's mark in connection with Motion Picture Production and Distribution in International Class 41.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Opposer further objects to this Request to the extent that it calls for documents within the possession, custody, or control of Applicant. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 37

All documents which support Opposer's contention that Applicant is not using Applicant's mark as a trademark or service mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Opposer further objects to this Request to the extent that it calls for documents within the possession, custody, or control of Applicant. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 38

All documents which support Opposer's contention that Applicant has misused the ® notice.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Opposer further objects to this Request to the extent that it calls for documents within the possession, custody, or control of Applicant. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 39

All documents which support Opposer's contention that Applicant has failed to make a disclaimer of "DVD" in connection with the application for Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer hereby produces, where appropriate, non-privileged, responsive documents in its possession, custody, and control.

REQUEST FOR PRODUCTION NO. 40

All documents regarding Opposer's policy with respect to retention of documents, including business records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states there are no such documents within Opposer's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 41

Documents sufficient to identify the nature and scope of Opposer's business, its form of business organization and its date of incorporation.

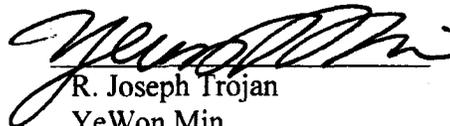
RESPONSE TO REQUEST FOR PRODUCTION NO. 41

Opposer incorporates its General Objections into this response. Opposer further objects to this Request as vague, ambiguous, overly broad and unduly burdensome to the extent it seeks the production of documents that are neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and consistent with all of its objections, Opposer states that this request is inapposite as Opposer is an individual.

Opposer Anita Dhaliwal
by

Dated:

June 16 2006



R. Joseph Trojan
YeWon Min
Trojan Law Offices
9250 Wilshire Blvd.
Suite 325
Beverly Hills, CA 90212

PROOF OF SERVICE

I am over the age of 18 years, employed in the County of Los Angeles, and not a party to the above entitled action. My business address is 9250 Wilshire Blvd., Suite 325, Beverly Hills, California 90212.

On June 16, 2006, I served:

-OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSIONS;

-OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S FIRST SET OF INTERROGATORIES; and

-OPPOSER'S RESPONSE TO APPLICANT'S REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

by transmitting to:

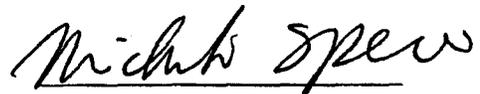
Christine M. Baker, Esq.
MINTZ LEVIN COHEN FERRIS GLOVSKY and POPEO, PC
666 Third Ave.
New York, NY 10017
Fax 212-983-3115

BY FACSIMILE: I caused a copy of such document to be sent via facsimile machine to the office of the addressee(s) at the phone number shown above.

BY MAIL: I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Beverly Hills, California, in the ordinary course of business. I am aware that on the motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing shown on this proof of service.

FEDERAL: I declare, under penalty of perjury under the laws of the United States that the foregoing is true and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 16, 2006, at Beverly Hills, California.


Michiko Speier

DOCUMENT H

Pages - 2 EXHIBIT H
3-16 10
WITNESS: Anty Dhaliwal

TRANSFER OF DOMAIN NAME RIGHTS

WHEREAS, VIRTUALPOINT, INC., a California corporation, having a place of business at 25 Mauchly, Suite 315, Irvine, California 92618 ("VIRTUALPOINT"), is the owner of the domain name: **dvdworld.com**.

WHEREAS, Anita Dhaliwal, an individual, with a mailing address at 8502 E. Chapman #306, Orange, California 92869 ("DHALIWAL"), desires to acquire a 25% ownership interest in and to said domain name.

NOW THEREFORE, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, VIRTUALPOINT, by these presents do hereby transfer to DHALIWAL, and DHALIWAL does hereby accept from VIRTUALPOINT 25% of the right, title, and interest in and to said domain name, including (a) the registration of said domain name, (b) the goodwill represented by and associated with said domain name, and (c) the right to sue and recover for, and the right to profits or damages due or accrued arising out of or in connection with, any and all past, present or future infringement or damage or injury to said domain name or such associated goodwill.

VIRTUALPOINT, by its duly authorized officer, has executed this assignment, on this 6th day of January, 2010.

VIRTUALPOINT, INC.

By:



David Lahoti, Incorporator
VIRTUALPOINT, INC.

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

MS. ANITA DHALIWAL
Opposer,

v.

DVD WORLD Pictures Corp.,
Applicant.

Opposition No. 91167207

Application Serial No. 78495856

Mark:

DVD World

APPLICANT'S NOTICE OF TESTIMONIAL DEPOSITION OF OPPOSER

PLEASE TAKE NOTICE that Applicant DVD WORLD Pictures Corp. ("Applicant") will take, in the above-captioned matter, the following deposition upon oral examination, pursuant to the Trademark Rules of Practice, Fed. R. Civ. P. 30, on the date and time and at the location indicated below, before an officer authorized by law to administer oaths:

<u>Name of Deponent:</u>	<u>Date/Time of Deposition</u>
Anita Dhaliwal ("Opposer")	January 22, 2010 10:30 p.m. (Pacific Standard Time)

Location:
Trojan Law Offices
9250 Wilshire Blvd, Ste 325
Beverly Hills, California 90212

Such deposition shall be conducted before a notary public or other person authorized to administer oaths, shall be taken stenographically by audio, videotape, or video conferencing and shall continue from day to day, excluding Sundays, and holidays, until completed.

Opposer shall be deposed regarding the issues alleged by Opposer in the opposition proceeding, including but not limited to Opposer's standing, Opposer's use of the phrase DVD

I
3-16 10
Anita Dhaliwal

WORLD, and Opposer's ownership of any domain names containing the words DVD and
WORLD.

Dated this 15th day of January, 2010.



Erik M. Pelton
ERIK M. PELTON & ASSOCIATES, PLLC
PO Box 100637
Arlington, Virginia 22210
TEL: (703) 525-8009
FAX: (703) 525-8089

Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of APPLICANT'S NOTICE OF TESTIMONIAL DEPOSITION OF OPPOSER has been served on the following by delivering said copy on January 15, 2010, via First Class Mail, to counsel for Opposer at the following address:

R. JOSEPH TROJAN
TROJAN LAW OFFICES
9250 WILSHIRE BLVD SUITE 325
BEVERLY HILLS, CA 90212

By: 

Erik M. Pelton, Esq.