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

Proceeding	91170863
Party	Plaintiff Sexy Hair Concepts, LLC Sexy Hair Concepts, LLC ,
Correspondence Address	Roberta Jacobs-Meadway Ballard Spahr Andrews & Ingersoll, LLP 1735 Market Street, 51st Floor Philadelphia, PA 19103 UNITED STATES Jacobsmeadwayr@ballardspahr.com
Submission	Plaintiff's Notice of Reliance
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Signature	/Roberta Jacobs-Meadway/
Date	07/17/2007
Attachments	Notice of Reliance - Discovery Opposition No. 91170863.PDF (7 pages) (207291 bytes)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED ELECTRONICALLY TO THE COMMISSIONER FOR TRADEMARKS <http://esta.uspto.gov/filing-type.jsp>

By: Mary J. Brewster

DATE: July 17, 2007

BOX TTAB – NO FEE

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

SEXY HAIR CONCEPTS LLC,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91170863
	:	
PERFECT PLUS, INC.	:	
	:	
Applicant.	:	

NOTICE OF RELIANCE

Honorable Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Commissioner:

The Opposer, Sexy Hair Concepts, LLC, hereby gives notice of its reliance on the following responses to interrogatories made on behalf of Applicant, pursuant to 37 C.F.R. 2.120(j) and submits herewith the interrogatories and responses as follows:

Interrogatories : 1, 4, 9, 11-12, 15.

Respectfully submitted,

Dated: July 17, 2007

By: Roberta Jacobs-Meadway
Roberta Jacobs-Meadway
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
1735 Market Street – 51st Floor
Philadelphia, PA 19103
(215) 665-8500

ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Opposer's Notice of Reliance was served today on the following by electronic mail and first class mail, postage prepaid:

Richard H. Zaitlen, Esquire
Pillsbury Winthrop Shaw Pittman LLP
725 South Figueroa Street
Suite 2800
Los Angeles, CA 90017
rzaitlen@pillsburywinthrop.com

Date: July 17, 2007


By: Mary T. Boesenhofer

5. Applicant objects to these interrogatories, and each and every interrogatory contained therein, to the extent that they purport to require Applicant to undertake actions outside the scope of its duty under, and inconsistent with or not contemplated by, the Federal Rules of Civil Procedure.

6. Applicant objects to the interrogatories to the extent that they seek information or seek documents and/or things which are in the possession, custody, and/or control of the propounding party or parties or entities other than Applicant.

7. Applicant objects to the interrogatories to the extent that they seek documents or information that has already been provided or made available to plaintiffs in this litigation. Applicant deems any such documents or information responsive to any interrogatory to have already been produced.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify all products in connection with which Applicant uses Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 1:

Applicant hereby incorporates by reference and explicitly reasserts the General Objections in this response.

Subject to and without waiving its objections, Applicant responds as follows: Applicant uses Applicant's Mark in connection with the SEXY HAIR hair care products sold on QVC.com.

INTERROGATORY NO. 2:

Identify the persons most knowledgeable concerning each use identified in response to Interrogatory 1.

RESPONSE TO INTERROGATORY NO. 2:

Applicant hereby incorporates by reference and explicitly reasserts the General Objections in this response. Applicant further objects to this interrogatory because it is compound.

Subject to and without waiving its objections, Applicant responds as follows: The person most knowledgeable concerning the uses identified in response to Interrogatory 1 is Kenneth Browning.

INTERROGATORY NO. 3:

Identify each person participating in the development of Applicant's Mark, and for each person so identified, describe in detail his or her responsibilities relating thereto.

RESPONSE TO INTERROGATORY NO. 3:

Applicant hereby incorporates by reference and explicitly reasserts the General Objections in this response. Applicant further objects to this interrogatory because it is compound, overbroad, unduly burdensome, harassing, and calls for information that is not relevant to this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this interrogatory because it purports to seek confidential information.

Subject to and without waiving its objections, Applicant responds as follows: Kenneth Browning and Nick Chavez are responsible for development of Applicant's Mark.

INTERROGATORY NO. 4:

Identify all steps taken to promote products under Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 4:

Applicant hereby incorporates by reference and explicitly reasserts the General Objections in this response. Applicant further objects to this interrogatory because it purports to seek confidential information. Applicant further objects to this interrogatory because it is vague

INTERROGATORY NO. 9:

For each product identified in response to Interrogatory No. 1, identify each medium that Applicant employs to promote the sale of that product.

RESPONSE TO INTERROGATORY NO. 9:

Applicant hereby incorporates by reference and explicitly reasserts the General Objections in this response. Applicant further objects to this interrogatory because it is compound, vague and ambiguous, overbroad, unduly burdensome, and purports to seek information that is neither relevant to, nor likely to lead to the discovery of admissible evidence.

Subject to and without waiving its objections, Applicant responds as follows: Applicant's products under Applicant's Mark are sold on QVC and TSC, and on their websites.

INTERROGATORY NO. 10:

For each product identified in response to Interrogatory No. 1, identify the price range of that product.

RESPONSE TO INTERROGATORY NO. 10:

Applicant hereby incorporates by reference and explicitly reasserts the General Objections in this response. Applicant further objects to this interrogatory because it is compound.

Subject to and without waiving its objections, Applicant responds as follows: The price range of the SEXY HAIR hair care products is between about \$25.00 and about \$50.00 as listed on QVC.com.

INTERROGATORY NO. 11:

For each product identified in response to Interrogatory No. 1, identify the annual sales, in units and monetary amount, since use commenced.

RESPONSE TO INTERROGATORY NO. 11:

Applicant hereby incorporates by reference and explicitly reasserts the General Objections in this response. Applicant further objects to this interrogatory because it purports to seek confidential information. Applicant further objects to this interrogatory because it is compound, vague and ambiguous, overbroad, unduly burdensome, and purports to seek information that is neither relevant to, nor likely to lead to the discovery of admissible evidence.

INTERROGATORY NO. 12:

State whether any market research has been conducted by or on behalf of Applicant relating to Applicant's Mark or Opposer's SEXY Marks.

RESPONSE TO INTERROGATORY NO. 12:

Applicant hereby incorporates by reference and explicitly reasserts the General Objections in this response. Applicant further objects to this interrogatory because it is compound, vague and ambiguous.

Subject to and without waiving its objections, Applicant responds as follows: No market research has been conducted by or on behalf of Applicant relating to Applicant's Mark or Opposer's SEXY Mark.

INTERROGATORY NO. 13:

Identify all competitors whose activities Applicant monitors.

RESPONSE TO INTERROGATORY NO. 13:

Applicant hereby incorporates by reference and explicitly reasserts the General Objections in this response. Applicant further objects to this interrogatory because it is vague and ambiguous, overbroad, and purports to seek information that is neither relevant to, nor likely to lead to the discovery of admissible evidence.

Subject to and without waiving its objections, Applicant responds as follows: Applicant does not monitor activities of any known competitors.

INTERROGATORY NO. 14:

State whether Applicant is aware of any confusion between Opposer or Opposer's Mark and Applicant or Applicant's Mark (in any combination).

RESPONSE TO INTERROGATORY NO. 14:

Applicant hereby incorporates by reference and explicitly reasserts the General Objections in this response.

Subject to and without waiving its objections, Applicant responds as follows: Applicant is not aware of any confusion between Opposer or Opposer's Mark and Applicant or Applicant's Mark (in any combination).

INTERROGATORY NO. 15:

Identify all uses by any entity other than Opposer and Applicant of the term SEXY as a name or mark, or component of a name or mark for any hair care products.

RESPONSE TO INTERROGATORY NO. 15:

Applicant hereby incorporates by reference and explicitly reasserts the General Objections in this response. Applicant further objects to this interrogatory because it purports to seek information that is not within Applicant's knowledge. Applicant further objects to this interrogatory because it is vague and ambiguous, overbroad, unduly burdensome, harassing, and purports to seek information that is neither relevant to, nor likely to lead to the discovery of admissible evidence.

INTERROGATORY NO. 16:

Identify each trademark search conducted by or on behalf of Applicant directed to any mark which contains the term "SEXY" and all references identified through such searches.

RESPONSE TO INTERROGATORY NO. 16:

Applicant hereby incorporates by reference and explicitly reasserts the General Objections in this response. Applicant further objects to this interrogatory to the extent it seeks