

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

TTAB

Gianni Versace S.p.A.
Opposer,

v.

Jose Rodriguez
Applicant.

Opposition No. 91170386

**OPPOSER'S MOTION TO COMPEL
AND
MOTION TO SUSPEND**

Opposer, Gianni Versace S.p.A. requests that Applicant, Jose Rodriguez, be compelled to provide his answers to Opposer's Discovery that consists of Interrogatory and Production Requests served on July 14, 2006.

It is simultaneously requested that proceedings be suspended until after this Motion is resolved.

It is respectfully requested that this Motion be granted for the reasons set forth below.

Opposer served Interrogatories and Document Requests on Applicant on July 14, 2006. Applicant's responses were due on August 18, 2006.

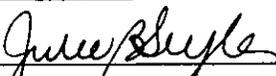
On September 5, 2006, Opposer sent Applicant a letter to the address set forth in Applicant's answer to the opposition. The letter requested that the responses be served no later than October 5, 2006. A copy is attached. To date, Opposer has not received any communication from Applicant.

CERTIFICATE OF MAILING

Date of Deposit : October 9, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

JULIE B. SEYLER


(signature of person mailing paper or fee)



10-13-2006

U.S. Patent & TMO/TM Mail Rcpt Dt. #

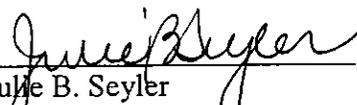
Pursuant to Rule 2.120(e), the undersigned has made a good faith effort to resolve this matter in a manner that would avoid the need to file this Motion. As of the filing date of this Motion, Applicant has not responded to one Interrogatory or Production Request.

Copies of the Interrogatory and Production Requests are attached.

For the foregoing reasons, it is respectfully requested that the Motion to Compel be granted.

Respectfully submitted,

Date: October 9, 2006
New York, New York


Julie B. Seyler

Abelman, Frayne & Schwab
666 Third Avenue
New York, New York 10017
(212) 949-9022

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER'S MOTION TO COMPEL AND MOTION TO SUSPEND was served by first class mail, postage prepaid, this 9th day of October 2006 upon the following:

Mr. Jose Rodriguez
745 East 6th Street, Apt. 4C
NY, NY 10009


JULIE B. SEYLER

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Victor M. Tannenbaum
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John H. Choi

September 5, 2006

Mr. Jose Rodriguez
745 E. 6th Street, Apt. 4C
New York, New York 10009

Re: GIANNI VERSACE S.P.A.
Trademark MEDUSA HEAD and
Opposition v. Jose Rodriguez
Trademark AMERICAN CAESAR CLOTHING CO.
And MEDUSA HEAD DESIGN (Appln. No 78/666167)
In the United States
(Our Ref.: 216078)

Dear Mr. Rodriguez:

I have not received the responses to Versace's Interrogatories and Document Requests served on July 14, 2006. The Trademark Rules provides these responses were due no later than August 19, 2006.

Please send us full and complete responses within 30 days of the mailing date of this letter. In the event we do not receive the responses by the requested date, we shall file a Motion to Compel with the Trademark Trial and Appeal Board.

Please consider this our good faith attempt to resolve the matter.

Sincerely,

Julie B. Seyler

JBS:rd

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

GIANNI VERSACE S.P.A.

Opposer

v.

JOSE RODRIQUEZ

Applicant.

Opposition No. 91170386

**OPPOSER'S FIRST REQUEST
TO APPLICANT FOR
PRODUCTION OF DOCUMENTS**

Pursuant to Fed. R. Civ. P. 34, Opposer requests that Applicant produce for inspection and copying at the offices of Opposer's attorneys, the below listed documents and things within the time provided by said rule or in such other manner as may be mutually agreed upon between counsel for the parties.

The following requests are continuing in character so that if at any time after Applicant makes production in response to these requests Applicant obtains possession, custody or control of documents or things within the scope of these requests, Applicant is requested to make supplemental production of these documents or things for inspection and copying within thirty (30) days thereafter, as though Opposer had served upon Applicant new requests to supplement prior responses.

Opposer incorporates by reference the definitions and instructions set forth in "Opposer's Interrogatories to Applicant" served concurrently herewith. In addition, as referred to herein, "Applicant's Goods" shall mean all goods and services sold or offered for sale in connection with Applicant's MARK.

DOCUMENT REQUEST NO. 1

All documents and things requested to be identified by "Opposer's Interrogatories to Applicant" served concurrently herewith.

DOCUMENT REQUEST NO. 2

All documents showing, concerning, evidencing, relating or referring to Applicant's selection, design and adoption, of the **MEDUSA HEAD DESIGN** including, without limitation, any documentation of meetings or discussions held concerning the selection, design and adoption of the **MEDUSA HEAD DESIGN**, any documentation relating to the reasons for selecting the **MEDUSA HEAD DESIGN**, and any documentation concerning the consideration and rejection of using another mark.

DOCUMENT REQUEST NO. 3

A sample, copy, photograph, illustration, sketch or other depiction of each different logotype, design, font of type or style in which the **MEDUSA HEAD DESIGN** or any variation thereof has been or now is being used by Applicant.

DOCUMENT REQUEST NO. 4

Provide documents sufficient to show the names, titles and addresses of each and every person who participated in the Applicant's selection, design and adoption of the **MEDUSA HEAD DESIGN**, including, specifically, the name(s) of the person and persons who first suggested that Applicant adopt and use the **MEDUSA HEAD DESIGN** for Applicant's Goods.

DOCUMENT REQUEST NO. 5

All documents showing, concerning, evidencing, relating or referring to any searches, investigations or any other inquiries, whether formal or informal, conducted by Applicant relating to the **MEDUSA HEAD DESIGN** was available for use with respect to any mark, trade names, corporate names, or other users by others.

DOCUMENT REQUEST NO. 6

All documents showing, concerning, evidencing, relating or referring to the production of Applicant's goods, including, without limitation, documentation identifying every place of business where Applicant's goods are (or will be) produced or rendered and the dates of such production and/or rendering, documentation of the total volume of sales in units and the equivalent dollar value, and any documents describing the process of producing or rendering such goods.

DOCUMENT REQUEST NO. 7

All documents and things ever used by Applicant or used on behalf of Applicant to advertise or promote the goods which bear the **MEDUSA HEAD DESIGN** including, without limitation, flyers, periodicals, newspapers, telephone directory listings, video tapes, television scripts, audio discs, displays, promotional brochures, catalogs and outdoor window signs. If advertising activities include periodical magazines, produce a copy of each publication.

DOCUMENT REQUEST NO. 8

For the period Applicant seeks to rely upon in support of its Opposition, to date, all documents showing, concerning, evidencing, relating or referring to the organization and implementation of the Applicant's advertising program, including without limitation, documents identifying: (a) the date, (b) the place, (c) the monetary amount expended, (d) the class of customers to whom the advertising or promotional materials were (or are) directed, (e) the number of copies of such materials and (f) the names and addresses of each person, advertising agency, public relations firm or any other business entity hired or retained in connection with such advertisements.

DOCUMENT REQUEST NO. 9

All documents including invoices, showing, concerning, evidencing, relating or referring to Applicant's first use of the **MEDUSA HEAD DESIGN** on goods or services in the United States including without limitation information on the geographical localities of such first use and any third persons involved.

DOCUMENT REQUEST NO. 10

All documents including invoices, showing, concerning, evidencing, relating or referring to Applicant's first use of the **MEDUSA HEAD DESIGN** on goods or services in interstate commerce, the circumstances under which each such first use occurred, the geographical localities of such first use and any third persons involved.

DOCUMENT REQUEST NO. 11

Documents sufficient to show any principal agents, distributors and/or retailers of Applicant's goods from the date of first use to the present.

DOCUMENT REQUEST NO. 12

All documents showing, concerning, evidencing, relating, or referring to Applicant's permission to any other company, agent or other person to use each or any of the **MEDUSA HEAD DESIGN**, including, without limitation all documentation identifying: (a) the name of such company, agent or person; (b) the date of such use; and (c) the goods or services used by such company, agent or person and any such documents which refer to any other company, agent or other person giving Applicant permission to use the **MEDUSA HEAD DESIGN**.

DOCUMENT REQUEST NO. 13

All documents showing, concerning, evidencing, relating, or referring to any assignment or license each or any of the **MEDUSA HEAD DESIGN'S**, including, without limitation, all documentation identifying: (a) the date of such assignment or license; (b) the name and address of the assignee and the assignor (or licensee and licensor); (c) any recordal of such assignment or license in the United States Patent and Trademark Office or other public place; and the terms and conditions of the agreement.

DOCUMENT REQUEST NO. 14

A sample, copy, photograph, illustration, sketch or other depiction of each label, tag, container, stencil, package, price list and display which are or have ever been used in connection with goods bearing the **MEDUSA HEAD DESIGN**.

DOCUMENT REQUEST NO. 15

All documents showing, concerning, evidencing, relating, or referring to Applicant's knowledge of any third party's past or current use or registration of **APPLICANT'S MARK** or the **MEDUSA HEAD DESIGN** or a mark or a mark or use which Applicant considers an alleged imitation of any of **APPLICANT'S MARK** or the **MEDUSA HEAD DESIGN** on any goods or services.

DOCUMENT REQUEST NO. 16

All documents showing, concerning, evidencing, relating, or referring to any infringement action or other proceeding in the United States Patent and Trademark Office (or any court) which has ever been brought by or against the Applicant for the use of each or any of **APPLICANT'S MARK** or the **MEDUSA HEAD DESIGN** or what it has asserted to be a colorable imitation thereof.

DOCUMENT REQUEST NO. 17

All documents showing, concerning, evidencing, relating, or referring to any discussions, negotiations or settlements entered into by Applicant with any other party in regard to the adoption, use, or registration of **APPLICANT'S MARK** or the **MEDUSA HEAD DESIGN** or any other mark which Applicant has asserted to be a colorable imitation thereof.

DOCUMENT REQUEST NO. 18

All documents showing, concerning, evidencing, relating, or referring to any instances of confusion in which each or any of **APPLICANT'S MARK** or the **MEDUSA HEAD DESIGN** was mistaken for **OPPOSER'S MARK**, or instances in which Applicant was mistaken for Applicant including, without limitation, all documentation identifying: (a) the place of such instance

of confusion; (b) the date of such instance of confusion; (c) the identity of all persons involved; (d) how the instance of confusion came to the attention of Applicant; and (e) the nature of such confusion.

DOCUMENT REQUEST NO. 19

Provide copies of all registrations and pending or lapsed applications, federal, state, and foreign owned for the benefit or in the name of or filed on behalf of Applicant and all documents related thereto.

DOCUMENT REQUEST NO. 20

Documents sufficient to show all the goods or services which have been sold, advertised, and/or distributed under each or any of **APPLICANT'S MARK** or the **MEDUSA HEAD DESIGN** and/or predecessors in interest of the Applicant and/or licensees of the Applicant including, where available specimens of such goods and literature describing the services.

DOCUMENT REQUEST NO. 21

All documents showing, concerning, evidencing, relating, or referring to any market research conducted by Applicant on its goods, including, without limitation, all documentation identifying: (a) the location and date of such research; (b) the persons who conducted the research; (c) the persons to whom the results were reported and (d) the results of the research.

DOCUMENT REQUEST NO. 22

(a) All documents showing, concerning, evidencing, relating, or referring to any and all statements and/or opinions of any person, other than any attorney rendering legal advice to applicant, regarding any of the issues involved in this opposition proceeding.

(b) All documents showing, concerning, evidencing, relating, or referring to the statements and/or opinions referred to in (a) above.

DOCUMENT REQUEST NO. 23

All documents showing, concerning, evidencing, relating, or referring to any and all statements and/or opinions of any expert obtained by applicant or any person acting for or on behalf of applicant regarding any of the issues involved in this opposition proceeding.

DOCUMENT REQUEST NO. 24

Copies of all agreements, contracts or other arrangements between Applicant and any third-party which refer or relate to or comment on Applicant's right to each or any of **APPLICANT'S MARK**.

DOCUMENT REQUEST NO. 25

With respect to each document or thing which is withheld from production, whether under a claim of privilege or otherwise, and which is otherwise responsive to any of the production requests, provide: (a) the date, identity, and general subject matter of such document or thing; (b) the grounds asserted in support of the failure to produce such document or thing; (c) the identity of each person (other than stenographic or clerical assistants) participating in the preparation of such document or thing; (d) the identity of each person to whom the contents of such document or thing were communicated by copy, distribution, reading or substantial summarization; (e) a description of any document or thing or other material transmitted with or attached to such document or thing; (f) the number of pages in such document; (g) the particular request to produce to which such document or thing is responsive; and (h) whether any business or non-legal matter is contained or discussed in such document or thing.

DOCUMENT REQUEST NO. 26

All documents, other than those produced in response to any of the foregoing requests, upon which Applicant intends to rely in connection with this Opposition proceeding.

DOCUMENT REQUEST NO. 27

All documents, other than those produced in response to any of the foregoing requests, which were examined, reviewed or inspected by Applicant or any person acting for or on behalf of Applicant's in connection with the preparation of Applicant's responses to OPPOSER'S INTERROGATORIES TO APPLICANT.

DOCUMENT REQUEST NO. 28

With respect to each document or thing otherwise responsive to any request to produce which has been lost or destroyed since its preparation or receipt, identify the document or thing, state the request to produce to which it would be responsive, and give the full particulars or circumstances whereby the document or thing was lost or destroyed.

Respectfully submitted,

GIANNI VERSACE S.P.A.

Date: July 14, 2006
New York, New York

By Julie B. Seyler
Julie B. Seyler

Abelman, Frayne & Schwab
666 Third Avenue
New York, New York 10017
(212) 949-9022

Attorneys for Opposer

CERTIFICATE OF SERVICE+

I hereby certify that a true copy of the foregoing **OPPOSER'S REQUEST TO APPLICANT FOR PRODUCTION OF DOCUMENTS** was service by first class mail, postage prepaid, this 14th day of July, 2006 upon the following:

Jose Rodriquez
745 E. 6th St. Apt. #4c
New York, New York 10009



JULIE B. SEYLER

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

GIANNI VERSACE S.P.A..

Opposer,

v.

JOSE RODRIGUEZ

Applicant.

Opposition No. 91170386

**OPPOSER'S INTERROGATORIES TO
APPLICANT**

Opposer, by its attorneys, requests that Applicant answer the following interrogatories pursuant to Rule 2.120 of the Trademark Rules and Rule 33 of the Federal Rules of Civil Procedure. These interrogatories are continuing in nature and any information that may be discovered subsequent to service of the answers should be disclosed through supplemental answers within a reasonable time following its discovery.

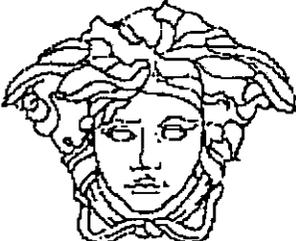
In answering these interrogatories, please furnish all information known or available to Applicant, regardless of whether this information is possessed directly by Applicant, or by its agents, employees, representatives, investigators, or by Applicant's attorneys or their agents, employees, representatives or investigators.

DEFINITIONS

The following definitions are incorporated by reference in each interrogatory as set forth hereinafter:

- A. "Person" or "persons" means all entities, including, but not limited to, all individuals, single proprietorships, associations, companies, partnerships, joint ventures, and corporations.
- B. The term "trademark" refers to trademark, service mark, certification mark and collective mark.
- C. As referred to herein, **Opposer's MARKS**, shall mean the trademarks pleaded in the Notice of Opposition, namely: Registration Nos. 2,081,230; 2,078,918; 2,911,909; and 2,980,455 the **MEDUSA HEAD MARKS**:

Trademark	Goods	Registration No.
	Cosmetics, namely, night and day cream, cleaning preparations for the face and body, bathfoam, shaving foam, aftershave, foundation makeup, nail polish, deodorants for men and women, essential oils for personal use for men and women, hand and baby soap, hair shampoo and rinses, hair spray, toothpaste and fragrances, namely, perfume, toilet water	2,081,230
	Lace trim and embroidery, ribbons and braid; clothing buttons, press buttons, hooks and eyes, straight and safety pins and needles; artificial flowers	2,078,918

Trademark	Goods	Registration No.
	<p>Retail store services featuring apparel, jewelry, fragrances, cosmetics, sunglasses, spectacles frames, luggage, belts, paper goods, stationery, playing cards, furniture, mirrors, picture frames, household and toilet utensils, glassware, carpets, games, playthings, sporting articles, and accessories relating to the aforesaid goods; business management services, namely, hotel management in Class 35; restaurant, bar and cocktail lounge services; providing temporary accommodations in the nature of hotels, motels, boarding houses, guest houses, and tourist homes; and beauty salon and hairdressing services in Class 42;</p>	2,911,909
	<p>Cosmetics, namely night and day creams, cleaning preparations for the care of the face and body, bath-foam, shaving foam, aftershaves, foundation makeup, nail polish, deodorants for men and women, hand and body soaps, hair shampoos and rinses, hair spray, toothpaste and fragrances, namely perfume, toilet water and essential oils for personal use for men and women in Class 3; Tableware, namely cutlery; forks, knives and spoons; sterling silver table forks, knives and spoons; domestic fireplace bellows in Class 8; Optical instruments, apparatus and equipments, namely eyeglasses; reading glasses, and optical glasses; sunglasses; spectacles; spectacles frames; monocles; lorgnettes in Class 9; Apparatus for lighting, namely, electric lighting fixtures for use on ceilings, chandeliers, electric, incandescent, and halogen light bulbs, safety lamps, candle, electric, oil, and portable paper lanterns, standard lamps; fireplaces; decorative water fountains; lamps in Class 11; Articles made of precious metals and alloys of precious</p>	2,980,455

Trademark	Goods	Registration No.
	<p>metals with or without precious stones, namely rings, necklaces, bracelets, brooches, earrings, tie clips, cuff-links, diamonds, jewelry cases made of precious metal, watches, clocks, chronometers, watch cases, costume jewelry in Class 14; Leather and imitation of leather sold in bulk, handbags, wallets, luggage, attache cases, tote bags, briefcases, sport bags, traveling trunks, carry-on bags, shoulder bags, garment bags for traveling, key cases, umbrellas, parasols, walking sticks, whips, harnesses, saddlery; leather key chains in Class 18; Fireplace surround; floor tiles; wood tile floors; glass tiles; parquet flooring; statuettes of stone, concrete, or marble; non-metal wall panels in Class 19; Furniture; mirrors, namely looking glasses; picture frames; chairs; cupboards; cushions; desks; divans; plastic and wood doorknobs; figures of bone, ivory, plaster, plastic, wax and wood; plastic and wood furniture handles for doors, plastic key chains; magazine racks; office furniture; pillows; fitted furniture covers in Class 20; Household or kitchen utensils and containers, namely, dinnerware; beverage-ware; glassware; sugar bowls; beer mugs; bottle openers; bowls; candle holders not of precious metal; china ornaments; cookware, namely non-electric frying pans; corkscrews; soap dispensers; figurines in China, crystal, earthenware, glass, porcelain and terracotta; holders for flowers and plants; perfume atomizers sold empty; plates; pots; soapboxes; soap holders; vases; flower baskets; porcelain and earthenware doorknobs and furniture handles for doors in Class 21; Fabric</p>	

Trademark	Goods	Registration No.
	for textile use, fabric of imitation animal skins, fabric for boots and shoes, bath linen; bed linen; blankets; curtains; unfitted furniture covers; handkerchiefs; kitchen towels; textile wall hangings in Class 24; Clothing for men, women and children, namely belts, coats, raincoats, waistcoats, blouses and pullovers, jackets, trousers, skirts, dresses, suits, shirts and chemises, T-shirts, sweaters, underwear, socks and stockings, gloves, ties, scarves, hats and caps, boots, shoes and slippers in Class 25 Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; non-textile wall hangings; non-textile wall decorations in Class 27.	

When an Interrogatory requests information as to **Applicant's MARK**, the specific information



will be provided with respect to the design element of the **MEDUSA HEAD**, AMERICAN CAESAR CLOTHING CO. as shown in Applicant's pending application, Serial No. 78/666167, filed July 8, 2005.

When an Interrogatory requests information as to a **MEDUSA HEAD DESIGN**, it specifically refers to the design element shown in Application Serial No. 78/666167 filed July 8, 2005.

When an Interrogatory requests information as to **Applicant's GOODS**, the specific information will be provided for "Clothing, namely, shirts, T-shirts, under shirts, night shirts, rugby shirts, polo shirts, cardigans, jerseys, uniforms, athletic uniforms, pants, trousers, slacks, jeans, denim jeans, overalls, coveralls, jumpers, jump suits, shorts, boxer shorts, tops, crop tops, tank tops, halter tops, sweat shirts, sweat shorts, sweat pants, wraps, warm-up suits, jogging suits, track suits, blouses, skirts, dresses, gowns, sweaters, vests, fleece vests, pullovers, snow suits, parkas, capes, anoraks, ponchos, jackets, reversible jackets, coats, blazers, suits, turtlenecks, cloth ski bibs, swimwear, beachwear, tennis wear, surf wear, ski wear, infantwear, baby bibs

not of paper, caps, swim caps, berets, beanies, hats, visors, headbands, wrist bands, sweat bands, headwear, ear muffs, aprons, scarves, bandanas, belts, suspenders, neckwear, neckties, ties, neckerchiefs, ascots, underwear, briefs, swim and bathing trunks, bras, sports bras, brassieres, bustiers, corsets, panties, garters and garter belts, teddies, girdles, foundation garments, singlets, socks, loungewear, robes, bathrobes, underclothes, pajamas, sleepwear, night gowns, lingerie, camisoles, negligees, chemises, chemisettes, slippers, sarongs, leg warmers, hosiery, pantyhose, body stockings, knee highs, leggings, tights, leotards, body suits, unitards, body shapers, gloves, mittens, footwear, shoes, sneakers, boots, galoshes, sandals, zori, slippers and rainwear”.

D. When a "date" is requested, it shall mean the exact day, month and year if known, or if not, the best approximation thereof.

E. "Document" is synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a) and includes, but is not limited to, the original and any non-identical copy, regardless of origin or location, of any written, recorded, transcribed, punched, taped, filmed or graphic matter however produced, now or formerly in your possession, custody or control, including, but not limited to, any drawing, photograph, book, pamphlet, periodical, letter, correspondence, agreements, licenses, instruments of assignment or conveyance, documents of title, stock and share certificates, telegram, telex, telefax, invoice, contract, purchase order, estimate report, memorandum, intra-office communication, working paper, record, ledger, journal, financial statement, study, paper, work sheet, cost sheet, estimating sheet, bid, bill, time card, work record, chart, graph, manual, index, data sheet, data processing card, tape or disc recording, transcriptions thereof, and all other memorials of any conversations, meetings, and conferences by telephone or otherwise.

F. "Identify", unless otherwise qualified in a particular interrogatory, means (1) when used in reference to a natural individual, to state the individual's full name, present home address, present

business address, and present or last known position and business affiliation; (2) when used in reference to a company, to state its full name and the present or last known address of its principal place of business; (3) when used in relation to an officer, director or employee of Applicant, to state the person's full name, title or position and how long such title or position has been held; and (4) when used in reference to a document, to state:

1. its nature (*e.g.*, contract, letter, tape, recording, ledger sheet, memorandum, voucher, lab notebook, etc.);

2. its title, if any;

3. the substance of its contents;

4. the date and place of its preparation;

5. if it is in the nature of a communication:

a. the date and place it was sent;

b. the date and place it was received;

c. the identity (as defined above) of the sender;

d. the identity (as defined above) of the receiver;

e. the identity (as defined above) of each person for whom the sender or receiver acted or purported to act;

6. The identity (as defined above) of all persons signing it, preparing or making it, or participating in or present at its preparation, making or signing.

7. The identity (as defined above) of all persons having custody of the document and if the present location of the document is unknown, the last known location of the document and any available information as to the disposition of the document or its whereabouts.

G. "You" or "Your" (or "you" or "your") and "Applicant" means the named Applicant, its predecessors in interest, and also their officers, agents, servants, employees, representatives, and attorneys, to the fullest extent the context permits.

H. "Applicant" means the named Applicant, its predecessors in interest, and also their officers, agents, servants, employees, representatives, and attorneys, to the fullest extent the context permits.

I. The singular shall include the plural, and the plural, the singular, and the past tense shall include the present and future, the present shall include the past and future, and the future shall include the past and present.

J. If any act, event, conversation, person, writing or other instance or matter is mentioned or referred to in response to more than one of these interrogatories, you need not completely identify and describe it, him or her in every such instance, provided you supply a complete identification and description in one such instance in full compliance with the foregoing definitions and in each other such instance make a specific reference to the place in your answer to these interrogatories where such complete identification and description first appears.

K. If an interrogatory calls for information not known to you, such interrogatory shall be deemed a request for your best estimate, understanding and belief as to the matter inquired about and you shall state that you are presenting information about matters which are not known to you but are your best estimate, understanding and belief and you shall state in full detail the basis of your estimate, understanding and belief.

L. A request in an interrogatory for specific information (as where the term "including, but not limited to" is used) shall not, in any case, be deemed a waiver or limitation of the generality of the foregoing definitions.

M. If any information called for by any interrogatory herein is withheld because you claim that such information is contained in a privileged document or communication, (1) identify each such document or communication; (2) state the basis upon which the privilege is claimed; (3) state the number and subsection number of each interrogatory to which each such document or communication is responsive; and (4) identify each person (other than the attorneys representing

you in this action) to whom the contents of each such document or communication has heretofore been disclosed, either orally or in writing.

INTERROGATORIES

INTERROGATORY NO. 1

With respect to **Applicant's Goods**, list and describe each product on or in connection with which Applicant uses, intends to use or has ever used the **MEDUSA HEAD DESIGN** or **Applicant's Mark** alone or as part of another mark.

INTERROGATORY NO. 2

(a) Identify Applicant's first use of the **MEDUSA HEAD DESIGN** or Applicant's **MARK** in interstate commerce in connection with each of the goods named in answer to Interrogatory No. 1, including the date of such use, the goods on which the **MEDUSA HEAD DESIGN** was first used, details of any *bona fide* sales involved, and the customer, if any, which purchased the specific product or if use as not been made the date Applicant's Mark was conceived and the circumstances related thereto.

(b) For each matter identified in (a) above, identify the persons having the knowledge of such use or intention to use sufficient to provide details with respect to the same.

INTERROGATORY NO. 3

- (a) Identify all persons who approved the selection of the **MEDUSA HEAD DESIGN**.
- (b) Describe the specific reasons for the selection of the **MEDUSA HEAD DESIGN**.

INTERROGATORY NO. 4

Identify all persons who have responsibility for the marketing, advertising and/or promotion of Applicant's **MARK** as used or intended to be used on or with Applicant's **GOODS**.

INTERROGATORY NO. 5

(a) If there has been use in commerce, identify each purchaser and/or user of **Applicant's GOODS** sold under **Applicant's MARK**. As used in this interrogatory "purchaser and/or user" refers to any class or classes of purchasers or users, such as may be identified by trade category or industry or business or individual.

(b) If there has been no use, identify the trade category or industry or business to whom Applicant seeks to sell **Applicant's GOODS** sold under **Applicant's MARK**.

INTERROGATORY NO. 6

(a) If **Applicant's MARK** has been used on **Applicant's GOODS** in commerce, state the sales in dollars and units by Applicant for all of **Applicant's Goods** sold under **Applicant's MARK** since the date of first use to date, by month.

(b) If **Applicant's Mark** has not been used on **Applicant's Goods**, but has been used by Applicant on other goods, state the sales in dollars and describe the goods.

INTERROGATORY NO. 7

(a) State whether Applicant engages in advertising or other promotional activities relative to **Applicant's GOODS** connected with **Applicant's MARK**.

(b) If the answer to (a) above is in the affirmative:

(i) Identify the types of advertising or promotional activities, including but not limited to catalogs, brochures or other media, including the Internet, or advertising means in which Applicant has promoted **Applicant's MARK** as used on **Applicant's GOODS**.

(ii) Identify the amount of money in dollars expended for advertising and promotion of **Applicant's GOODS** bearing **Applicant's MARK** since the date of first use, by month or other relevant period.

INTERROGATORY NO. 8

(a) Identify all trademark searches relating to **Applicant's Mark or the MEDUSA HEAD DESIGN**.

(b) State whether **Opposer's Marks** were referenced in any trademark search.

(c) The name and title of any person(s) who analyzed such search.

INTERROGATORY NO. 9

(a) State when and how Applicant first learned of Opposer's use of **Opposer's MARKS**.

(b) Identify all documents which refer or relate to such knowledge.

INTERROGATORY NO. 10

Has Applicant or any person acting for or on behalf of Applicant received any communication, oral or in writing, from any person which suggests, implies or infers that Opposer may be connected or associated with Applicant or which inquires as to whether there is or may be such a connection or association?

INTERROGATORY NO. 11

Describe each instance in which any person was actually confused between Applicant's use of **Applicant's MARK** and Opposer's use of **OPPOSER'S MARKS**, or *vice versa*?

INTERROGATORY NO. 12

(a) Has Applicant ever discontinued its use of **Applicant's MARK** for any goods for any period(s) of time?

(b) If so, provide the dates of such non-use, when use was resumed and provide the reasons for such non-use.

INTERROGATORY NO. 13

Has Applicant ever received notice that Applicant's use of Applicant's **MARK** as part of a mark or in combination with any other word or words, allegedly infringed a mark used by another party? If so, for each such notice state:

- (a) the name and address of the person from whom it was received;
- (b) a description of the notice and Applicant's response thereto;
- (c) a description of the mark used by such other person and the goods or services to which that person's mark was applied.

INTERROGATORY NO. 14

Has Applicant ever notified any party that a mark used by such party infringed any of Applicant's **MARK**. If so, for each such person state:

- (a) the name and address of the party who used the mark;
- (b) a description of such party's mark indicating in what respects it allegedly infringed Applicant's **MARK** and the goods or services to which the mark was applied;
- (c) the result, outcome or disposition of the notice to such other party.

INTERROGATORY NO. 15

(a) Has Applicant or any person acting for or on its behalf obtained any statements or opinions regarding any of the issues in this opposition proceeding?

(b) If so, identify the person or persons who rendered each statement or opinion, state whether it was oral or in writing, and identify all documents which refer or relate thereto.

INTERROGATORY NO. 16

Identify the witnesses Applicant intends to call to testify on its behalf and identify the documents upon which Applicant intends to rely in connection with this opposition proceeding.

INTERROGATORY NO. 17

(a) Identify each person who participated in the preparation of Applicant's responses to the foregoing interrogatories and who furnished any information in response thereto.

INTERROGATORY NO. 18

Provide the geographical location (city, state, country) where Applicant manufactures or intends to manufacture **Applicant's GOODS**.

INTERROGATORY NO. 19

If Applicant has used **Applicant's MARK** in commerce on **Applicant's Goods**,

- (a) provide the name and address of the distributor of the goods;
- (b) specify the channels of trade in which **Applicant's MARK** as used on **Applicant's GOODS** travel;
- (c) provide a general description of the types of retail outlets where **Applicant's GOODS** can be purchased; including internet based outlets; and

(d) the approximate retail costs for **Applicant's GOODS**.

Respectfully submitted,

GIANNI VERSCE S.P.A.

Date: July 14, 2006
New York, New York

By Julie B. Seyler
Julie B. Seyler

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666 Third Avenue
New York, New York 10017
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Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER'S INTERROGATORIES TO APPLICANT was served by first class mail, postage prepaid, this 14th day of July, 2006 upon the following:

Jose Rodriguez
745 E. 6th St. Apt #4c
New York, New York 10009


JULIE B. SEYLER