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

Proceeding	91177301
Party	Plaintiff Cake Divas
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 76/529,077
Published in the *Official Gazette* of May 8, 2007

Cake Divas,)	
	)	Opposition No. 91177301
Opposer,)	
)	
v.	)	Memorandum of Points and Authorities in
	)	Support of Opposer’s Motion for Summary
Charmaine V. Jones,	)	Judgment; Declaration of Leigh Grode;
	)	Declaration of Matthew Klafter
Applicant.)	
)	
)	
_____)	

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF OPPOSER’S
MOTION FOR SUMMARY JUDGMENT**

Opposer Cake Divas (“Opposer”) hereby respectfully submits its memorandum of points and authorities in support of its motion for summary judgment against Applicant Charmaine V. Jones (“Applicant”).

I. INTRODUCTION

This case presents a simple matter of priority. The marks at issue, CAKEDIVA and CAKE DIVAS are nearly identical. Moreover, the goods and services at issue, namely baked goods and custom baking services, are closely related. Based on these similarities, consumer confusion is likely from unrestricted concurrent use of the marks and the only issue for the Board to decide is whether Opposer or Applicant has established priority. Accordingly, it is appropriate to decide this proceeding as a matter of law by examining the parties’ respective dates of first use.

As shown herein, although Applicant claimed a date of first use prior to Opposer, Applicant has not supported her claim with any credible evidence. Specifically, although Applicant claimed in her application to have used the mark CAKEDIVA at least as early as 1993, the evidence confirms that her business name at that time was ISN'T THAT SPECIAL OUTRAGEOUS CAKES, and not CAKEDIVA, and that Applicant did not begin using the term "Cakediva" as a trademark until at least as late as September 13, 1999, the date upon which she purchased the website www.cakediva.com. Conversely, Opposer's statements and evidence confirm that Opposer began using the CAKE DIVAS mark at least as early as October 15, 1998. Based on these facts, Opposer clearly has priority and the instant motion should be GRANTED.

II. HISTORY OF OPPOSER'S BUSINESS AND ADOPTION OF ITS MARK

In September 1998, businesswoman Leigh Grode and her friend and pastry chef Joan Spitler discussed forming a cake baking business together. (See Declaration of Leigh Grode ("Grode Decl."), ¶ 1.) They decided upon the name "Cake Divas." (*Id.*) Ms. Grode performed numerous Internet searches to see if any other businesses had been using the "Cake Divas" name or brand in connection with their business, but did not find any. (*Id.*)

Accordingly, Ms. Grode and Ms. Spitler applied for a Tax ID number and a business license with the California Franchise Tax Board. (See Grode Decl., ¶ 2.) As part of the application process, they were required to spend several hours at the Franchise Tax Board office searching all variations of "Cake Divas" used for any businesses located within the United States, to perform fictitious business name searches for the name "Cake Divas" throughout the United States, and to publish their intent to create the fictitious business entity "Cake Divas" in a Los Angeles County newspaper. (*Id.*; **Exhibit 8** hereto, Document No. CD 00059-00061.) After

receiving no response or opposition to the fictitious business name statement, Ms. Grode and Ms. Spitler were granted a business license to operate their cake baking business under the name “Cake Divas.” (Id.)

Over the next two years, Ms. Grode and Ms. Spitler developed their business and expanded its clientele and brand recognition. (See Grode Decl., ¶ 3.) In particular, on or about September 1998, Ms. Grode purchased the domain www.cakedivas.com to secure an online website from which to advertise and conduct her business. (Id.) In 2000, they began publishing content about their business from that website. (Id.)

Later in 2000, as word spread about their business, Ms. Grode and Ms. Spitler began receiving inquiries from major media publications regarding their goods and services. (See Grode Decl., ¶ 4.) Specifically, journalists from *The Hollywood Reporter* and *InStyle Magazine* conducted interviews with Ms. Grode and Ms. Spitler, and published written articles and photographs regarding their cakes and cake baking business. (Id.) In addition, they were featured on the television show, *Roker on the Road*, which was televised on The Food Network. (Id.)

Shortly after their appearance on *Roker on the Road*, Ms. Grode and Ms. Spitler received a cease-and-desist letter from Applicant, in which Applicant claimed prior use of the mark “Cake Diva” in connection with her cake baking business, and demanded that Ms. Grode and Ms. Spitler immediately cease doing business as “Cake Divas.” (See Grode Decl., ¶ 5.) Because Opposer disputed Applicant’s claims of prior use, Opposer retained counsel. (Id.)

Notwithstanding Opposer’s attempts to amicably resolve this matter with Applicant, Applicant filed a trademark application for CAKEDIVA on July 11, 2003 based on an alleged date of first use of June 15, 1993. (See Grode Decl., ¶ 6.) As soon as Opposer discovered this,

Opposer filed a trademark application for its mark CAKE DIVAS on August 6, 2003, based on a date of first use of October 15, 1998. (Id.)

Applicant's filing of her application for the CAKEDIVA mark has barred the registration of Opposer's CAKE DIVAS mark. (See Grode Decl., ¶ 7.) The registration of the CAKEDIVA mark poses a threat of irreparable harm to Opposer's ability to do business under and to license its CAKE DIVAS mark. (Id.) Accordingly, Opposer filed this opposition. (Id.)

III. PROCEDURAL HISTORY

On July 11, 2003, Applicant filed with the United States Patent and Trademark Office ("USPTO") an application to register the trademark CAKEDIVA (Ser. No. 76/529,077) in International Class 30 for use in connection with "Cakes, namely, wedding cakes, bridal shower cakes, party cakes, novelty cakes and cakes for all occasions; edible cake sculptures of all shapes and sizes made primarily of sugar; cookies of all shapes and sizes; edible sugar sculptures in the form of flowers, inanimate objects, human images; and edible decorations made of sugar for cakes and cookies." In her application for the CAKEDIVA mark, Applicant claimed a date of first use in commerce of June 15, 1993.

On August 6, 2003, Opposer filed with the USPTO its application to register the trademark CAKE DIVAS (Ser. No. 76/538,360) in International Class 40 for use in connection with "Custom cake making, baking, designing and decorating services for edible and faux cakes."

On February 21, 2004, the Examining Attorney reviewing the application for Opposer's CAKE DIVA mark issued an Office Action citing Applicant's pending CAKEDIVA mark as a possible bar to registration of Opposer's CAKE DIVAS mark.

On March 28, 2005, the Examining Attorney reviewing the application for Opposer's CAKE DIVAS mark issued an Office Action suspending further action on Opposer's CAKE DIVAS mark pending the disposition of a registration decision as to Applicant's CAKEDIVA mark.

On May 8, 2007, following a nearly three-year suspension period beginning April 15, 2004, Applicant's application was published for opposition.

On May 15, 2007, Opposer initiated this opposition proceeding based on Opposer's priority of use of its CAKE DIVAS mark and a likelihood of confusion arising from the concurrent use of the parties' respective marks. (See Declaration of Matthew D. Klafter ("Klafter Decl."), ¶ 1.)

On July 25, 2007, Applicant filed her answer to the Opposition. (Id., ¶ 2.)

On September 10, 2008, pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure ("FRCP"), Opposer served Applicant with its First Set of Interrogatories and First Set of Requests for Production of Documents and Things. (Klafter Decl., ¶ 3; and **Exhibits 1 and 2** hereto.)

On September 22, 2008, Applicant served Opposer with her First Set of Interrogatories and First Set of Requests for Production of Documents and Things. (Klafter Decl., ¶ 4; and **Exhibits 3 and 4** hereto.)

On October 14, 2008, Applicant served her responses to Opposer's discovery requests. (Klafter Decl., ¶ 5; and **Exhibits 5 and 6** hereto.) Applicant's Interrogatory responses were not verified and did not contain a single substantive response. (Klafter Decl., ¶ 5; and **Exhibits 5 and 9** hereto.)

On October 27, 2008, Opposer served its responses to Applicant's discovery requests. (Klafter Decl., ¶ 6; and **Exhibits 7 and 8** hereto, respectively.)

On November 4, 2008, counsel for Opposer sent a letter to counsel for Applicant pursuant to FRCP 37 and Rule 2.120(e) of the Trademark Rules of Practice, requesting a pre-filing conference of counsel to address Applicant's inadequate and incomplete discovery responses in violation of FRCP 33 and 34. (Klafter Decl., ¶ 7; and **Exhibit 9** hereto.) Opposer's letter specified in detail the deficiencies of Applicant's responses and demanded that Applicant supplement its responses. (See **Exhibit 9** hereto.)

On November 6, 2008, counsel for the respective parties participated in a telephonic meet-and-confer regarding Applicant's discovery responses during which Applicant's counsel agreed, among other things, to supplement Applicant's responses. (Klafter Decl., ¶ 8.)

On November 21, 2008, pursuant to the parties' telephonic conference, Applicant supplemented her interrogatory responses, and produced additional documents. (Klafter Decl., ¶ 9; and **Exhibits 10** and **11** hereto.)

On November 24, 2008, counsel for Opposer sent a letter to Applicant's counsel requesting that Applicant confirm that all documents had been produced in response to Opposer's interrogatories and requests for production. (Klafter Decl., ¶ 10; and **Exhibit 12** hereto.)

On December 1, 2008, counsel for Applicant sent an e-mail to Opposer's counsel confirming that Applicant had produced all responsive documents to Opposer's interrogatories and requests for production. (Klafter Decl., ¶ 11; and **Exhibit 13** hereto.)

Based on the parties' discovery responses, which Applicant has confirmed are complete, Applicant cannot establish her date of first use of June 15, 1993, as claimed in her application for the CAKEDIVA mark. In fact, based on the responses, the earliest date of use that Applicant

could possibly establish for her use of the term “CAKEDIVA” as a trademark to identify her goods is January 13, 1999 (See **Exhibit 5** hereto, Doc. Nos. CD000028-29), the date upon which Applicant registered her website www.cakediva.com.¹

As the record shows, prior to January 13, 1999, Applicant used the different mark “CAKE DIVA” (with a space between “cake” and “diva”) colloquially, as a nickname for her personally and not to refer to the baked goods produced by her business, which was called ISN'T THAT SPECIAL OUTRAGEOUS CAKES. (See **Exhibit 5** hereto, Document Nos. CD000043-48). For example, the article about Applicant’s business from *Wedding Dresses Magazine* dated Spring/Summer 1996 identifies Applicant’s business as ISN’T THAT SPECIAL OUTRAGEOUS CAKES and refers to Applicant as “Charmaine Jones, affectionately known as the ‘cake diva.’” (*Id.*, Document No. CD000048.) This is not trademark use. Because Applicant’s alleged prior use was not a bona fide trademark use (in fact it was not even use of the applied-for mark), the earliest date that Applicant could possibly establish is January 13, 1999, which is *after* Opposer’s date of first use of October 15, 1998.

Because the parties’ discovery responses establish Opposer’s priority, Opposer respectfully requests that the Board grant its motion for summary judgment and deny registration of Applicant’s CAKEDIVA mark.

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¹ Opposer does not concede that Applicant can prove this date. Opposer is merely assuming, *arguendo*, that Applicant’s date of first use of her mark is the date that Applicant registered her website. This is typically not the case, because it often takes some time between the registration of a website and populating the site with content.

IV. ARGUMENT

A. Opposer is Entitled to Summary Judgment

A party is entitled to summary judgment where it demonstrates that there are no genuine issues as to any material facts and that the party is, therefore, entitled to judgment as a matter of law. FRCP 56(c). It is well recognized that there is a genuine factual dispute where a reasonable finder of fact could resolve the matter in favor of the non-movant, based upon the evidence of record. See Opryland USA, Inc. v. Great American Music Show, Inc., 970 F.2d 847, 850, 23 U.S.P.Q.2d 1471 (Fed. Cir. 1992). The evidence must be viewed in a light most favorable to the non-movant. Lloyd's Food Products, Inc. v. Eli's, Inc., 987 F.2d 766, 767, 25 U.S.P.Q.2d 2027 (Fed. Cir. 1993).

The burden is on the moving party to show that it is entitled to summary judgment. Celotex Corp. v. Catrett, 477 U.S. 317, 323, 106 S. Ct. 2548, 91 L. Ed.2d 265 (1986). While the moving party bears the burden of showing a lack of genuine factual dispute, the moving party can meet this burden by showing “that there is an absence of evidence to support the nonmoving party’s case.” Copelands’ Enterprises, Inc. v. CNV, Inc., 945 F.2d 1563, 1565 (Fed. Cir. 1991), quoting Avia Group Int’l v. L.A. Gear Calif., 853 F.2d 1557, 1560 (Fed. Cir. 1988).

After the moving party meets its burden under FRCP 56(c), the burden shifts to the nonmoving party to present evidence that creates a genuine issue for trial. FRCP 56(e). The nonmoving party “must do more than simply show that there is some metaphysical doubt as to the material facts.... In the language of the Rule, the nonmoving party must come forward with ‘specific facts showing that there is a genuine issue for trial.’” Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586, 106 S. Ct. 1348, 89 L. Ed.2d 538 (1986), quoting FRCP 56(e).

B. Opposer Has Priority of Use of Its Mark.

To prevail in an opposition proceeding before the Board, the moving party must establish priority of use of its mark and a likelihood of confusion. Life Zone Inc. v. Middleman Group, Inc., 87 U.S.P.Q.2d 1953 (T.T.A.B. 2008); Aktieselskabet af 21 November 2001 v. Fame Jeans Inc., 77 U.S.P.Q.2d 1861, 1864 (T.T.A.B. 2006).

As set forth above, Opposer concedes that a likelihood of confusion exists between the two marks based on the similarity of the marks and goods and services upon which the marks are used.² Thus, the only issue to be resolved is priority.

Generally, the first party to file a trademark application with the USPTO is entitled to a presumption of priority of use of the mark over subsequent filers. Zirco Corp. v. American Telephone and Telegraph Company, 1991 WL 332553, 21 U.S.P.Q.2d 1542 (T.T.A.B. 1991).

However, this presumption may be overcome by “parties who used the mark before the applicant’s filing date.” TMEP, § 201.02, citing 15 U.S.C. §1057(c).

Here, Applicant filed her application for the CAKEDIVA Mark on July 11, 2003, based on an alleged date of first use of June 15, 1993—*ten years earlier*. Significantly, Applicant’s federal trademark application and claimed date of first use arose only after a protracted dispute with Opposer. (See Grode Decl., ¶¶ 5-7.) Moreover, the evidence confirms that Applicant did not adopt “Cakediva” as her trade name until June 18, 2004, *eleven years after her claimed date of first use*. (See **Exhibit 6** hereto, Document No. CD000121).

² The Examining Attorney reviewing Opposer’s CAKE DIVAS trademark application agrees, as stated in the Office Action issued against said mark on February 21, 2004, which cited Applicant’s CAKEDIVA mark as a possible bar to registration of Opposer’s mark based on a likelihood of confusion under Section 2(d) of the Trademark Act.

In order to test Applicant's claimed date of first use, Opposer served Applicant with its discovery requests. (Klafter Decl., ¶ 3; **Exhibits 1 and 2** hereto.) Specifically, Opposer requested, in very simple terms, that Applicant state her dates of first use for each and every good identified in her application for the CAKEDIVA Mark. (See **Exhibit 1** hereto, Request Nos. 1 and 3.) In addition, Opposer requested that Applicant support her responses to these interrogatories by providing documents sufficient to establish each date of first use claimed by Applicant in her responses (See **Exhibit 2** hereto, Request Nos. 1-2, 5-6.)

In response to Opposer's requests, *Applicant failed to provide a single substantive response* to Opposer's interrogatories. (See **Exhibit 5** hereto.) Rather than state, as requested, the month and year of the dates of first use of the goods identified in the application for the CAKEDIVA Mark, Applicant attempted to improperly invoke the business records exception to FRCP 33 for each of its responses. (See *Id.*) In doing so, Applicant stated, for the majority of its responses, "Applicant refers to documents containing responsive information bates labeled CD7-16, 26-111, 115-16, and refers to Trademark Application Serial No. 76529077." (See *Id.*)

The approximately 100 pages to which Applicant referred consisted mostly of non-responsive documents. Of the documents that Applicant alleged were responsive, the dates of use did not support the date of first use asserted in the application for the CAKEDIVA mark. To the contrary, the documents identified in the responses contained multiple dates that were *well after* the date of first use claimed in the CAKEDIVA trademark application.

In particular, each of Applicant's specimens offered in support of her date of first use (except for a *Brides Today* magazine excerpt, discussed below) were produced only *after* Applicant established her website, www.cakediva.com. For example, the stickers and pictures of

goods bearing these stickers offered as specimens of use by Applicant all contain Applicant's website address, www.cakediva.com. Thus, these specimens could not have existed prior to January 13, 1999, when Applicant purchased her website. (See Applicant's trademark application on file with the USPTO.)

With respect to the article in *Brides Today* from 1993 (see Applicant's trademark application on file with the USPTO and **Exhibit 6** hereto, Document Nos. CD000043-000044), this evidence does not support trademark use. To the contrary, the article refers to Applicant as "Charmaine Jones of Isn't that Special-Outrageous Cakes." (See **Exhibit 6** hereto, Document No. CD000044.) What appears to be an advertisement adjacent to the text of that article contains the following matter:

Charmaine Jones
Isn't That Special
"Cake Diva"

(Id.)

This text does not support a finding of trademark use for the goods identified in the application for Applicant's CAKEDIVA mark. To the contrary, it only further supports Applicant's own evidence that Applicant was using the term "cake diva" colloquially, as a nickname (see **Exhibit 6** hereto, Document No. CD000048), and not affixing the mark CAKEDIVA to the applied-for goods in a manner consistent with proper trademark use.

On the other hand, Opposer has not only produced documents establishing that it started its CAKE DIVAS business on September 2, 1998 (Applicant did not adopt her trade name "Cakediva" until June 2004, see **Exhibit 6** hereto, Document No. CD000121), but also Opposer

produced documents establishing proper use of its trademark CAKE DIVAS for the applied-for services since at least as early as October 15, 1998, the date alleged in Opposer's application for trademark registration. (See **Exhibit 8** hereto, Document No. CD 00076.)

Thus, Opposer has done what Applicant has not and cannot do – provide documented evidence to support the date of first use claimed in its application. Moreover, based on the evidence produced by the parties in discovery, Opposer has firmly established priority by establishing use of its CAKE DIVAS mark at least as early as October 15, 1998, which date precedes January 13, 1999, the earliest date upon which Applicant may be able to establish her use of “Cakediva” as a trademark.

As set forth above, Opposer's discovery requests specifically requested that Applicant provide a date of first use of the CAKEDIVA mark on each of the goods identified in her Application for the CAKEDIVA Mark and produce documents to support the alleged dates. (See **Exhibits 1 and 2** hereto.) Applicant's responses were inadequate, unverified and failed to support the bald assertion in her trademark application. (See Klafter Decl., ¶ 5 and **Exhibits 5 and 6** hereto.) Even after Opposer pressed for supplemental responses (see Klafter Decl., ¶¶ 7-8 and **Exhibit 9** hereto), Applicant's supplemental responses did not support her claimed date of first use. (See Klafter Decl., ¶ 9 and **Exhibits 10 and 11** hereto.) Because Applicant had not proven that she could establish her claimed date for first use of the mark CAKEDIVA on the goods recited in her application, Opposer requested that Applicant confirm that she had produced all responsive documents to Opposer's discovery requests. (see Klafter Decl., ¶ 10 and **Exhibit 12** hereto.) Applicant confirmed that she had produced all responsive documents. (see Klafter Decl., ¶ 11 and **Exhibit 13** hereto.)

Based on the foregoing, because Applicant has not and cannot establish prior use, Opposer's motion should be granted. Chicago Bears Football Club, Inc. and NFL Properties LLC v. 12th Man/Tennessee LLC, 2007 WL 683778 (T.T.A.B. 2007); see also Lucent Information Management, Inc. v. Lucent Technologies, Inc., 986 F. Supp. 253, 45 U.S.P.Q.2d 1019 (D. Del. 1997), aff'd 186 F.3d 311, 51 U.S.P.Q.2d 1545 (3d Cir. 1999).

In sum, Opposer has met its burden under Rule 56(c) of showing that the statements and documents offered as evidence by Applicant do not support the date of first use claimed in her application for the CAKEDIVA Mark for goods in Class 030, and that Applicant has not and cannot established priority of use.

V. **CONCLUSION**

Based on the foregoing, Opposer respectfully requests that its motion for summary judgment be GRANTED.

Respectfully submitted,

Dated: January 15, 2009


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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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)	Opposition No. 91177301
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v.)	
)	
Charmaine V. Jones,)	
)	
Applicant.)	
_____)	

DECLARATION OF LEIGH GRODE
IN SUPPORT OF OPPOSER’S MOTION FOR SUMMARY JUDGMENT

I, Leigh Grode, hereby declare and state:

I am the founder and co-owner of Opposer, Cake Divas (“Opposer”). All statements made herein are of my own knowledge and are true; all statements made on information and belief are believed by me to be true; if called upon, I could and would testify competently to them. I make this declaration in support of Opposer’s Motion for Summary Judgment against Applicant Charmaine V. Jones (“Applicant” or “Ms. Jones”).

1. In September 1998, I discussed forming a cake baking business with my friend and business partner Joan Spitler, who is a pastry chef and cake decorator. We decided upon the name “Cake Divas.” I performed numerous Internet searches to see if any other businesses had used the name “Cake Divas” to identify their business. I did not find any.

2. On or about September 2, 1998 Joan and I applied for a Tax ID number and a business license with the California Franchise Tax Board. (See Opposer's Brief, Exhibit 8, Doc. Nos. CD 00062-00066.) As part of the application process, we were required to spend several hours at the Franchise Tax Board office searching all variations of "Cake Divas" used for any businesses located within the United States in order to complete our fictitious business name search for "Cake Divas" throughout the United States, and to publish our intent to create the fictitious business entity "Cake Divas" in a Los Angeles County newspaper. We received no response or opposition to the fictitious business name statement. So, Joan and I were granted a business license to operate our cake baking business under the name "Cake Divas."

3. For the next two (2) years, from 1998 to 2000, Joan and I developed our business and expanded its clientele and brand recognition. In particular, on or about September 1998 I purchased the domain name www.cakedivas.com to secure an online website from which to advertise and conduct our business. Then, in 2000, Joan and I began publishing content about our business on that website.

4. In 2000, as word spread about our business and our brand recognition continued to grow, Joan and I began receiving inquiries from major media publications regarding our goods and services. Specifically, journalists from *The Hollywood Reporter* and *InStyle Magazine* conducted interviews with Joan and I, and published written articles and photographs regarding our cakes and cake baking business. In addition, we were featured on the television show, *Roker on the Road*, which was televised on The Food Network.

5. After our appearance on *Roker on the Road*, Joan and I received a cease-and-desist letter from Ms. Jones, in which she claimed that she was using the name "Cake Diva" in connection with her cake baking business prior to our use, and demanded that we immediately cease doing business as "Cake Divas." Because we disputed her claims of prior use, we retained counsel.

6. Notwithstanding our attempts to resolve this matter with Ms. Jones, Ms. Jones filed a trademark application for CAKEDIVA on July 11, 2003 based on an alleged date of first use of June 15, 1993. As soon as we discovered this, we filed a trademark application for our mark CAKE DIVAS on August 6, 2003, based on a date of first use of October 15, 1998.

7. Ms. Jones' filing of her application for the CAKEDIVA mark has barred the registration of our CAKE DIVAS mark. In addition, the registration of the CAKEDIVA mark poses a threat of irreparable harm to our ability to do business under and to license our mark CAKE DIVAS. Accordingly, because we have not been able to amicably resolve this matter with Ms. Jones, we have been forced to file this opposition proceeding against the registration of the CAKEDIVA mark.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed January 15, 2009, in Los Angeles, California.



Leigh Grode

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

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Cake Divas,)	
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v.)	
)	
Charmaine V. Jones,)	
)	
Applicant.)	
_____)	

DECLARATION OF MATTHEW D. KLAFTER

I, Matthew D. Klafter, hereby declare and state:

I am a member of the Bar of the State of California and am an associate at Keats McFarland & Wilson, LLP, attorneys for Opposer, Cake Divas. I make this declaration in support of Opposer’s Motion for Summary Judgment against Charmaine V. Jones (“Applicant”). All statements made herein are of my own knowledge and are true; all statements made on information and belief are believed by me to be true; if called upon, I could and would testify competently to them.

1. On May 15, 2007, Opposer initiated this opposition proceeding based on Opposer’s priority of use of its CAKE DIVAS mark and a likelihood of confusion arising from the concurrent use of the parties’ respective marks.

2. On July 25, 2007, Applicant filed her answer to the Opposition.

3. On September 10, 2008, Opposer served Applicant with its First Set of Interrogatories (“Interrogatories”) and First Set of Requests for Production of Documents and Things (“Requests for Production”). True and correct copies of these requests are attached to Opposer’s Memorandum of Points and Authorities in support of its motion for summary judgment (“Opposer’s Brief”) as **Exhibits 1 and 2**, respectively.

4. On September 22, 2008, Applicant served Opposer with her First Set of Interrogatories and First Set of Requests for Production of Documents and Things. True and correct copies of these requests are attached to Opposer’s Brief as **Exhibits 3 and 4**, respectively.

5. On October 14, 2008, Applicant served her responses to Opposer’s interrogatories and requests for production of documents and things. Significantly, Applicant’s interrogatory responses were not verified and did not contain a single substantive response. True and correct copies of these responses are attached to Opposer’s Brief as **Exhibits 5 and 6**, respectively.

6. On October 27, 2008, Opposer served its responses to Applicant’s discovery requests. True and correct copies of these responses are attached to Opposer’s Brief as **Exhibits 7 and 8**, respectively.

7. On November 4, 2008, I sent a letter to Applicant’s counsel requesting a pre-filing conference of counsel regarding Applicant’s failure to comply, among other things, with the discovery requirements of Rules 33 and 34 of the Federal Rules of Civil Procedure. A true and correct copy of that letter is attached to Opposer’s Brief as **Exhibit 9**.

8. On November 6, 2008, I participated in a teleconference with Applicant's counsel in which she agreed to supplement Applicant's discovery responses, as requested in my November 4 letter.

9. On November 21, 2008, Applicant submitted her supplemental responses to Opposer's interrogatories, and produced additional documents and a privilege log. True and correct copies of these responses are attached to Opposer's Brief as **Exhibits 10** and **11**, respectively.

10. On November 24, 2008, I sent an letter to Applicant's counsel requesting that Applicant confirm that she had produced all responsive documents to Opposer's discovery requests and that she had produced all documents upon which she intended to rely in support of her claims in this proceeding. A true and correct copy of that correspondence is attached to Opposer's Brief as **Exhibit 12**.

11. On December 1, 2008, counsel for Applicant sent an e-mail to me confirming that Applicant had produced all responsive documents to Opposer's discovery requests. A true and correct copy of that correspondence is attached to Opposer's Brief as **Exhibit 13**.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed January 15, 2009, in Beverly Hills, California.


Matthew D. Klafter

EXHIBIT 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In the Matter of Application Serial No. 76/529,077
Published in the *Official Gazette* of May 8, 2007

Cake Divas,)	
)	Opposition No. 91177301
Opposer,)	
)	
v.)	
)	
Charmaine V. Jones,)	
)	
Applicant.)	
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**OPPOSER'S FIRST SET OF INTERROGATORIES
TO APPLICANT, CHARMAINE V. JONES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, and Rule 2.120(j) of the Trademark Rules of Practice, Cake Divas ("Opposer"), requests that Charmaine V. Jones ("Applicant"), respond, separately and fully, in writing under oath, to the following Interrogatories within thirty (30) days of service thereof.

DEFINITIONS

As used herein:

1. "DOCUMENT" has the same meaning as in the Federal Rules of Civil Procedure and includes the original and any non-identical copy, regardless of origin or location, of any written, typewritten, drawn, charted, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced, now or formerly in YOUR possession, custody or control, including, but not limited to, any drawing, photograph, book, pamphlet, periodical, letter, correspondence, telegram, invoice, contract, purchase order, estimate, report, memorandum,

COMMUNICATION, computer databases, data sheets, data processing cards, tapes, disc recordings, electronic mail, computer files, computer notes, computer images, diskettes, memoranda, work papers, work sheets, work records, literature, reports, notes, drafts, diaries, messages, telegrams, books, ledgers, publications, ADVERTISEMENTS, brochures, price lists, cost sheets, estimating sheets, bills, bids, time cards, invoices, receipts, purchase orders, contracts, telephone records, and any other records, writings, or computer input or output, working paper, record, study, paper, chart, graph, index, and any transcription(s) thereof, and all other memorialization(s) of any conversations(s), meeting(s), and conference(s), by telephone or otherwise. The term DOCUMENT also means every copy of a DOCUMENT where such copy is not an identical duplicate of the original, whether because of deletions, underlinings, showing of blind copies, initialing, signatures, receipt stamps, comments, notations, differences in stationery or any other difference or modification of any kind.

2. "COMMUNICATION" means an exchange or transmittal of information by any means including, but not limited to, exchange or transmittal by DOCUMENT, in-person meeting, intra-office correspondence OR memo, conversation, correspondence, wire, telephone, telecopy, telegram, telex or other electronic transmission, including electronic mail transmissions.

3. "ADVERTISEMENT" means any publication, catalogue, magazine, newspaper, brochure, mass mailing, press release, press communication, publicity material, promotional material, prospectus, book, print medium, electronic medium (including, but not limited to, Web pages, ftp sites, e-mails, and computerized bulletin board services), billboard, painting, mural, radio station, or television station of any kind, and any DOCUMENT or thing used to promote, advertise, distribute, download, upload, offer for sale or sell YOUR DVDS.

4. "PERSON" means any or all entities including, but not limited to, any or all individuals, single proprietorships, associations, companies, firms, partnerships, joint ventures,

corporations, employees or former employees, or any other business, governmental, or labor entity, and any divisions, departments, or other units thereof.

5. The singular and plural forms of words are used interchangeably, as are the masculine and feminine forms and the present and past tenses of verbs, except where circumstances make it inappropriate.

6. Each request shall be responded to separately. Requests shall not be combined for the purpose of supplying a common response thereto.

7. "IDENTIFY" means:

- a. when used in reference to a natural person, to state the individual's full name, present or last known residence and business addresses, social security number, and present or last known position and business affiliation;
- b. when used in reference to a corporation, partnership, or other entity, to state the full and complete (corporate) name, the organizational format (e.g., corporation, partnership), the state of incorporation, the present or last known address of its principal place of business, the date on which it commenced doing business, each and every officer of the company, and each and every stockholder of a corporation or partner of a partnership, or anyone holding an equity interest in the entity;
- c. when used in reference to a DOCUMENT, to state the date, identity of the author, addressee(s), signatories, parties, or other PERSONS identified therein, the type of DOCUMENT (e.g., letter, memorandum, chart, etc.), its present location or custodian and a brief topical description of its contents;

- d. when used in reference to a COMMUNICATION, to state the date, IDENTIFY the parties, the type of COMMUNICATION, and a brief description of its contents; and
- e. when used in reference to an ADVERTISEMENT, to state the date, IDENTIFY the parties, the type of ADVERTISEMENT, and a brief description of its contents.

8. "RELATE TO" and "RELATING TO" mean in any way directly or indirectly, concerning, referring to, pertaining to, mentioning, discussing, describing, disclosing, confirming, supporting, evidencing, representing, or being connected with a stated subject matter or any aspect thereof.

9. "AND" and "OR" mean either the conjunctive or the disjunctive as context may require so that the meaning of the term is inclusive rather than exclusive.

10. "Applicant" means Charmaine V. Jones, and her predecessors and successors in interest, subsidiaries, affiliates, and also her officers, agents, servants, employees, representatives, attorneys, consultants of or to Ms. Jones or anyone else purporting to act, directly or indirectly, on her behalf or under her direction or control.

11. "Applicant's CAKEDIVA Mark" means and refers to the word mark CAKEDIVA as identified in United States Patent and Trademark Office Application Serial No. 76/529,077.

12. "Opposer" means and refers to opposer Cake Divas.

13. "Opposer's CAKE DIVAS Mark" means and refers to the word mark CAKE DIVAS as identified in United States Patent and Trademark Office Application Serial No. 76/538,360.

14. "YOU" and "YOUR" mean and refer to Applicant.

15. "Applicant's Goods" means and refers collectively to all goods identified in the trademark application for Applicant's CAKEDIVA Mark, namely, "Greeting cards featuring

photographs of cakes and cookies” in Class 016 and “Cakes, namely, wedding cakes, bridal shower cakes, party cakes, novelty cakes and cakes for all occasions; edible cake sculptures of all shapes and sizes made primarily of sugar; cookies of all shapes and sizes; edible sugar sculptures in the form of flowers, inanimate objects, human images; and edible decorations made of sugar for cakes and cookies” in Class 030.

INSTRUCTIONS

16. Applicant is to answer each interrogatory separately and fully unless it is objected to, in which case the reason(s) for the objection should be stated. The answers are to be signed by Applicant and the objections, if any are to be signed by the attorney making them.

17. If any information called for by any interrogatory herein is withheld because Applicant claims that such information is contained in a privileged document or communication:

- a. identify each such document or communication, including its date, author, addressee(s), if any, type of document (letter, journal, invoice, etc.), and subject matter;
- b. state the basis upon which the privilege is claimed with sufficient specificity to permit the Court to make a full determination whether the claim of privilege is valid and each and every fact or basis upon which Applicant claims such privilege;
- c. state the number and subsection number of each interrogatory to which each such document or communication is responsive; and
- d. identify each person (other than the attorneys representing Applicant in this action) to whom the contents of each such document or communication has heretofore been disclosed, either orally or in writing.

18. When, after a reasonable and thorough investigation using due diligence, Applicant is unable to answer any interrogatory, or some part thereof, because of lack of information available to Applicant, specify, in full and complete detail, the reason the information is not available to Applicant and what has been done to locate such information. In

addition, specify what knowledge Applicant does have concerning the unanswered portion of the interrogatory and set forth the facts upon which such knowledge is based.

19. Where an interrogatory does not request a specific fact, but where a specific fact or facts are necessary to make the answer to the interrogatory either comprehensible, complete or not misleading, Applicant is requested to include such fact or facts as part of the answer and the interrogatory shall be deemed specifically to request such fact or facts.

20. In answering these interrogatories, Applicant is to furnish all information available to Applicant, including information in the possession of Applicant's attorneys, and not merely such information known of the personal knowledge of Applicant. If Applicant refers to a document, memorandum, record, paper, letter or written or printed material of any kind for the purpose of answering any interrogatory, IDENTIFY such document as defined herein.

21. If, after these interrogatories are answered for the first time, Applicant obtains any information from which Applicant either knows that an answer was incorrect when made or that an answer, though correct when made, is no longer true or complete, Applicant must amend and/or supplement its previous answers to these interrogatories as required by F. R. Civ. P. 26(e).

22. Each request shall be read to be inclusive rather than exclusive. Accordingly, the words "and" as well as "or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of this document request all documents that might otherwise be construed to be outside its scope. "Including" shall be construed to mean "without any limitation." The word "all" includes "any" and vice versa. The past tense shall include the present tense and the present tense shall include the past tense so as to make the request inclusive rather than exclusive. The singular shall include the plural. The masculine includes the feminine and vice versa.

INTERROGATORIES

Applicant is requested to answer the following Interrogatories:

INTERROGATORY NO. 1.:

For Applicant's CAKEDIVA Mark, STATE by month and year the dates of first use anywhere in the United States for each of the goods identified in the application.

INTERROGATORY NO. 2.:

For Applicant's CAKEDIVA Mark, STATE by month and year the dates of first use in interstate commerce in the United States for each of the goods identified in the application.

INTERROGATORY NO. 3.:

For Applicant's CAKEDIVA Mark, STATE by month and year the dates of first use anywhere in the world for each of the goods identified in the application including the country in which such use occurred.

INTERROGATORY NO. 4.:

STATE the date that Applicant first began advertising Applicant's CAKEDIVA Mark in the United States on or in connection with the goods listed in the registration for Applicant's CAKEDIVA Mark and for each such advertisement, STATE:

- (a) the name, address or location for each advertising medium used;
- (b) the territory reached by each form of advertising; and
- (c) the date or dates on which each such advertisement or promotional activity occurred.

INTERROGATORY NO. 5.:

STATE all channels of trade in which YOU have distributed Applicant's Goods.

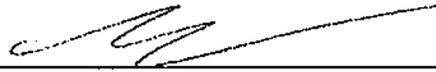
III
III
III

INTERROGATORY NO. 6.:

IDENTIFY the geographical areas of distribution of Applicant's Goods.

Respectfully submitted,

Dated: September 10, 2008



Konrad K. Gatien
Keats McFarland & Wilson LLP
Attorneys for Opposer
Cake Divas
9720 Wilshire Blvd., Penthouse Suite
Beverly Hills, CA 90212
Telephone: (310) 248-3830
Facsimile: (310) 860-0363

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2008, I served the following document(s):

**OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT,
CHARMAINE V. JONES,**

upon counsel for Applicant named below:

Lori D. Greendorfer
Schiff Hardin, LLP
900 Third Avenue
New York, NY 10022
E-Mail: lgreendorfer@schiffhardin.com

by placing a true and correct copy thereof in a sealed envelope, postage prepaid, in First Class U.S. mail, for collection and mailing with the United States Postal Service on the same date.

From my computer, I also transmitted via electronic mail in pdf form a copy of the foregoing document to the electronic mail address for Applicant's counsel set forth above.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 10, 2008, at Beverly Hills, California.



Konrad K. Gatien

Exhibit 2

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

In the Matter of Application Serial No. 76/529,077
Published in the *Official Gazette* of May 8, 2007

Cake Divas,)	
	)	Opposition No. 91177301
Opposer,)	
)	
v.)	
)	
Charmaine V. Jones,)	
)	
Applicant.)	
_____)	

**OPPOSER'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS
TO APPLICANT, CHARMAINE V. JONES**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, and Rule 2.120 of the Trademark Rules of Practice, Cake Divas ("Opposer") requests that Charmaine V. Jones ("Applicant") produce the following documents and things for inspection and copying at the offices of Keats McFarland & Wilson LLP, 9270 Wilshire Boulevard, Penthouse, Beverly Hills, California 90212, in response to each of the following Requests for Production of Documents and Things (collectively, "Requests", and each individually a "Request") within thirty (30) days of the date of service of these Requests.

DEFINITIONS

As used herein:

1. "DOCUMENT" has the same meaning as in the Federal Rules of Civil Procedure and includes the original and any non-identical copy, regardless of origin or location, of any written, typewritten, drawn, charted, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced, now or formerly in YOUR possession, custody or

control, including, but not limited to, any drawing, photograph, book, pamphlet, periodical, letter, correspondence, telegram, invoice, contract, purchase order, estimate, report, memorandum, COMMUNICATION, computer databases, data sheets, data processing cards, tapes, disc recordings, electronic mail, computer files, computer notes, computer images, diskettes, memoranda, work papers, work sheets, work records, literature, reports, notes, drafts, diaries, messages, telegrams, books, ledgers, publications, ADVERTISEMENTS, brochures, price lists, cost sheets, estimating sheets, bills, bids, time cards, invoices, receipts, purchase orders, contracts, telephone records, and any other records, writings, or computer input or output, working paper, record, study, paper, chart, graph, index, and any transcription(s) thereof, and all other memorialization(s) of any conversations(s), meeting(s), and conference(s), by telephone or otherwise. The term DOCUMENT also means every copy of a DOCUMENT where such copy is not an identical duplicate of the original, whether because of deletions, underlinings, showing of blind copies, initialing, signatures, receipt stamps, comments, notations, differences in stationery or any other difference or modification of any kind.

2. "COMMUNICATION" means an exchange or transmittal of information by any means including, but not limited to, exchange or transmittal by DOCUMENT, in-person meeting, intra-office correspondence OR memo, conversation, correspondence, wire, telephone, telecopy, telegram, telex or other electronic transmission, including electronic mail transmissions.

3. "ADVERTISEMENT" means any publication, catalogue, magazine, newspaper, brochure, mass mailing, press release, press communication, publicity material, promotional material, prospectus, book, print medium, electronic medium (including, but not limited to, Web pages, ftp sites, e-mails, and computerized bulletin board services), billboard, painting, mural, radio station, or television station of any kind, and any DOCUMENT or thing used to promote, advertise, distribute, download, upload, offer for sale or sell YOUR DVDS.

4. "PERSON" means any or all entities including, but not limited to, any or all individuals, single proprietorships, associations, companies, firms, partnerships, joint ventures,

corporations, employees or former employees, or any other business, governmental, or labor entity, and any divisions, departments, or other units thereof.

5. The singular and plural forms of words are used interchangeably, as are the masculine and feminine forms and the present and past tenses of verbs, except where circumstances make it inappropriate.

6. Each request shall be responded to separately. Requests shall not be combined for the purpose of supplying a common response thereto.

7. "IDENTIFY" means:

- a. when used in reference to a natural person, to state the individual's full name, present or last known residence and business addresses, social security number, and present or last known position and business affiliation;
- b. when used in reference to a corporation, partnership, or other entity, to state the full and complete (corporate) name, the organizational format (e.g., corporation, partnership), the state of incorporation, the present or last known address of its principal place of business, the date on which it commenced doing business, each and every officer of the company, and each and every stockholder of a corporation or partner of a partnership, or anyone holding an equity interest in the entity;
- c. when used in reference to a DOCUMENT, to state the date, identity of the author, addressee(s), signatories, parties, or other PERSONS identified therein, the type of DOCUMENT (e.g., letter, memorandum, chart, etc.), its present location or custodian and a brief topical description of its contents;

- d. when used in reference to a COMMUNICATION, to state the date, IDENTIFY the parties, the type of COMMUNICATION, and a brief description of its contents; and
- e. when used in reference to an ADVERTISEMENT, to state the date, IDENTIFY the parties, the type of ADVERTISEMENT, and a brief description of its contents.

8. "RELATE TO" and "RELATING TO" mean in any way directly or indirectly, concerning, referring to, pertaining to, mentioning, discussing, describing, disclosing, confirming, supporting, evidencing, representing, or being connected with a stated subject matter or any aspect thereof.

9. "AND" and "OR" mean either the conjunctive or the disjunctive as context may require so that the meaning of the term is inclusive rather than exclusive.

10. "Applicant" means Charmaine V. Jones, and her predecessors and successors in interest, subsidiaries, affiliates, and also her officers, agents, servants, employees, representatives, attorneys, consultants of or to Ms. Jones or anyone else purporting to act, directly or indirectly, on her behalf or under her direction or control.

11. "Applicant's CAKEDIVA Mark" means and refers to the word mark CAKEDIVA as identified in United States Patent and Trademark Office Application Serial No. 76/529,077.

12. "Opposer" means and refers to opposer Cake Divas.

13. "Opposer's CAKE DIVAS Mark" means and refers to the word mark CAKE DIVAS as identified in United States Patent and Trademark Office Application Serial No. 76/538,360.

14. "YOU" and "YOUR" mean and refer to Applicant.

15. "Applicant's Goods" means and refers collectively to all goods identified in the trademark application for Applicant's CAKEDIVA Mark, namely, "Greeting cards featuring photographs of cakes and cookies" in Class 016 and "Cakes, namely, wedding cakes, bridal

shower cakes, party cakes, novelty cakes and cakes for all occasions; edible cake sculptures of all shapes and sizes made primarily of sugar; cookies of all shapes and sizes; edible sugar sculptures in the form of flowers, inanimate objects, human images; and edible decorations made of sugar for cakes and cookies” in Class 030.

16. “Opposer’s First Set of Interrogatories” means and refers to Opposer’s First Set of Interrogatories to Applicant, Charmaine V. Jones.

INSTRUCTIONS

1. YOUR response to this Request for Production shall include all DOCUMENTS, tangible things, and information within YOUR possession, custody, or control including, but not limited to, DOCUMENTS, tangible things and information in the possession, custody, or control of any PERSON(S), including, but not limited to, YOUR employees, accountants, consultants, attorneys or other agents or representatives.

2. This request is continuing, requiring YOU to supplement YOUR response and YOUR production of DOCUMENTS and tangible things in accordance with Federal Rule of Civil Procedure 26(e) with respect to any DOCUMENTS, tangible things, and information within the scope of this request as may be located or acquired following YOUR initial response.

3. The specific or duplicative or overlapping nature of any of the DOCUMENT OR tangible thing descriptions set forth below shall not be construed to limit the generality or breadth of any other DOCUMENT OR tangible thing description contained in this or any other Request for Production.

4. When, after a reasonable and thorough investigation using due diligence, YOU are unable to produce a DOCUMENT OR tangible thing requested, specify in full and complete detail whether such DOCUMENT OR tangible thing existed or exists, and if so, the reason the DOCUMENT OR tangible thing is not available for production.

5. Where a request seeks information that is not within YOUR actual or constructive possession, custody, control, OR knowledge, YOU shall so state and shall respond to the request

to the extent of YOUR knowledge or belief based on the best information presently available. Where YOU have knowledge or a belief as to other PERSONS having such possession, custody, control or knowledge, YOU shall IDENTIFY, to the extent known and based on the best information presently available, all such PERSONS, together with a brief summary of the nature of the DOCUMENT, tangible thing or other information believed to be known to such PERSONS.

6. If, because of a claim of privilege, YOU do not produce an otherwise responsive DOCUMENT OR tangible thing in response to any document request or subpart thereof, or YOU withhold any DOCUMENT OR tangible thing, YOU shall set forth the privilege claimed, the facts upon which YOU rely to support the claim of privilege, and furnish a list identifying each DOCUMENT OR tangible thing for which the privilege is claimed, together with the following information:

- a. a brief description of the nature and subject matter of the DOCUMENT OR tangible thing, including the title and type of DOCUMENT (i.e., whether it is a letter, memorandum, drawing, etc.) OR tangible thing;
- b. the DOCUMENT'S OR tangible thing's date of creation;
- c. the identity of the author(s) or creator(s);
- d. the identity of the PERSON to whom the DOCUMENT is addressed OR to whom the tangible thing has been provided, including all PERSON who received copies, reproductions, or other representations of the DOCUMENT OR tangible thing;
- e. the identity of the PERSON to whom the DOCUMENT OR tangible thing was sent;
- f. the total number of pages for the DOCUMENT; and
- g. the document request to which the DOCUMENT, tangible thing OR withheld information is otherwise responsive.

REQUESTS FOR PRODUCTION

Applicant is requested to produce the following:

REQUEST FOR PRODUCTION NO. 1.:

DOCUMENTS sufficient to establish each date of first use asserted by YOU in response to Interrogatory No. 1 of Opposer's First Set of Interrogatories.

REQUEST FOR PRODUCTION NO. 2.:

Exemplars sufficient to establish each use in commerce asserted by YOU in response to Interrogatory No. 1 of Opposer's First Set of Interrogatories

REQUEST FOR PRODUCTION NO. 3.:

DOCUMENTS sufficient to establish each date of first use asserted by YOU in response to Interrogatory No. 2 of Opposer's First Set of Interrogatories.

REQUEST FOR PRODUCTION NO. 4.:

Exemplars sufficient to establish each use in commerce asserted by YOU in response to Interrogatory No. 2 of Opposer's First Set of Interrogatories

REQUEST FOR PRODUCTION NO. 5.:

DOCUMENTS sufficient to establish each date of first use asserted by YOU in response to Interrogatory No. 3 of Opposer's First Set of Interrogatories.

REQUEST FOR PRODUCTION NO. 6.:

Exemplars sufficient to establish each use in commerce asserted by YOU in response to Interrogatory No. 3 of Opposer's First Set of Interrogatories

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS which evidence, reflect, refer or RELATE TO any of Applicant's responses to any of Applicant's First Set of Interrogatories to Applicant, including all DOCUMENTS and things identified or described by Applicant in response to those interrogatories.

Respectfully submitted,



Dated: September 10, 2008

Konrad K. Gatién
Keats McFarland & Wilson LLP
Attorneys for Opposer
Cake Divas
9720 Wilshire Blvd., Penthouse Suite
Beverly Hills, CA 90212
Telephone: (310) 248-3830
Facsimile: (310) 860-0363

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2008, I served the following document(s):

**OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS TO APPLICANT, CHARMAINE V. JONES,**

upon counsel for Applicant named below:

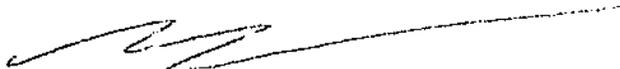
Lori D. Greendorfer
Schiff Hardin, LLP
900 Third Avenue
New York, NY 10022
E-Mail: lgreendorfer@schiffhardin.com

by placing a true and correct copy thereof in a sealed envelope, postage prepaid, in First Class U.S. mail, for collection and mailing with the United States Postal Service on the same date.

From my computer, I also transmitted via electronic mail in pdf form a copy of the foregoing document to the electronic mail address for Applicant's counsel set forth above.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 10, 2008, at Beverly Hills, California.



Konrad K. Gatien

Exhibit 3

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

In the Matter of Application Serial No. 76/529,077
Published in the *Official Gazette* of May 8, 2007

Cake Divas,)	
	)	Opposition No. 91177301
Opposer,)	
)	
v.)	
)	
Charmaine V. Jones,)	
)	
Applicant.)	

APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER

Pursuant to 37 C.F.R. § 2.120 and Rule 33 of the Federal Rules of Civil Procedure, ("Applicant"), by its attorneys, hereby requests that ("Opposer") answer the following Interrogatories in writing, separately, fully, and under oath, within thirty (30) days from service hereof by mailing or otherwise delivering the answers to Schiff Hardin LLP, 900 Third Avenue, New York, New York 10022.

INSTRUCTIONS

a. These Interrogatories shall be deemed to seek answers as of the date hereof, but shall be deemed to be continuing so that any additional information relating in any way to these Interrogatories which Opposer acquires or which becomes known to Opposer up to and including the time of trial, shall be furnished to Applicant promptly after such information is acquired or becomes known, pursuant to Rule 26 of the Federal Rules of Civil Procedure.

b. In each instance where an Interrogatory is answered on information and belief, it is requested that Opposer set forth the basis for such information and belief.

c. Should an Interrogatory not specifically request a particular fact or facts, but where such fact or facts are necessary to make the response to the Interrogatory comprehensible or not misleading, Opposer is requested to include such fact or facts as part of its response.

d. 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 to have such knowledge or information.

e. 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 such document is not in Opposer's possession, custody or control, it is requested that Opposer state the name and address of each person known to Opposer to have such possession, custody or control, and identify which documents are in such person's possession, custody or control.

f. With respect to each document which is withheld, whether under claim of privilege or otherwise, please provide the following information:

- i. the date, identity and general subject matter of each such document;
- ii. the grounds asserted in support of the failure to produce the document;
- iii. the "identity" of each person (other than stenographic or clerical assistants) participating in the preparation of the document;
- iv. the "identity" of each person to whom the contents of the document were communicated by copy, distribution, reading or substantial summarization;
- v. a description of any document or other material transmitted with or attached to the document;
- vi. the number of pages in the document;

vii. whether any business or non-legal matter is contained or discussed in the document.

g. All references to any individual, corporation, partnership, or limited partnership shall be deemed to include not only the individual, corporation, partnership, or limited partnership named, but also his, her, its, or their employees, officers, directors, partners, principals, shareholders, attorneys, agents, and representatives under the control of the entity or individual identified in the request.

h. Words of gender shall be construed as including all genders, without limitations.

DEFINITIONS

As used herein, the following terms have the following definitions:

a. "Person" or "persons" shall mean natural persons, firms, partnerships, joint ventures, government entities, social or political organizations, associations, corporations, divisions, or any other entity in any other department or other unit thereof, whether de facto or de jure, incorporated or unincorporated.

b. "Document" is used in its customary broad sense and includes, without being limited thereto, the following items, whether printed, or recorded, or filmed, or reproduced by any other mechanical process, or written or produced by hand, and whether or not claimed to be privileged against discovery on any ground, and including all originals, masters, and copies, namely: agreements, contracts, and memoranda of understanding; assignments; licenses; correspondence and communications, including electronic mail, intracompany correspondence and communications; cablegrams, telex messages, radiograms and telegrams; reports, notes, and memoranda; summaries, minutes, and records of telephone conversations, meetings and conferences including lists of persons attending meetings or conferences; summaries and recordings of personal conversations and interviews; books, manuals, publications, and diaries;

data sheets and notebooks; charts; plans; sketches and drawings; photographs, motion pictures, audio and video tapes, and disks; models and mock-ups; reports and/or summaries of investigations; opinions and reports of experts and consultants; patents, registrations of marks, copyrights, and applications for any of them; opinions of counsel; sales records including purchase orders, order acknowledgments, and invoices; books of account; statements, bills, checks, and vouchers; reports and summaries of negotiations; brochures; pamphlets, catalogs, and catalog sheets; sales literature and sales promotion materials; advertisements; displays; circulars; trade letters, notices, and announcements; press, publicity, trade, and product releases, whether available on the Internet or otherwise; drafts of originals of or preliminary notes on, and marginal comments appearing on, any document; other reports and records; and any other information containing paper, writing, or a physical thing.

c. "Identify", or to give "identity" of means:

i. In the case of a person, to state:

- (1) full name;
- (2) present residence address and telephone number;
- (3) present business address and telephone number; and
- (4) present position, business affiliation, and job description;
- (5) if any of the information set forth in (1)-(4), above, is unknown, so

state and set forth the corresponding last known such information;

ii. In the case of a corporation, to state:

- (1) full name;
- (2) place and date of incorporation or foundation;
- (3) address and principal place of business; and

(4) identity of officers or other persons having knowledge of the matters with respect to which such corporation is named;

iii. In the case of any person other than a natural person or corporation, to state:

(1) full name;

(2) address and principal place of business; and

(3) identity of officers or other persons having knowledge of the matter with respect to which such person is named.

iv. In the case of a document, to state:

(1) the identity of the person(s) originating and preparing it, and the sender;

(2) its general type (e.g. letter, memo, report, invoice, etc.), title, identifying number and the general nature of its subject matter;

(3) the identity of the addressees and distributees, if any;

(4) its date of preparation;

(5) its dates and manner of transmission, distribution, and publication, if any;

(6) the location of each copy (including title, index number, and location of the file in which it is kept or from which it was removed) and the identity of the present custodian or person responsible for its filing or other disposition; and

(7) the identity of persons who can authenticate or identify it;

v. In the case of an event or occurrence, state:

(1) the date(s) and geographic location(s);

- (2) describe the transactions and events; and
- (3) identify the person(s), corporation(s), or other entities involved in

accordance with the instructions set forth in this paragraph.

d. As used herein, "Opposer," "you," and "your" means not only the named Opposer, but also its agents, officers, employees, representatives, and attorneys, and any predecessors, subsidiaries, controlled and affiliated companies, and their agents, officers, employees, representatives and attorneys, to the fullest extent the context permits.

e. "Produce" means to provide a copy or make available for inspection and copying at the time and place specified above.

f. "Applicant's Mark" or "CAKEDIVA" unless otherwise explained, shall mean Applicant's CAKEDIVA mark identified in U.S. Trademark Application Serial No. 76/529,077.

g. "Opposer's Mark" unless otherwise explained, shall mean its CAKE DIVAS mark identified in U.S. Trademark Application Serial No. 76/538,360.

h. The singular form of a word (e.g., "document" or "person") shall also refer to the plural, and words used in the masculine, feminine, or neuter gender refer to and include all genders.

i. "And" and "or" shall be construed conjunctively or disjunctively as necessary to bring within the Interrogatory all information which might otherwise be construed as outside its scope.

j. "Date" shall mean and refer to the exact day, month, and year of the event or events described in the Interrogatory, if ascertainable, or if not, the best approximation of the date of that event or events, and the basis for that approximation, including, but not limited to, the relationship of the event or events in question to other occurrences.

k. "Concerning" means relating to, referring to, describing, evidencing or constituting.

INTERROGATORIES

INTERROGATORY NO. 1

Identify all corporate officers of Opposer by name, address, title and duty for the period 1998 to present.

INTERROGATORY NO. 2

a. Identify all products and services provided or intended to be provided by Opposer under Opposer's Mark.

b. For every product and/or service identified in response to Paragraph a. hereof, state the date the product and/or service was first offered for sale or provided, or if not yet offered for sale or provided, the date on which Opposer intends to offer the product for sale or provide the service.

c. For each product and/or service identified in response to Paragraph a. hereof, state the volume of sales in dollars and units, if applicable, since first use.

INTERROGATORY NO. 3

State the facts and circumstances surrounding Opposer's decision to adopt Opposer's Mark including the reasoning and rationale behind the decision.

INTERROGATORY NO. 4

State the names, addresses, titles, or positions of each person responsible for, participating in, or having knowledge of the selection, adoption, and use of Opposer's Mark by Opposer, including the identity of the person or persons who originally suggested its use and adoption.

INTERROGATORY NO. 5

Identify all of Opposer's agents, employees, associates, predecessors, and successors and entities affiliated or related with Opposer which were or are responsible for or involved in the manufacture, sale, and/or distribution of the products or the provision of the services identified in response to paragraph a. of Interrogatory No. 2, and with respect to each such individual or entity state their full name; the location of all offices and places of business and telephone numbers thereof; the nature of each such business; the products and/or services sold and/or provided by each such individual or entity; and the nature and scope of their responsibility and/or involvement with Opposer's Mark, including the periods of such responsibility and/or involvement.

INTERROGATORY NO. 6

a. Identify all actual and intended distributors or providers of products and/or services offered by Opposer under Opposer's Mark, including without limitation the principal contact(s) at that entity.

b. Identify all communications with distributors or providers concerning the sale or provision of each product and/or service offered by Opposer under Opposer's Mark.

INTERROGATORY NO. 7

For each product and/or service identified in response to paragraph a. of Interrogatory No. 2, identify all marketing forecasts, production schedules, and other business plans referring or relating to the offering or intended offering of the product and/or service.

INTERROGATORY NO. 8

Describe all forms of Opposer's Mark which have been used or are intended to be used by Opposer.

INTERROGATORY NO. 9

If Opposer has ever promoted or advertised Opposer's Mark, for each media promotion or advertising campaign, identify:

- i. the form of media promotion or advertisement (e.g., print ad, t.v. ad, pamphlet, Internet, including all website addresses whether owned by Opposer or otherwise);
- ii. the inclusive dates and geographic areas of promotion or advertisement;
- iii. the amount spent each year by Opposer on each form of promotion or advertising for the mark from the time of first use; and
- iv. the name(s) and address(es) of the advertising agency(ies) used by Opposer.

INTERROGATORY NO. 11

For each product and/or service identified in response to paragraph a. of Interrogatory No. 2 identify:

- i. all clients or customers of such product or service, including names, addresses and the annual sales revenue for each such customer through 2008; and
- ii. the geographical areas in the United States where such products and/or services are distributed or provided, specifying the states in which said products and/or services have been or are intended to be distributed or offered for each calendar year subsequent to the alleged first use of Opposer's Mark in interstate commerce.

INTERROGATORY NO. 12

For each product and/or service identified in answer to paragraph a. of Interrogatory No. 2, describe the channel(s) of trade through which the product and/or service is distributed or provided or intended to be distributed or provided, including the manner in which such product and/or service is or is intended to be sold or offered.

INTERROGATORY NO. 13

Identify the persons/entities who are principally responsible for the creation, sales, marketing, and promotion and advertising of each product and/or service identified in answer to paragraph a. of Interrogatory No. 2.

INTERROGATORY NO. 14

For each product and/or service identified in answer to paragraph a. of Interrogatory No. 2, state the total dollar amount Opposer has spent in advertising and promoting such product and/or service for each year through 2008 and the amount Opposer intends to spend during 2009, and identify each advertisement which has been, or is intended to be, published, broadcast, or displayed (including without limitation on the Internet), and for each such advertisement:

- i. state the date on which it was or will be published, broadcast, displayed or distributed;
- ii. if a print media advertisement, identify the publication in which such advertisement appeared or will appear by name, date, and page number;
- iii. if a broadcast advertisement, identify the radio or television station or network over which such advertisement was or will be broadcast and state the length of the commercial and the date and time of broadcast; and
- iv. state the total amount of money spent or budgeted for such advertisement, including but not limited to, cost of space or time, production costs, and agency commissions.

INTERROGATORY NO. 15

For each product and/or service identified in answer to paragraph a. of Interrogatory No. 2, identify all catalogs, circulars, leaflets, sales or promotional literature, brochures, bulletins, fliers, signs, sales displays, posters, labels, packaging, point of purchase displays and other

promotional material, including on-line materials bearing Opposer's Mark which have been or are intended to be distributed or displayed in the United States by or on behalf of Opposer, and for each such product and/or service state:

- i. each date on which or the inclusive dates during which said product and/or service was or is to be distributed or offered and the manner in which said item was or is to be distributed or offered; and
- ii. the geographic area (by city, county or state) where said product and/or service was or will be distributed or offered.

INTERROGATORY NO. 16

For each product and/or service identified in answer to paragraph a. of Interrogatory No. 2, state whether Opposer has promoted or exhibited any product and/or service bearing Opposer's Mark at any conventions, trade shows, or exhibitions, or has any plans to do so, and if so, state the title, dates and location of each such convention, trade show, or exhibition, and the product and/or service exhibited or expected to be exhibited.

INTERROGATORY NO. 17

For each product and/or service identified in answer to paragraph a. of Interrogatory No. 2, state whether said product and/or service has been the subject of any article or articles in any magazines, journals, or other literature. If so, identify the article or articles by the name of the publication and the issue and date such article or articles appeared.

INTERROGATORY NO. 18

For each product and/or service identified in answer to paragraph a. of Interrogatory No. 2, identify all administrative or judicial proceedings in which Opposer is or has been involved relating to Opposer's Mark other than the instant action, then state the title, docket number, and tribunal of the proceeding and describe its final outcome or current status.

INTERROGATORY NO. 19

Identify any and all grants, licenses, authorizations, or assignments regarding Opposer's Mark and identify all documents referring or relating to each such grant, license, authorization, and assignment and each amendment or modification thereof. For each and every third party who is now authorized or ever was authorized to use Opposer's Mark, described the scope of such authorization including the identity of the third party, the product(s) and/or service(s) for which use is or was authorized, the date of authorization; and the method by which Opposer controls the nature and quality of the products and/or services for which use of Opposer's Mark is or was authorized.

INTERROGATORY NO. 21

Identify the date and describe the circumstances surrounding Opposer's first knowledge of Applicant's use of the CAKEDIVA mark.

INTERROGATORY NO. 22

State whether Opposer, or any individual(s) or other company(s) or organization(s) acting on Opposer's behalf, has conducted or authorized any other individual or company to conduct a survey, investigation, study, or market test (hereinafter "Survey") relating to Opposer's Mark or Applicant's Mark or the products and/or services sold or to be offered under either Mark including, but not limited to, surveys relating to public recognition, consumer acceptance, secondary meaning, or confusion and, if so, identify each individual or entity who was or is in charge of conducting each Survey, each report or summary of the results thereof, whether written or oral and, if oral, state the contents thereof and identify the persons making and receiving such report or summary and each person having knowledge thereof, and each document relating to, reflecting, supporting, or generated in the consideration, planning, conduct, or reporting of any such Survey, or the results or substance thereof.

INTERROGATORY NO. 24

Identify every objection Opposer has made to the use by another of any trademark, service mark, or trade name comprised of any term alleged to be confusingly similar to Opposer's Mark. For each such objection state: a description of the mark to which objection was made; the date of the objection; the identity of the person to whom the objection was made; the goods, services, or business in connection with which the objectionable mark was used; the disposition of the objection; and the identity of all documents pertaining to the objection, including settlement agreements.

INTERROGATORY NO. 25

Identify every objection Opposer has received from others in reference to Opposer's use or application to register Opposer's Mark. For each such objection state the identity of the objector; the date of the objection; the reason for the objection; the disposition of the objection; and the identity of all documents or writings pertaining to the objection including settlement agreements.

INTERROGATORY NO. 28

Identify all communications with customers and others concerning products and/or services offered by Opposer under its mark.

INTERROGATORY NO. 30

Identify all individuals who assisted in the preparation of the answers to these Interrogatories.

Respectfully submitted this the 22nd day of September, 2008.

By: 
Lori D. Greendorfer
Schiff Hardin LLP
900 Third Avenue, 23rd Floor
New York, New York 10022

ATTORNEYS FOR APPLICANT
Charmaine V. Jones

NYU0410014.2

Exhibit 4

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

In the Matter of Application Serial No. 76/529,077
Published in the *Official Gazette* of May 8, 2007

Cake Divas,)	
	)	Opposition No. 91177301
Opposer,)	
)	
v.)	
)	
Charmaine V. Jones,)	
)	
Applicant.)	

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

Pursuant to 37 C.F.R. § 2.120 and Rule 34 of the Federal Rules of Civil Procedure, Charmaine V. Jones ("Applicant"), by her attorneys, hereby requests that Cake Divas ("Opposer") produce, within thirty (30) days of service hereof, the documents and things identified below ("the Requests") for inspection and copying at the offices of Schiff Hardin LLP, 900 Third Avenue, New York, New York 10022.

INSTRUCTIONS

a. These Requests for Documents are continuing in nature and any documents or things obtained, discovered, or formulated by Opposer subsequent to Opposer's production hereto, which would have been responsive to these Requests, shall be produced promptly for inspection and copying by Applicant.

b. The documents requested herein are intended to include all documents in the possession, custody, or control of Opposer and include, unless otherwise specifically indicated, its predecessor(s), agents, legal representatives, divisions, subsidiary entities, both controlled and wholly owned, and all other related entities (as defined by 15 U.S.C. § 1127), and the past and

present employees, agents, representatives, attorneys, and other personnel thereof, as well as each entity through which the Opposer claims the right to use and/or register the mark CAKE DIVAS.

c. In the event that any document which is responsive to any document request has been lost or destroyed since its preparation or receipt, identify the document and state the circumstances under which the document was lost or destroyed.

d. If Opposer claims privilege for any of the requested documents, it should identify each such document by date, author, recipient, type of document (e.g., letter, memorandum, chart, telegram, etc.), the general subject matter, and its present or last known location or custodian.

e. Unless otherwise specifically indicated herein below, the time period for which documents are requested is from the date of Opposer's first consideration of adopting or using CAKE DIVAS as a mark, to the present date.

DEFINITIONS

The definitions set forth in Applicant's First Set of Interrogatories, served concurrently herewith, are incorporated herein by reference.

DOCUMENT REQUESTS

REQUEST NO. 1:

All documents identified in Opposer's responses to Applicant's First Set of Interrogatories to Opposer.

REQUEST NO. 2:

All documents identifying the products or services offered or intended to be offered under Opposer's Mark.

REQUEST NO. 3:

All advertisements or promotional materials for Opposer's products or services offered under Opposer's Mark, including without limitation any such advertisements or materials on the Internet.

REQUEST NO. 4:

All promotional material for Opposer's products or services offered under Opposer's Mark.

REQUEST NO. 5:

All price lists for Opposer's products or services offered under Opposer's Mark.

REQUEST NO. 6:

All documents concerning each piece of promotional material using or containing Opposer's Mark, ever proposed or considered for use by or on behalf of Opposer.

REQUEST NO. 7:

All documents concerning or identifying employees of Opposer who are responsible for the distribution and sale of products or who provide services under Opposer's Mark.

REQUEST NO. 8:

All documents concerning or identifying independent sales representative(s), independent contractors or other non-employees who have distributed or sold products or have provided services under Opposer's Mark.

REQUEST NO. 9:

All documents concerning actual or projected expenditures for the advertising of products or services sold or provided under Opposer's Mark.

REQUEST NO. 10:

All documents concerning actual or projected expenditures for promotional materials for products or services sold or provided under Opposer's Mark.

REQUEST NO. 11:

All documents concerning Opposer's first use of Opposer's Mark for any products and/or services.

REQUEST NO. 12:

All business plans concerning products or services manufactured, distributed, sold or provided, or intended to be manufactured, distributed, sold or provided under Opposer's Mark.

REQUEST NO. 13:

All documents including, without limitation, communications, investigations, searches, studies, focus groups, surveys, inquiries, and meetings concerning Opposer's decision to register and/or use Opposer's Mark.

REQUEST NO. 14:

All documents concerning Opposer's creation, selection, and adoption of Opposer's Mark.

REQUEST NO. 15:

All documents concerning each term, name, mark, or symbol considered for use by Opposer as an alternative to Opposer's Mark.

REQUEST NO. 16:

All documents concerning Applicant and/or Applicant's use of the CAKEDIVA mark.

REQUEST NO. 17:

All documents concerning the date and circumstances under which Opposer first became aware of Applicant's use of the CAKEDIVA mark.

REQUEST NO. 18:

All documents, including drafts, created by any person whom Opposer has contacted which evidence or constitute opinions, advice, reports, studies, facts, information, surveys, or expert testimony concerning Opposer's Mark, including searches conducted to determine whether Opposer's Mark was available for use and/or registration in connection with the services identified in U.S. Trademark Application Serial No. 76/538,360.

REQUEST NO. 19:

All publications wherein Opposer's Mark has been referenced.

REQUEST NO. 20:

All documents concerning the trade channels through which products or services bearing or offered under Opposer's Mark are sold or are intended to be sold.

REQUEST NO. 21:

All licenses granted to or from Opposer concerning use of Opposer's Mark or any component thereof in connection with any product or service, including all amendments or modifications to such licenses and any writings concerning said licenses.

REQUEST NO. 22:

All agreements, other than licenses, to which Opposer or anyone in privity with it is a party concerning use of Opposer's Mark or any component thereof in connection with any product or service, including all amendments or modifications to such agreements and any writings concerning said agreements.

REQUEST NO. 23:

All documents concerning Opposer's trademark enforcement policy and each objection made by Opposer to the use or registration of a mark by another believed by Opposer to be

confusingly similar to Opposer's Mark, including, without limitation, all documents showing the status or disposition of the objection.

REQUEST NO. 24:

All documents concerning every objection received by to the use or registration of Opposer's Mark on the basis of any mark or name of a third party including, without limitation, all documents showing the status or disposition of the objection.

REQUEST NO. 25:

All documents concerning or evidencing mistake or confusion between any product or service sold or offered by Applicant and any product or service sold or offered by Opposer under Opposer's Mark.

REQUEST NO. 26:

All documents concerning every judicial proceeding in the courts of the United States, or in the courts of the several states, or in the U.S. Patent and Trademark Office, brought by or against Opposer concerning Opposer's Mark including, but not limited to, all pleadings and formal papers from such proceedings, all correspondence relating thereto, and all documents concerning the resolution thereof, whether by settlement or final decision, excluding the instant proceeding.

REQUEST NO. 27:

All documents concerning the actual or projected dollar volume of sales of products or services bearing or offered under Opposer's Mark.

REQUEST NO. 28:

All documents concerning the actual or projected unit volume of sales of products or services bearing or offered under Opposer's Mark.

REQUEST NO. 29:

All documents concerning the actual or intended geographic scope of sales of products or services bearing or offered under Opposer's Mark.

REQUEST NO. 30:

All documents concerning all customers who have purchased or intend to purchase Opposer's products or services bearing or offered under Opposer's Mark.

REQUEST NO. 31:

All summaries and tabulations of the records and documents of Opposer showing annual sales in dollars and units of each product or service sold by Opposer bearing or under Opposer's Mark from the date of first use to the present.

REQUEST NO. 32:

All summaries and tabulations of the records and documents of Opposer showing dollar volume for advertising by Opposer of each product or service bearing or offered under Opposer's Mark from the date of first use to the present.

REQUEST NO. 33:

All trademark applications and registrations (whether state or federal) and the file histories and/or file wrappers therefor, including but not limited to Office Actions, Responses to Office Actions and any attached exhibits, notices from the U.S. Patent and Trademark Office, Examiner's Amendments, specimens of use, Amendments to Allege Use, and/or correspondence related thereto for Opposer's Mark.

REQUEST NO. 34:

All documents including correspondence between Opposer and its advertising agency and/or promotional agency, concerning the preparation of advertising or promotional materials incorporating Opposer's Mark.

REQUEST NO. 35:

All documents concerning any period of time lasting more than thirty days where Opposer did not sell any products or services bearing or offered under Opposer's Mark.

REQUEST NO. 36:

All assignments, mergers, changes of name, and other documents of transfer to which Opposer is a party concerning Opposer's Mark.

REQUEST NO. 37:

All documents concerning permission, requested permission, approval, or requests for approval by Opposer to any governmental authority to sell and/or offer for sale any product or service bearing or offered under Opposer's Mark.

REQUEST NO. 38:

All documents concerning Opposer's document retention policy.

REQUEST NO. 39:

Documents sufficient to show the current corporate structure of Opposer, including the identity of all its officers and directors, its organizational units, and any decision-making hierarchy or hierarchies.

REQUEST NO. 40:

All documents concerning Opposer's policies or practices of receiving, handling, archiving, or storing of consumer communications.

REQUEST NO. 41:

All documents, including market research, consumer surveys, focus groups, and internal memos, concerning the strength or lack of strength of Opposer's Mark.

REQUEST NO. 42:

All documents, including market research, consumer surveys, focus groups, and internal memos, concerning the strength or lack of strength of Applicant's CAKEDIVA mark.

REQUEST NO. 43:

All documents, including market research, consumer surveys, focus groups, and internal memos, concerning the similarity or lack of similarity between Opposer's Mark and Applicant's CAKEDIVA mark.

REQUEST NO. 44:

All documents, including market research, consumer surveys, focus groups, and internal memos, concerning the proximity or lack of proximity of the goods or services manufactured, distributed, or sold or intended to be manufactured, distributed or sold by Opposer under Opposer's Mark and those covered by Applicant's CAKEDIVA mark.

REQUEST NO. 45:

All documents concerning the value or projected value of the Mark to Opposer.

Respectfully submitted this the 22nd day of September, 2008.

By: 
Lori D. Greendorfer
Schiff Hardin LLP
900 Third Avenue, 23rd Floor
New York, New York 10022

ATTORNEYS FOR APPLICANT
Charmaine V. Jones

Exhibit 5

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

In the Matter of Application Serial No. 76/529,077
Published in the *Official Gazette* of May 8, 2007

Cake Divas,)	
	)	Opposition No. 91177301
Opposer,)	
)	
v.)	
)	
Charmaine V. Jones,)	
)	
Applicant)	
_____)	

**APPLICANT'S RESPONSES AND OBJECTIONS TO
OPPOSER'S INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, and Rule 2.120 of the Trademark Rules of Practice, Charmaine V. Jones ("Applicant") responds and objects to the following interrogatories and incorporates herein all of the General Objections set forth in Applicant's responses and objections to Opposer's First Set of Requests for Production of Documents and Things To Charmaine V. Jones.

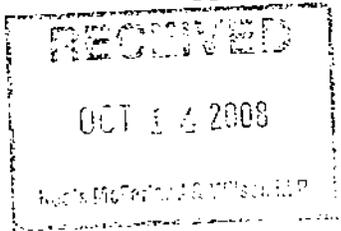
RESPONSES AND OBJECTIONS TO SPECIFIC INTERROGATORIES

INTERROGATORY NO. 1.:

For Applicant's CAKEDIVA Mark, STATE by Month and year the dates of the first use anywhere in the United States for each of the goods identified in the application.

RESPONSE TO INTERROGATORY NO.1:

Subject to and without waiver of the foregoing General Objections, Applicant responds as follows. Applicant refers to documents containing responsive information



bates labeled CD7-16, 26-111, 115-16, and refers to Trademark Application Serial No. 76529077.

INTERROGATORY NO. 2.:

For Applicant's CAKEDIVA Mark, STATE by month and year the dates of first use in interstate commerce in the United States for each of the good identified in the application.

RESPONSE TO INTERROGATORY NO.2:

Subject to and without waiver of the foregoing General Objections, Applicant responds as follows. Applicant refers to documents containing responsive information bates labeled CD7-16, 26-111, 115-16, and refers to Trademark Application Serial No. 76529077.

INTERROGATORY NO. 3.:

For Applicant's CAKEDIVA Mark, STATE by month and year the dates of first use anywhere in the world for each of the goods identified in the application including the country in which such use occurred.

RESPONSE TO INTERROGATORY NO.3:

Subject to and without waiver of the foregoing General Objections, Applicant responds as follows: Applicant refers to documents containing responsive information bates labeled CD7-16, 26-111, 115-16, and refers to Trademark Application Serial No. 76529077. Applicant further responds that the goods identified in the application have been advertised, promoted, sold and/or distributed internationally, including without limitation in Telford, England in 2001, in Brazil in approximately 2000-01, and in the Caribbean in approximately 1997-98.

INTERROGATORY NO. 4.:

STATE the date the Applicant first began advertising Applicant's CAKEDIVA Mark in the United States on or in connection with the goods listed in the registration for Applicant's CAKEDIVA Mark and for each such advertisement, STATE:

- (a) The name, address or location for each advertising medium used;
- (b) The territory reached by each form of advertising; and
- (c) The date or dates on which each such advertisement or promotional activity occurred.

RESPONSE TO INTERROGATORY NO.4:

Subject to and without waiver of the foregoing General Objections, Applicant responds

as follows: Applicant refers to documents bates stamped CD7-16, 26-111, 115-16, as documents containing responsive information to the foregoing interrogatory.

INTERROGATORY NO. 5.:

STATE all channels of trade in which YOU have distributed Applicant's Goods.

RESPONSE TO INTERROGATORY NO.5:

Subject to and without waiver of the foregoing General Objections, Applicant responds as follows: Applicant refers to documents bates stamped CD7-16, 26-111, 115-16, as documents containing responsive information to the foregoing interrogatory.

INTERROGATORY NO. 6.:

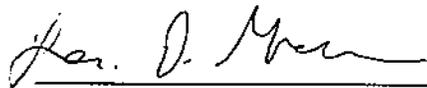
IDENTIFY the geographical areas of distribution of Applicant's Goods.

RESPONSE TO INTERROGATORY NO.6:

Subject to and without waiver of the foregoing General Objections, Applicant responds as follows: Applicant refers to documents bates stamped CD7-16, 26-111, 115-16, which contain responsive information, and further states that the goods have been distributed internationally

October 10, 2008

Respectfully Submitted,



Lori D. Greendorfer
Schiff Hardin LLP
900 Third Avenue, 23rd Floor
New York, NY 10022
Telephone: (212) 745 0814
Facsimile: (212) 753 5044

Exhibit 6



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Oct 10 07:02:48 EDT 2008

TESS Home NEW USER STRUCTURED FREE FORM Browse Data SEARCH DG Bottom HELP PREV LIST CURR LIST NEXT LIST FIRST DOC
 PREV DOC NEXT DOC LAST DOC

Please logout when you are done to release system resources allocated for you.

List At: OR to record: **Record 2 out of 3**

(Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark **CAKEDIVA**
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: Greeting cards featuring photographs of cakes and cookies. FIRST USE: 19930615. FIRST USE IN COMMERCE: 19930615

 IC 030. US 046. G & S: Cakes, namely, wedding cakes, bridal shower cakes, party cakes, novelty cakes and cakes for all occasions; edible cake sculptures of all shapes and sizes made primarily of sugar; cookies of all shapes and sizes; edible sugar sculptures in the form of flowers, inanimate objects, human images; and edible decorations made of sugar for cakes and cookies. FIRST USE: 19930615. FIRST USE IN COMMERCE: 19930615

Mark Drawing Code (1) TYPED DRAWING
Serial Number 76529077
Filing Date July 11, 2003
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition May 8, 2007
Owner (APPLICANT) Jones, Charmaine V. INDIVIDUAL UNITED STATES 1309 5th Avenue Suite 27F New York NEW YORK 10029

Attorney of Record Lori D. Greendorfer
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM Browse Data SEARCH DG Top HELP PREV LIST CURR LIST NEXT LIST FIRST DOC
 PREV DOC NEXT DOC LAST DOC

**DOCUMENTS CD000003- CD000004
INTENTIONALLY OMITTED AS BLANK**

The Queen of Cake

Artisan Charmaine Jones turns flour and sugar into jaw-dropping visions.
By Eunnie Park (Staff Writer)

Do not offer Charmaine Jones cake.

But if you must, prepare yourself for negative feedback. She is the nationally-recognized "Cakediva" with sky-high standards, and no ordinary cake will impress her palate.

"You really don't want me to try it, because I'll tell you the truth," says Jones. "And the majority of the time, the cake the I taste from other places is nasty."

The nastiness of her competitors' cakes is what inspired Jones to open Isn't It Special/Outrageous Cakes in Hoboken and Manhattan more than ten years ago. The Indiana native came to new york in her early 20s after completing her masters in art from Loyola University. She initially wanted pursue a career in music but fell into baking when she realized that the cake industry needed her more.

"I was very disgusted with what I saw was available," she says. "So I felt that if I was looking for that to change that was my life's calling — to try to change the world of cakes."

Drawing on her artistic background and the skills she learned and inherited from her mother, a French pastry baker, and father, an architect, Jones began constructing cakes that are as delicious as they are beautiful. With fondant as her canvas and sugar, her clay, she created cakes that make people exclaim, "Girl, you a diva. You the *cake* diva," she says.

At first, she was baking for acquaintances and other random connections, but as the word spread about the Cakediva, her clientele grew. She was able to open her own bakery in Hoboken in 1990, and then Manhattan in 1991. She now does her baking in Manhattan and keeps the cake gallery and sugar room in Hoboken. The gallery reveals hundreds of photographs and models of Cakediva's previous works. One cake looks like a bouquet of flowers, another, an enchanted castle.

Some of her recent orders include a 6-foot gavel cake for a judge in New York, a four-tier box birthday cake for the producer for "the Early Show", and a six-tier with edible CD's and a sugar sculpture of Notorious B.I.G. for the Christopher Wallace Memorial Foundation.

Working with a staff of three to eight people, Jones creates cakes that may weigh hundreds of pounds and take days to make. in the past, she has delivered cakes for overseas clients in the overhead compartment of an airplane.

Jones' client have a choice of 11 cake flavors and 13 fillings; the most popular combination is pink champagne with coconut filling, she says. The base price for a novelty cake is \$250, wedding cakes start at \$500. Multi-tiered and highly decorated cakes can cost thousands of dollars, but for the time, labour and quality, they are worth every penny and more, says Jones.

"If you want a regular cake, you wouldn't be coming here," she says. "Cakediva is a major name we have to live up to. We don't just put everything we have into it, we put our life into it."

Jones bakes for weddings, birthdays, corporate events and other special occasions. Her former clients include Erykah Badu, Michael Jordan, Jay Leno, Susan Sarandon and Queen Latifah's mom. Her cakes are also often featured on many soap operas, including "One Life to Live" and "All My Children".

A dedicated fan of ABC Daytime, Jones has been watching the two shows since they premiered more than 30 years ago. She loved the handsome actors and the twisted plots, but hated the stale looking cakes in the wedding episodes.

"I knew that the guy who's in charge has got to be disgusted with that cake because me, as a viewer, was disgusted," she says. "I knew I could do better."

So she went to the studio and made a pitch to Jimmy Balzaretti of the props department in "All My Children." Her first cake was for a couple that met over the Internet; she proposed making a three-tier wedding cake with bride and groom computers on top. Since then, Jones has been doing the cake for all weddings on the show.

"Her cakes, I think, are phenomenal," says Balzaretti, who has been working with Jones for about ten years. "She's very good with color and texture [and] she does know our needs."

Cakediva gets most of her inspiration from things other than cakes, she says.

Seeing a chipped pavement or the texture of a fabric can give her a new idea. And her ideas must be original and unprecedented, she adds. "I've always been a leader, not follower," says Jones. "I can't stand to do what someone else has already done. I'd rather die."

She would, however like to help others to do what she has done. She plans to write a cookbook someday, teaching people how to make these outrageous cakes themselves, she says.

In the meantime, don't invite Jones to your birthday expecting her to bring a three-tier mega cake. One thing she dislikes is to bring her work home — or to a party.

"I'd rather bring buffalo wings," says Jones. "Something other than cake, which is what I do everyday."

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So Divine

Great Job Batter Up: She's a multilayered angel making the devil's food with a touch of cheesecake, but whether she's baking for the soaps or for real-life dramas, Cakediva always delivers. From Food Arts Magazine, October, 2000

Interviewed by Chris Styler



At over six feet tall, not counting the store-bought hair and heels, Cakediva is not a presence you're likely to miss when you stroll through your next bridal show. One look at the statuesque, figure in stiletto heels, gold lamé miniskirt, and blond mega-wig, and you know this ain't your mother's Betty Crocker.

Cakediva-aka-**Charmaine Jones**-puts the "special" into **Isn't That Special-
Outrageous Cakes**, her Hoboken, New Jersey-based company, which produces show stopping cakes in styles like "Extreme", "Afrocentric,"

"Novelty," and "Conceptual." When Jones started the business out of her tiny Manhattan apartment, she didn't have a clear idea of what to expect. What she did have was a master's degree in fine arts from Loyola University, an architect for a father, and a mother with French baking experience. All of which came in handy when she began forging remarkably complex and beautiful cakes that are as much edifice as they are dessert.

As for training that might be more germane to the art of baking showcase cakes, Cakediva took a lot of baking classes to figure out, as she puts it, "what I didn't want to do."

The process of elimination was a long one. It began when Jones, who had promised her father the above-mentioned degree, delivered the goods, then promptly loaded everything she owned into her car and drove to New York City to pursue modeling. Over the next two years, her new career went well, but try as she might, she couldn't put her mother's baking influence behind her. "I couldn't run



Cakediva arrives at ABC studios and gets busy, lifting the heavy but fragile cake to the transport cart.
Photo by Robert Milazzo

away from cake," says the fated Cakediva.

In the early 1990s, Jones was using her tiny apartment to turn out dramatic cakes-some of which climbed as high as eight feet and was transporting them to her clients in taxicabs. One contact led to another, and, in 1992, she was asked to prepare one of her afrocentric cakes for a photograph to be included in *Jumping the Broom - The African-American Wedding Planner* by Harriet Cole. The book, which has gone on to sell approximately 9 million copies, led to Jones' introduction to the fantasy world of soap-opera weddings, birthday celebrations, and showers.

When Jones, an avid fan of "the soaps," saw that Noah and Julia, an African-American couple on ABC's *All My Children*, were engaged, she began pleading her case for preparing their wedding cake. That particular cake took a while to see the light of day'- in true soap fashion, Noah was arrested at the altar before the rites were performed and the vows weren't exchanged until he was able to clear his name. Since then, many of Jones' cakes, accompanied by more or less drama, have appeared on soaps like *All My Children*, *One Life to Live*, and *The City*.

As the business grew and began to take up more of her time, Jones realized she had to either commit to her avocation or ditch it all together. Fate steered her to a friend who knew about some space available in a Hoboken, New Jersey, warehouse. Space was about all there was -just wooden floors badly in need of repair and walls that were half sheet rock, half exposed chicken wire."Honey, I had *no* money!" Jones recalls. I did those floors myself I'd tear one piece of sandpaper into eight pieces, wrap one piece around each of my knuckles and *go to work!*"



Under the watchful eye of OLT's set designer Rodger Moody, Cakediva puts a few finishing touches on the cake.
Photo by Robert Milazzo

Over the course of two weeks-during a snowstorm that virtually stranded her in the new place-Jones managed to transform the floors and browbeat her new landlord into finishing the walls. The finishing touch was to paint a wraparound floor-to-ceiling mural, and her first show room was born. It was around this same time that Cakediva was born.

Jones sometimes found herself spending eight-hour stretches making sugar flowers and working so hard, she recalls, "that I had to have an alter ego or I'd go crazy." During a trip to Los Angeles, while walking down Hollywood Boulevard, "This big, red, Marge Simpson-looking wig, and this other big blond wig were just screaming at me," she explains. She

recalls, "stuck in Ohio with a 200 pound cake in the shape of a cereal box and no way to get it where I was going. Let me tell you, that was too much drama for yo' mama." Help came in the form of an offer from a bystander who had watched, rapt, as Jones completed her work. Cakediva once again emerged triumphant.

With all this work, and the soap opera-style drama surrounding it, one wonders that Cakediva ever sees the light of day. "It's an ordeal," Jones admits. "The lashes, the heels, the wig." As I listened to her incredible stories, most of which start with "Baby, check this out" (as in "Baby, check this out-let me tell you about the time the cake spies came to visit"), I got the feeling there's a book in there. When I suggested this to Jones, she responded, "Oh, I know. *Adventures of Cakediva*. I'm working on it baby."

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Isn't that Special Outrageous Cakes

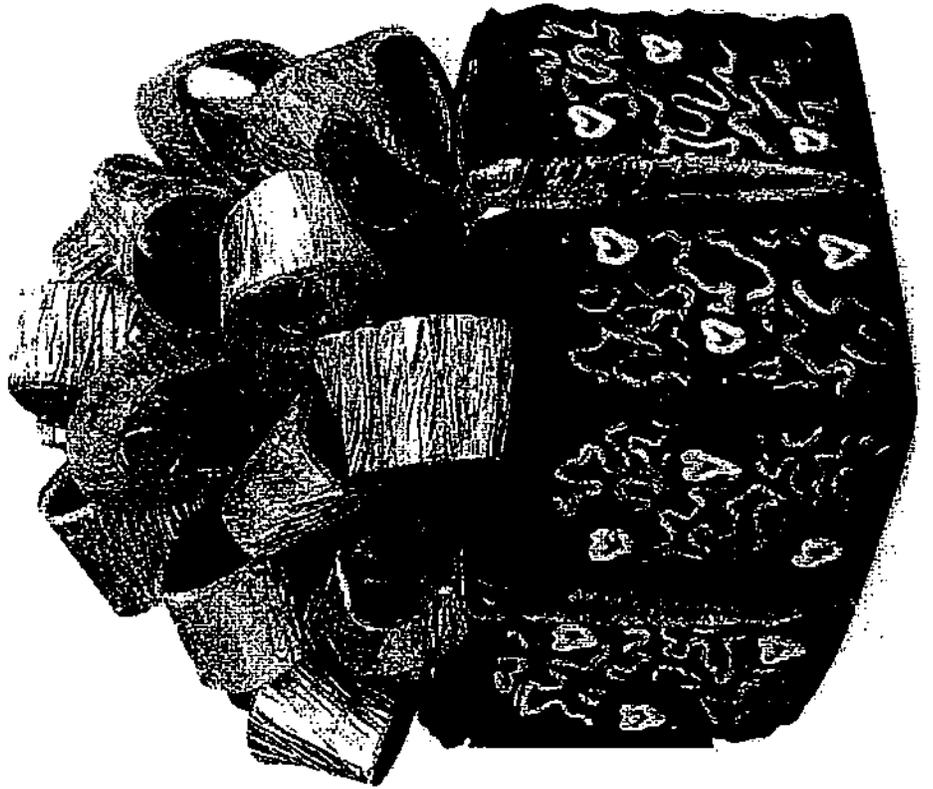
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NEW JERSEY
JAMAICA
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CHOCOLATE TRUFFLE CAKE

The dictionary defines cake as: a variety of bread, shortened or unshortened, usually shaped by the tin in which it is baked; more specifically, sweetened bread, often rich or delicate. However, that prosaic description could hardly describe this extravagant confection created by Chermaline Jones, the Cake Diva!

The cake is covered with chocolate frosting, embellished with hearts and topped with a flamboyant gold bow made from sugar paste. This dessert will be the centerpiece of the celebration and might be considered too beautiful to eat. What a lavish way to show that special someone you care.

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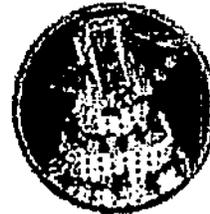
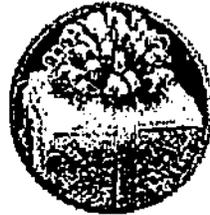
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Stacy's Anniversary

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Charmaine Jones
720 Monroe Street
Hoboken, N. J. 07030

Date: October 25, 2002

Invoice No. 3325

Your Order No.

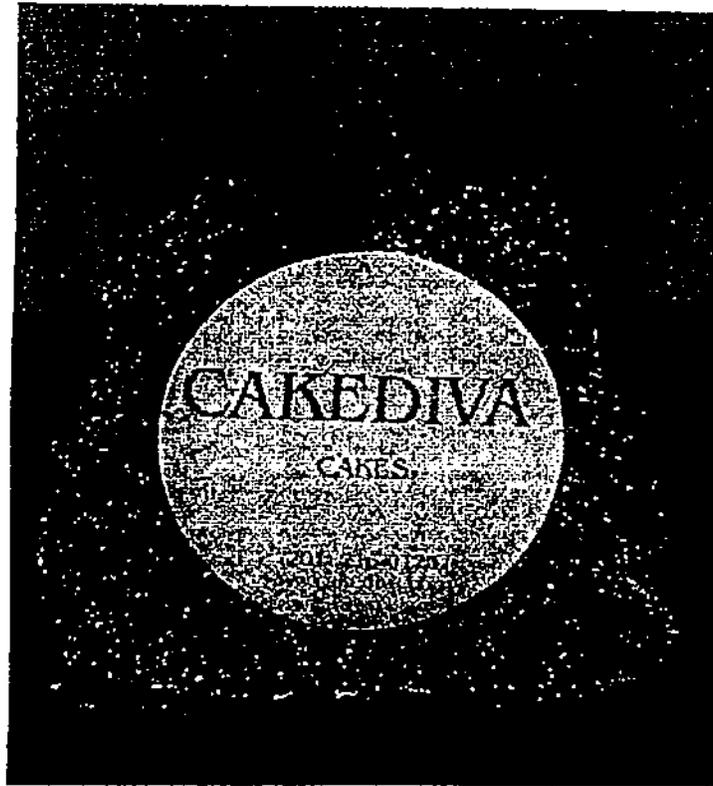
Terms: Net 10 Days

Job No	Quantity	Description			
2356	1,200	Cakediva 2 1/2" round white labels-Gold Ink	\$90	00	
		Tax	5	40	
					\$95 40

PAID

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NEW HAMPSHIRE
WASHINGTON, D.C.
NORTH CAROLINA
FLORIDA
OHIO
MICHIGAN
INDIANA
ARIZONA
NEVADA
NASSAU, BAHAMAS

Charmaine Jones has personally appeared on the following TV Networks/Shows under the name CAKEDIVA:

Al Roker's "Roker On the Road"
Food Network's 'Birthday Cake Challenge' (Las Vegas, Nevada)
Food Network's 'Mystery Cake Challenge' (Phoenix, Arizona)
Food Network's 'Gingerbread Mansion Challenge' (Asheville, NC)
WE Network's 'Wedding Cake Masters'

Charmaine Jones has attended the following ICES (International Cake Exploratory Society) conventions in the years indicated under the member/exhibitor/demonstrator name CAKEDIVA:

1992 Des Moines, Iowa
1993 Richmond, Virginia
1994 Columbus, Ohio
1995 Kansas City, Missouri
1996 Baltimore, Maryland
1997 Orlando, Florida
1998 St. Paul, Minnesota
1999 Kansas City, Missouri
2000 Detroit, Michigan
2002 Nashville, Tennessee
2003 Las Vegas, Nevada
2004 Washington, DC
2005 New Orleans, Louisiana
2006 Grapevine, Texas
2007 Omaha, Nebraska

Subj: CSI 100th cake
Date: 10/12/2004 3:53:27 PM Eastern Standard Time
From: ian.metrose@tvc.cbs.com
To: cakegiva@aol.com
Sent from the Internet (Details)

<<invite_mech_r1.pdf>>

Attached is the basic coloring that I think we need to go for and the logos that need to be incorporated. Like we discussed it will be for Friday, October 22nd (11 AM probably) in Santa Clarita. 250 people.

Please send me an idea and we can go from there.

Thanks.

Ian Metrose
CBS/UPN
Director, Talent Relations & Special Events
323-575-4717

CONFIDENTIAL

CD000018

Forwarded Message:

Subj: **question re wedding cake top**
Date: 9/21/2004 6:29:49 PM Eastern Standard Time
From: hsneiderman@cmkilp.com
To: cakediva@aol.com
Sent from the Internet [Details]

Hi - we used Cake Diva a year ago when we got married and the sales representative told us not to freeze the top layer of our wedding cake but instead, that it was your policy to make us another top layer for our 1 year anniversary complimentary. We never heard back from you at the one year mark and I figured that maybe it was our responsibility. If so, I would like to arrange to get the top of our cake.

Thank you very much for your assistance with this.
Hayley Sneiderman (Iversen Wedding August 10, 2004)

CONFIDENTIAL

CD0000019

Forwarded Message:

Subj: RE: question re wedding cake top
Date: 9/22/2004 2:59:37 PM Eastern Standard Time
From: hsneiderman@cmkllp.com
To: Cakediva@aol.com
Sent from the Internet (Details)

You can look up my order - she was a young woman - and I was told NOT to save the top of my wedding cake that it would re-baked and fresh - so we specifically did not save it (although it was given to us by the Bel Air after the wedding) ... it is not about the money for a cake - but the sentiment and superstition that is now forever ruined - and that I did think it was such a nice touch with your service that it did help me in making the selection to use your bakery.

Very truly yours,
Hayley Sneiderman (Iversen Wedding August 10, 2003)

-----Original Message-----

From: Cakediva@aol.com [mailto:Cakediva@aol.com]
Sent: Tuesday, September 21, 2004 6:38 PM
To: Hayley Sneiderman
Cc: Cakediva@aol.com
Subject: Re: question re wedding cake top

Do you remember the person who told you that??????????????

CONFIDENTIAL

CD000020

Forwarded Message:

Subj: Re: question re wedding cake top
Date: 9/21/2004 9:38:12 PM Eastern Standard Time
From: Cakediva
To: hsneiderman@cmklp.com
CC: Cakediva

Do you remember the person who told you that?????????????

CONFIDENTIAL

CD000021

Forwarded Message:

Subj: Re: question re wedding cake top
Date: 9/23/2004 8:47:41 AM Eastern Standard Time
From: Cakediva
To: hsneiderman@cmkllp.com
CC: Cakediva

I sorry Hayley....you said the "Bel Air"....Where are they located...???

CONFIDENTIAL

CD0000022

CONFIDENTIAL

Forwarded Message:

Subj: RE: question re wedding cake top
Date: 9/23/2004 1:10:33 PM Eastern Standard Time
From: hsneiderman@cmklp.com
To: Cakediva@aol.com
Sent from the Internet (Details)

The Hotel Bel-Air. You are their preferred cake maker. You were highly recommended by them when we originally said that we wanted to go with Hansen's, we were convinced otherwise.

---Original Message---

From: Cakediva@aol.com [mailto:Cakediva@aol.com]
Sent: Thursday, September 23, 2004 5:48 AM
To: Hayley Snelderman
Cc: Cakediva@aol.com
Subject: Re: question re wedding cake top

I sorry Hayley....you said the "Bel Air"....Where are they located...????

CD000023

Forwarded Message:

Subj: **Re: question re wedding cake top**
Date: 9/23/2004 7:08:57 PM Eastern Standard Time
From: Cakediya
To: hsneiderman@cmkllp.com
CC: Cakediya

I'm very sorry Hayley.....but I must repeat the question.....WHERE IS THE BEL AIL LOCATED.....in California.....?????....Yes????????????????????

CONFIDENTIAL

CD000024

Forwarded Message:

Subj: **RE: question re wedding cake top**
Date: 9/23/2004 7:22:49 PM Eastern Standard Time
From: hsneiderman@cmkllp.com
To: Cakediva@aol.com
CC: Rick@rcmiassoc.com
Sent from the Internet (Details)

I am sorry - what is your name please?
With whom am I speaking?
Hayley

-----Original Message-----

From: Cakediva@aol.com [<mailto:Cakediva@aol.com>]
Sent: Thursday, September 23, 2004 4:09 PM
To: Hayley Sneiderman
Cc: Cakediva@aol.com
Subject: Re: question re wedding cake top

I'm very sorry Hayley.....but I must repeat the question.....WHERE IS THE BEL AIL LOCATED.....in California.....?????....Yes????????????????????

CONFIDENTIAL

CD000025



WHOIS Search Results

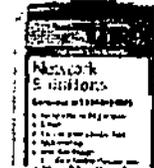
WHOIS Record For



cakediva.com
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Go

Visit AboutUs.org for more information about CAKEDIVA.COM AboutUs: CAKEDIVA.COM

Registrant:
Outrageous Cakes
ATTN: CAKEDIVA.COM
c/o Network Solutions
P.O. Box 447
Herndon, VA 20172-0447

Search

Domain Name: CAKEDIVA.COM

Administrative Contact :
Jones, Charmaine
pf4dv3vq7c9@networksolutionsprivateregistration.com
ATTN: CAKEDIVA.COM
c/o Network Solutions
P.O. Box 447
Herndon, VA 20172-0447
Phone: 570-708-8780

Technical Contact :
Hostmaster, Best Internet
pw4ct3z75b6@networksolutionsprivateregistration.com
ATTN: CAKEDIVA.COM
c/o Network Solutions
P.O. Box 447
Herndon, VA 20172-0447
Phone: 570-708-8780

Record expires on 13-Jan-2008 **REDACTED**
Record created on 13-Jan-1999
Database last updated on 05-Oct-2008

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When you register a domain name, current policies require that the contact information for your domain name registration be included in a public database known as WHOIS. To learn about actions you can take to protect your WHOIS information visit www.internetprivacyadvocate.org.

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Show underlying registry data for this record

Current Registrar: NETWORK SOLUTIONS, LLC.
IP Address: 128.121.113.207 (ARIN & RIPE IP search)
IP Location: US(UNITED STATES)-COLORADO-ENGLEWOOD
Record Type: Domain Name
Server Type: Apache 1
Lock Status: clientTransferProhibited
Web Site Status: Active
DMOZ: no listings
YI Directory: see listings
Web Site Title: Cakediva.com
Secure: No
E-commerce: No
Traffic Ranking: 2
Data as of: 23-Aug-2005

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- cakediva .mobi
- cakediva .biz
- cakediva .us
- cakediva .cc
- cakediva .ws
- cakediva .bz
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Whois info for, **cakediva.com**:

Whois Server Version 1.3

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Domain Name: CAKEDIVA.COM
Registrar: NETWORK SOLUTIONS, INC.
Whois Server: whois.networksolutions.com
Referral URL: <http://www.networksolutions.com>
Name Server: NS1.BEST.COM
Name Server: NS2.BEST.COM
Name Server: NS3.BEST.COM
Status: ACTIVE
Updated Date: 30-dec-2002
Creation Date: 13-jan-1999
Expiration Date: 13-jan-2008

REDACTED

>>> Last update of whois database: Fri, 19 Sep 2003 06:19:23 EDT <<<

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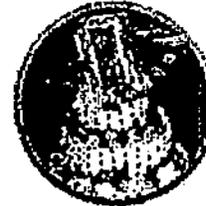
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InStyle Magazine's Wedding Issue, Spring 2001



Essence Magazine, February, 2001



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The Adventures of Cakediva



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Here is the Cakediva Press/Client Listing

Television	Magazines	Books
Geraldo Rviera	New York Times	Jumping The
Rolanda	Daily News	Broom (Book)
Gordon Elliot	Essence	Jumping The
Donahue	Elegant	Broom (The
NBC Weekend	Wedding Dresses	Workbook)
Today Show	Magazine	Victoria's
All My Children	Bride Magazine	"Romantic
One Life To Live	Bridal Guide	Weddings"
The City (Loving)	Magazine	
	Wedding Magazine	
	Signature Bride	
	Magazine	
	Sugarcraft	
	Victoria	
	TimeOut New	
	York	

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"I can't believe it's a real cake!" That is usual reaction after seeing these cakes displayed at various celebrations. Yes, you can have your cake and eat it too! Not only are they edible works of art, you also have a choice of over 100 delicious flavors. Cake tasting parties help you decide which flavors your guest will like the best. Specializing in ethnic celebrations, Charmaine "cakediva" Jones can accommodate from 6 to 1000 guest at any party. All decorations are edible and custom made to each client specifications to ensure it's unique one-of-a-kind flair.

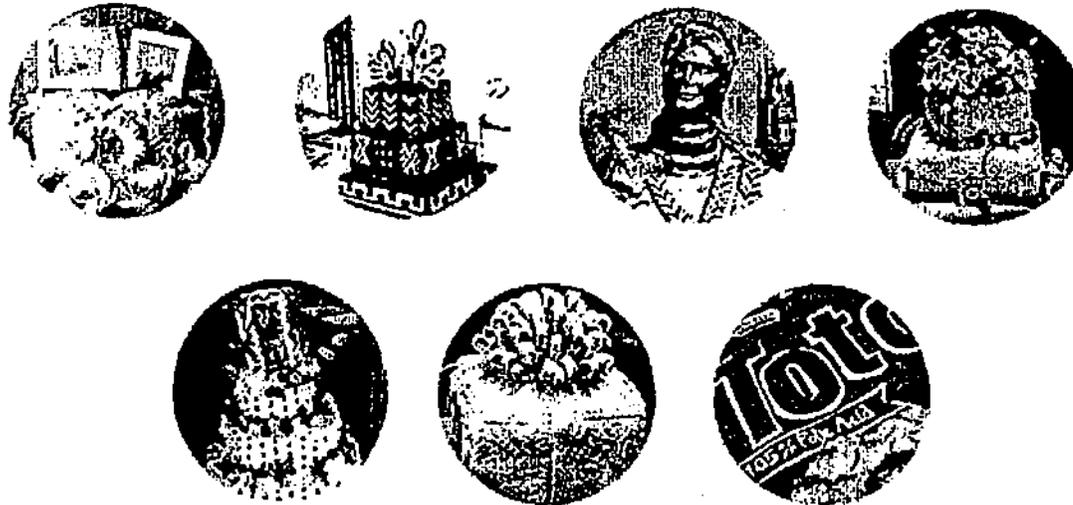
How does she come up with these designs? By listening to her clients and interpreting what they want along with their help. Like duplicating the Taj Mahal, A haunted house with edible windows with lights, A bust of Michael Jackson, the Empire State Building, the Arch De Triumph ...

Some of her clients include ... Erica Badu, Queen Latifah's mom, Michael Jordan, Jay Leno, Susan Sarnadon, Charles Oakley, ... However, she says " Although I do have some celebrity clients, I make cakes for everyone, because these cakes make the party and I love seeing my clients having a grand time ... this to me is the **ICING ON THE CAKE!!**

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Gallery of Cakes



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Ordering Info

For ordering information,
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you can contact the Cakediva at:

**Isn't That Special Outrageous
Cakes**
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Hoboken, New Jersey, 07030
(212) 722-0678
(201) 216-0123

Email: cakediva@aol.com

Cake Flavors:

Vanilla
Yellow
Sunkist Lemon Zest
Lemon Poppyseed
Banana
Pink Champagne
Pound
Tangerine Orange Zest
Old Fashion Chocolate
Butter Chocolate
Carrot

Fillings:

Raspberry
Strawberry
Banana
Coconut
Pineapple
Lemon
Chocolate Mousse
Bavarian Cream
Guava
Apricot
Buttercream
(Regular, Lemon, Orange)

PLEASE NOTE:

The base price for any Novelty Cake begins at \$250.00,
and Wedding Cakes begin at \$500.00

** All decorations are made out of sugar and are all edible.*

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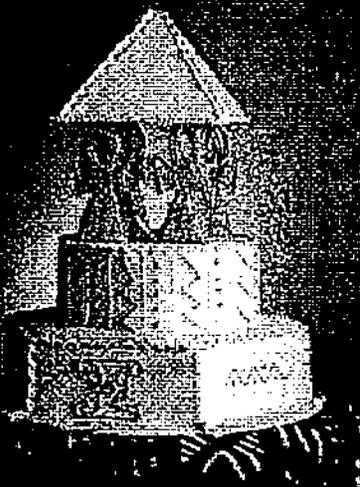
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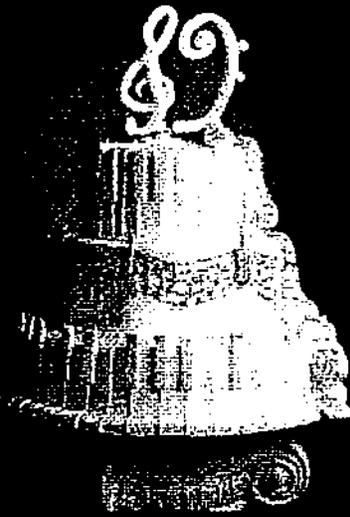
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Contact: Charmaine Jones
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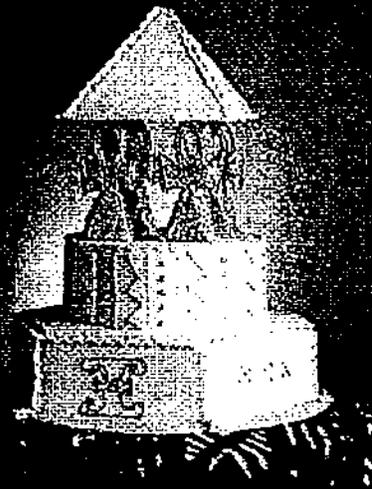
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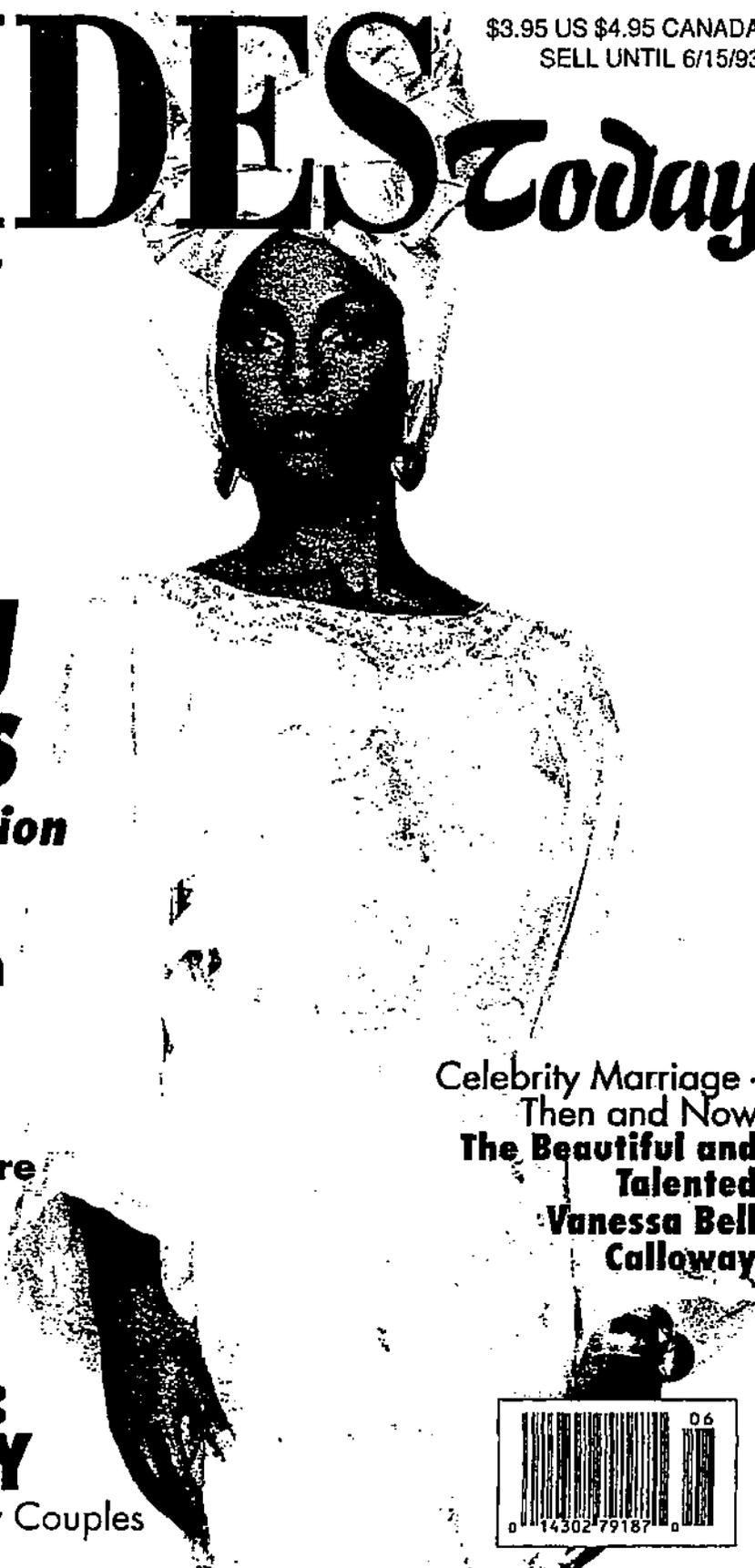
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THE BLACK CAKE

This Caribbean recipe is also known as the Christmas Cake. This version is one of many because the secret to this recipe has been passed down through generations.



- 1 pound Currants
- 1 pound Raisins
- 8 ounces Prunes
- 4 ounces Citron
- 1 teaspoon Ground Spices
- 4 tablespoon Rum
- 1/2 pint wine
- 1 pound Butter
- 1 pound Self Rising-sifted Flour
- 14 ounces Dark Brown Sugar
- 10 large eggs
- 1/2 tsp Almond Extract
- Parchment Paper

Wash and puree the currants, prunes and raisins and put into a large clean jar. Add citron, a tablespoon of sugar, spices, rum and wine. Leave all these covered from 2 weeks to 3 months; the longer the more potent. Grease and flour a 10 inch cake pan and set aside. Cream butter and remaining sugar, add 1 slightly beaten egg at a time (nine); Mix to a creamy consistency, add fruit from jar. Slowly add sifted flour. Consistency should not be runny. Grease cake pan as follows (use shortening) to grease entire pan, then cover bottom of pan with parchment paper, grease parchment paper, flour entire pan (lightly) making sure no flour is left in corners. Bake for approximately 2 1/2 hours at 325 degrees until cake is springy and firm. Completely cool before removing from pan. Serves 12 or more.



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Isn't That Special
"Cake Diva"

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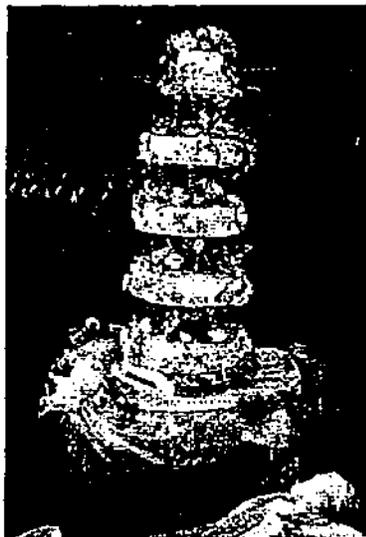


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Pyramids, haunted houses with edible windows with lights, realistic sugar flowers, draped sugar lace, duplications of fabric in icing... These are just a few of your dreams realized with "Isn't that Special - Outrageous cakes."

Stacked cakes and theme cakes are all the rage and Charmaine Jones, affectionately known as the "cake diva" is leading the nation into very unique cake styles. Her company prides itself on everything being edible on the cake. From peppermint flowers to caramel buttercream. The flavours are endless. Cake tasting parties take place in the Cake Art Gallery. There you

will be able to taste the flavour you have selected for your wedding. Although there are many portfolios and videos of work, there is nothing like seeing the cakes 3 dimensionally upon entering the Cake Art Gallery. Breathtaking flowers and displays



Flavours

Cake layers and fillings

YELLOW CAKE

*Raspberry preserve
Banana strawberry cream*

PINK CHAMPAGNE CAKE

*Champagne cream
Raspberry champagne cream*

SUNKISS LEMON CAKE

Lemon custard

CHOCOLATE CAKE

*Chocolate mousse
Fresh banana cream
German chocolate
Hazelnut cream
Raspberry truffle
Creme de menthe*

CARROT CAKE

Pineapple cream

CAKES WITH LIQUORS

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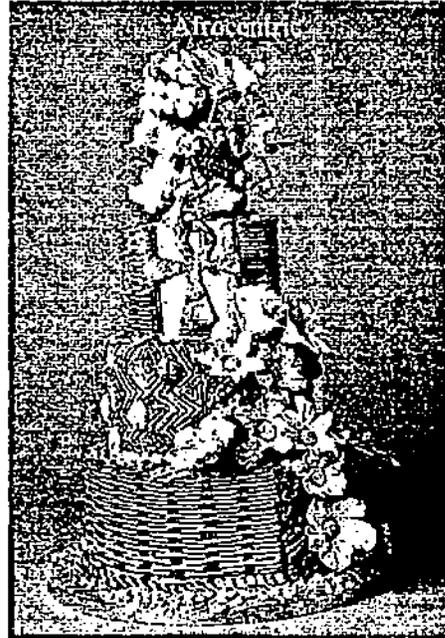
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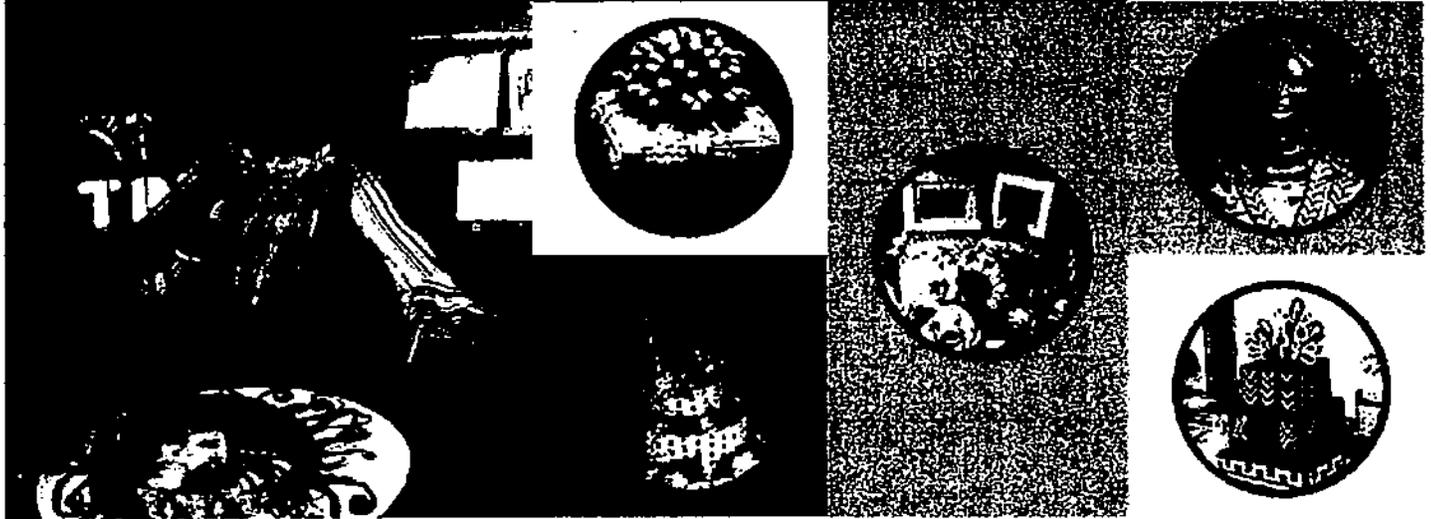
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Gallery of Cakes



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Here is the Cakediva Press/Client Listing

Press

Books

Coming Together

by Harriet Cole & John Pinderhughes

Jumping the Broom—Second Edition

by Harriet Cole

Magazines

Essence Magazine,

November, 2005

New York Weddings,

Spring, 2004

Savoy Magazine,

June/July, 2003

The Record,

April, 2003

New Jersey Life Magazine,

February, 2001

Instyle Wedding Magazine,

Spring, 2001

Essence Magazine,

February, 2001

Food Arts Magazine,

October, 2000

Manhattan Bride Magazine,

Spring/Summer, 2000

Manhattan Bride Magazine,

Fall/Winter, 2000

Geraldo Rivera

Rolanda

Gordon Elliot

Donahue

NBC Weekend Today Show

All My Children

One Life To Live

The City (Loving)

Robert Wagner

MGM

Kate Spade

Iyanla Vanzant

Beyonce

Slick Rick

Fat Joe

Ms. Jones

Wendy Williams

New York Times

Daily News

Essence

Elegant

Wedding Dresses Magazine

Bride Magazine

Bridal Guide Magazine

Wedding Magazine

Signature Bride Magazine

Sugarcraft

Victoria

TimeOut New York

New York Weddings

Savoy Magazine

The Record Newspaper

Jumping The Broom (2nd Edition)

Jumping The Broom (1st Edition)

Jumping The Broom (Workbook)

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Victoria's "Romantic Weddings"

MTV

Dow Chemical

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Big Apple Circus

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BET's Weekend Magazine.
January, 2000

Kay Jeweler's "Dolce Vita" Magazine.
1999/2000

Soap Opera Digest.
October 31, 2000

TimesOut New York Magazine.
February 11-18, 1999

Black Diaprosa Magazine.
May, 1997

Soap Opera Update
July 23, 1996

CakeDiva featured in Victoria Magazine's
"Porcelain Perfect Cakes"

From Sugarcraft Magazine.
May/June, 1994

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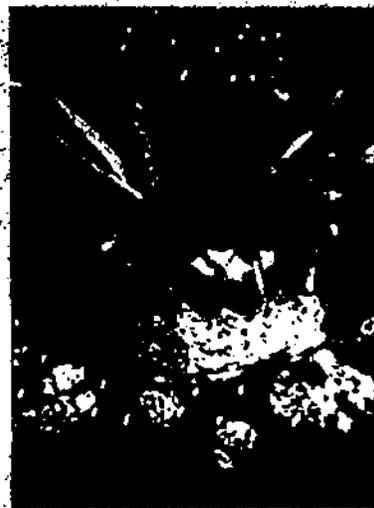
[Home](#)

What's New?

Noah Keefer and Julia Santos' Wedding

Miriam and Stewart Chandler's Wedding

BIG Birthdays



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The Adventures of Cakediva



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Biography



"I can't believe it's a real cake!" That is usual reaction after seeing these cakes displayed at various celebrations. Yes, you can have your cake and eat it too! Not only are they edible works of art, you also have a choice of over 100 delicious flavors. Cake tasting parties help you decide which flavors your guest will like the best. Specializing in ethnic celebrations, Charmaine "cakediva" Jones can accommodate from 6 to 1000 guest at any party. All decorations are edible and custom made to each client specifications to ensure it's unique one-of-a-kind flair.

How does she come up with these designs? By listening to her clients and interpreting what they want along with their help. Like duplicating the Taj Mahal, A haunted house with edible windows with lights, A bust of Michael Jackson, the Empire State Building, the Arch De Triumph ...

Some of her clients include ... Erykah Badu, Queen Latifah's mom, Michael Jordan, Jay Leno, Susan Sarnadon, Charles Oakley, ... However, she says " Although I do have some celebrity clients, I make cakes for everyone, because these cakes make the party and I love seeing my clients having a grand time ... this to me is the ICING ON THE CAKE!!

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Ordering Info

For ordering information, or to make an appointment, you can contact us at:

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PLEASE NOTE:

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- The base price for any Novelty Cake begins at \$600.00
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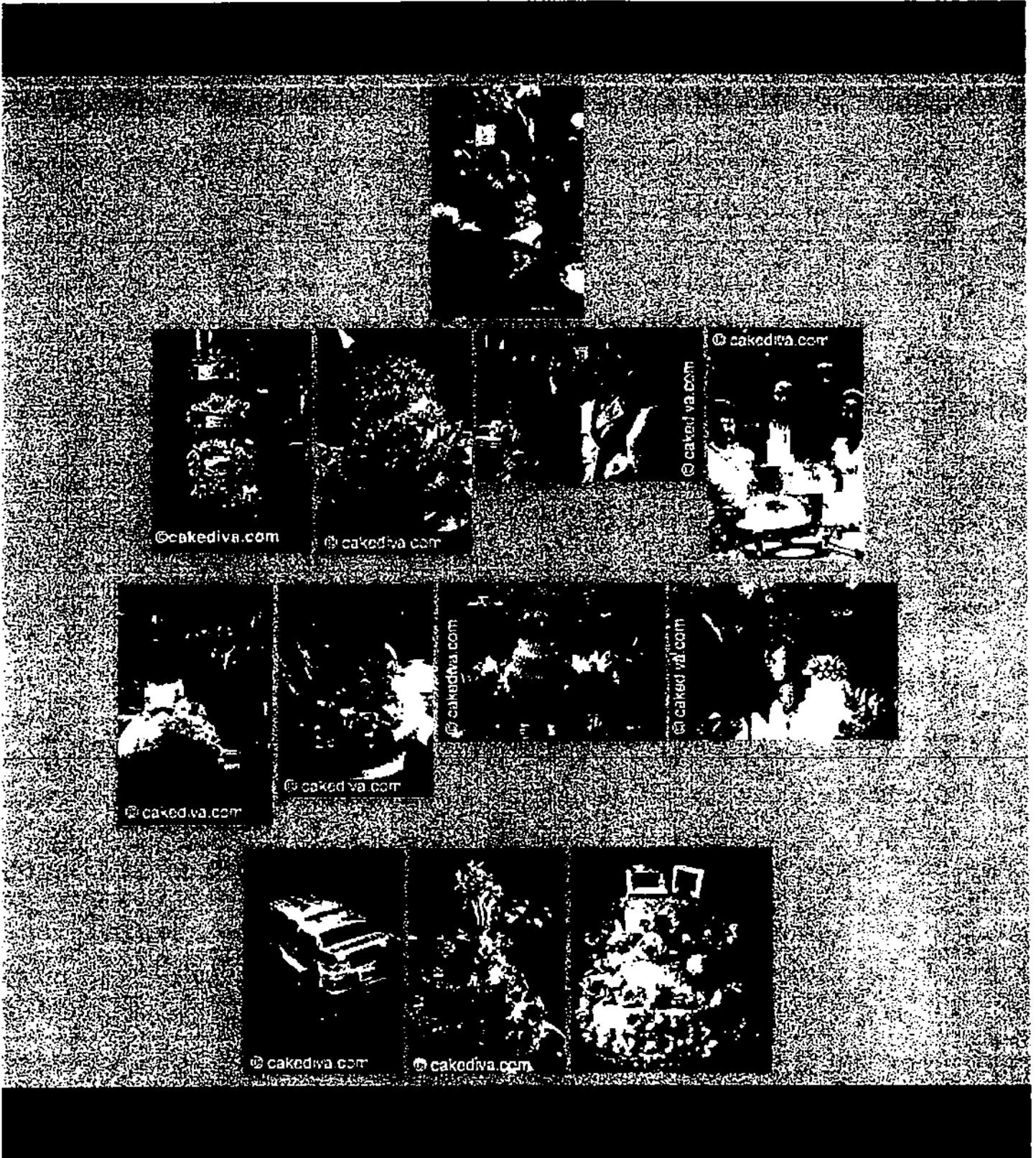
** All decorations are made out of sugar and are all edible.*

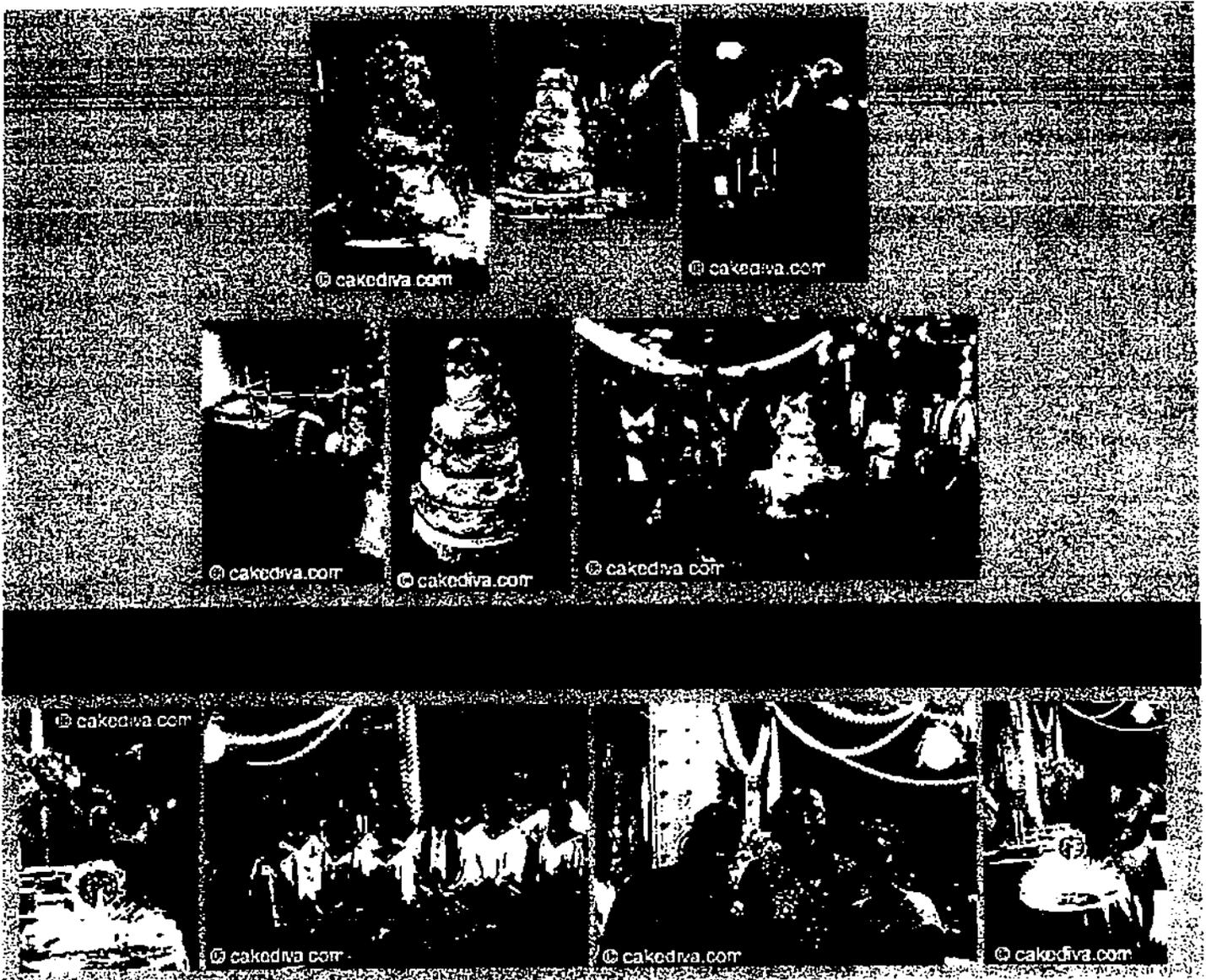
** Edible Sea Shells can be mail ordered - call for pricing.*

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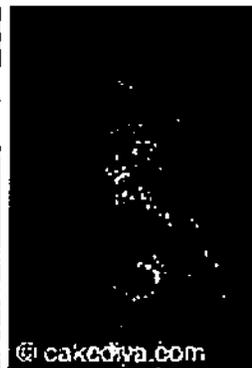




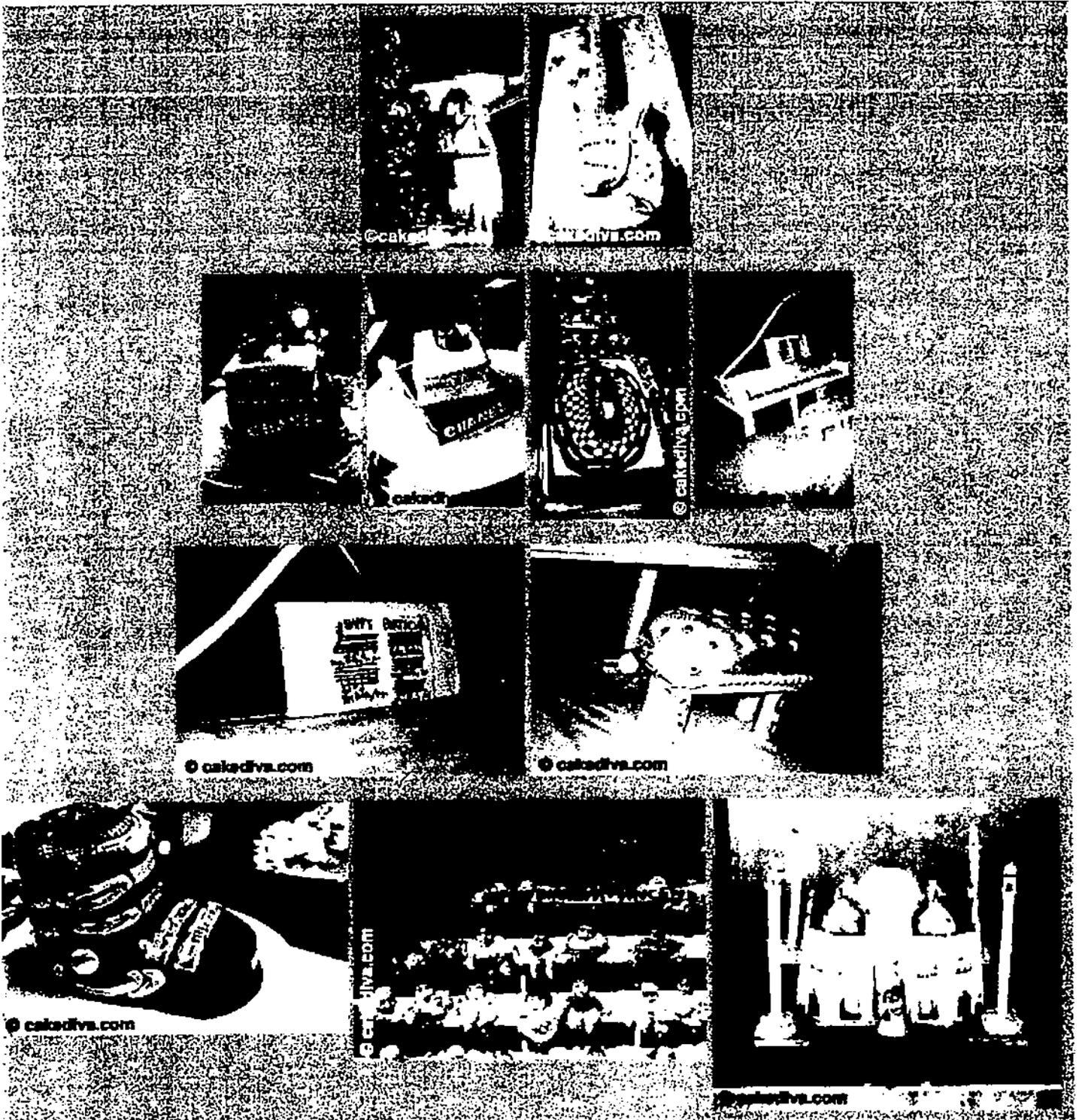
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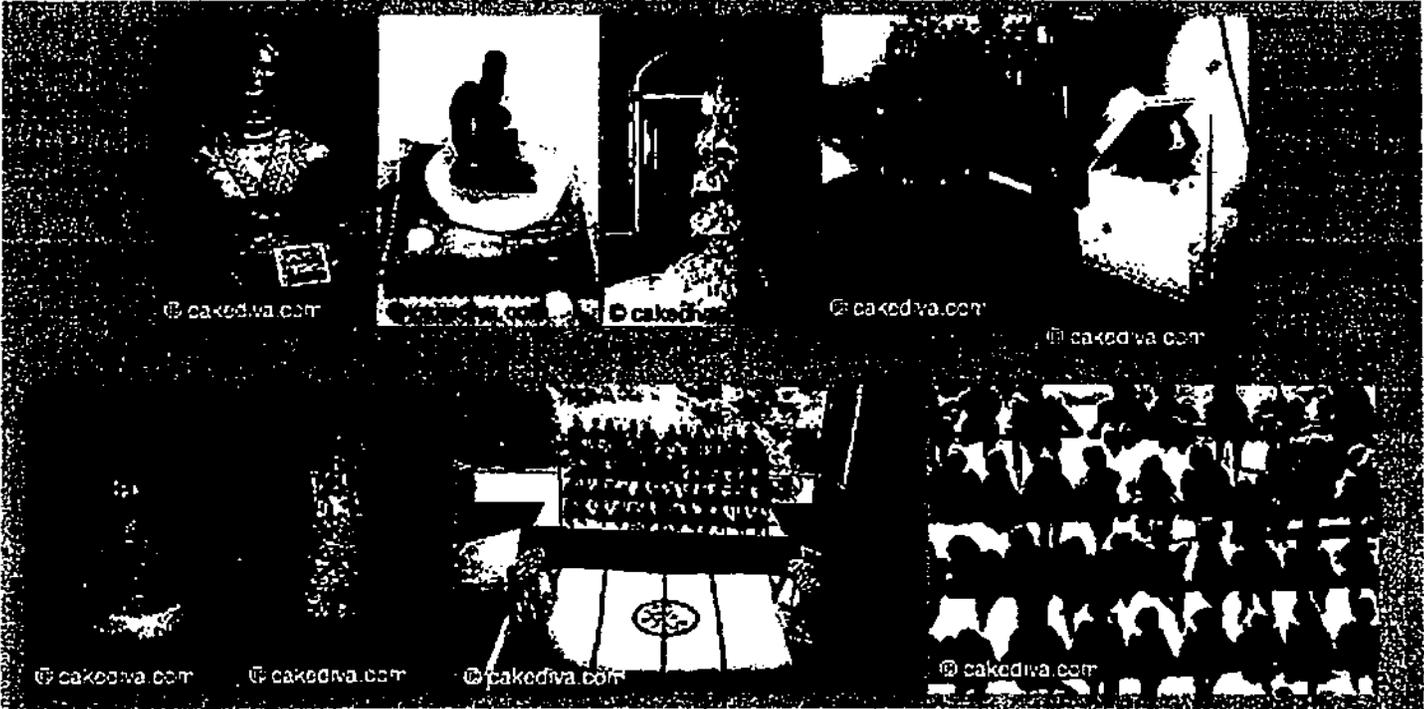
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AFROCENTRIC AND ETHNIC CAKES



EXTREME CAKES

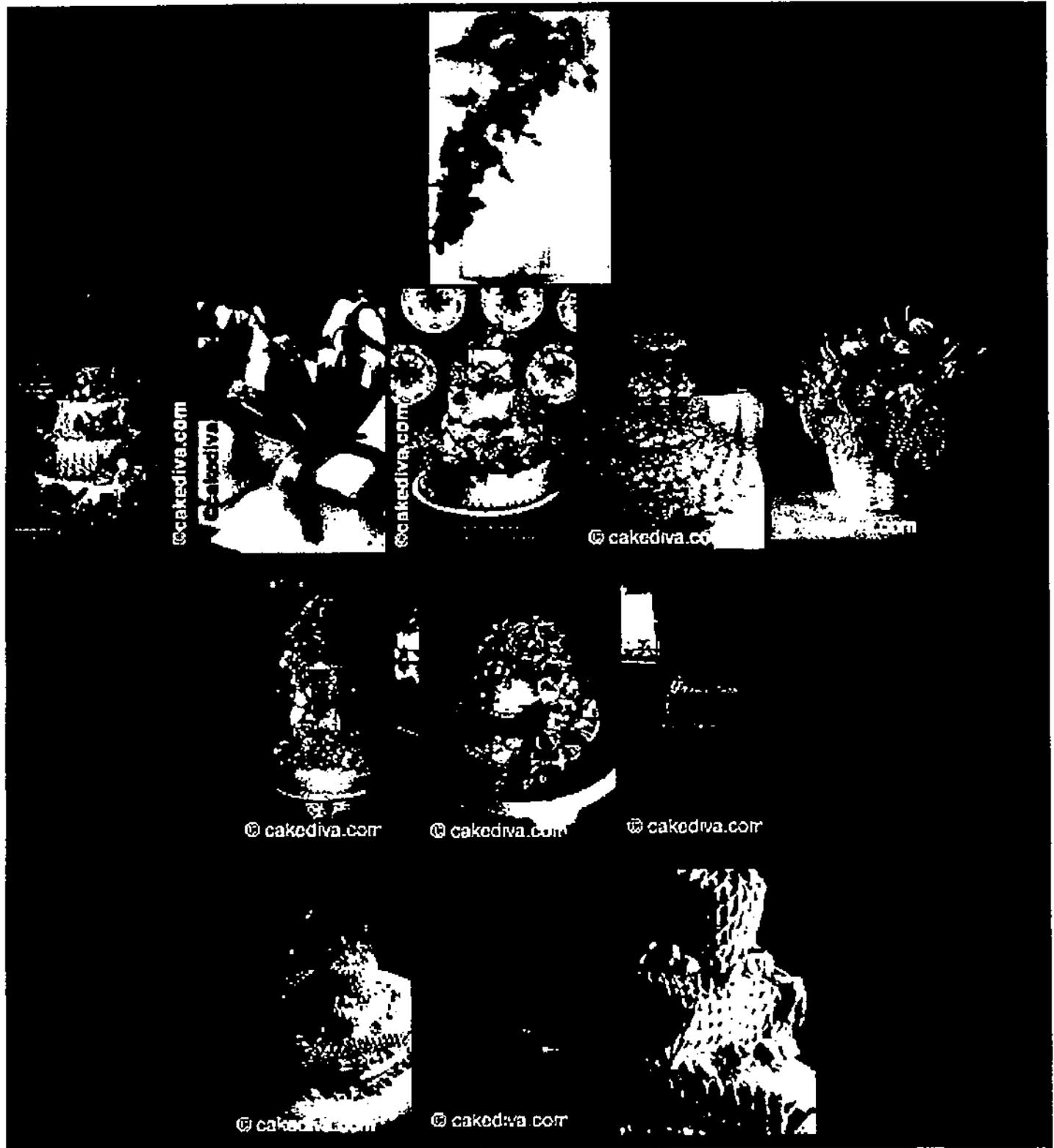




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CONCEPTUAL CAKES



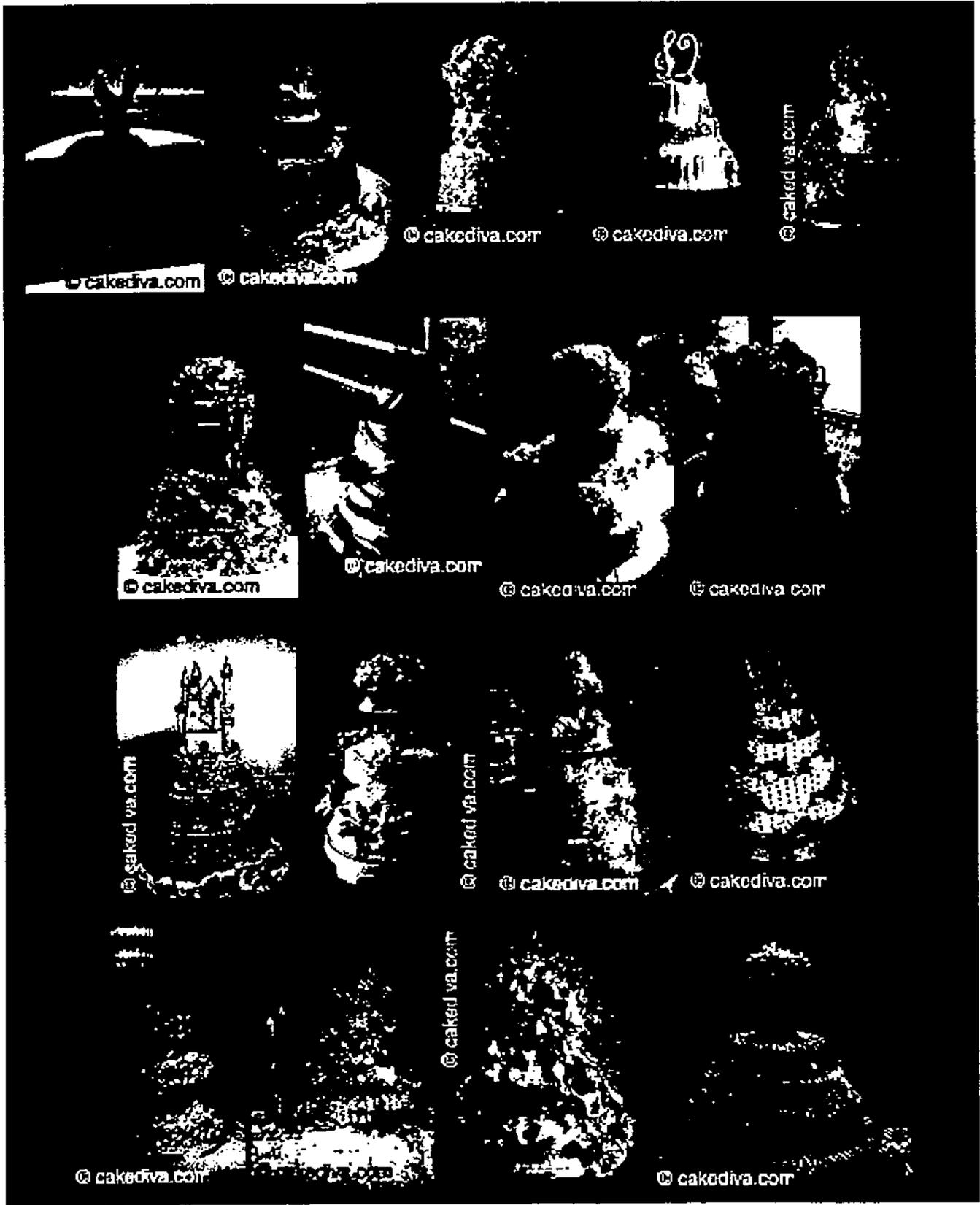
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WEDDING CAKES



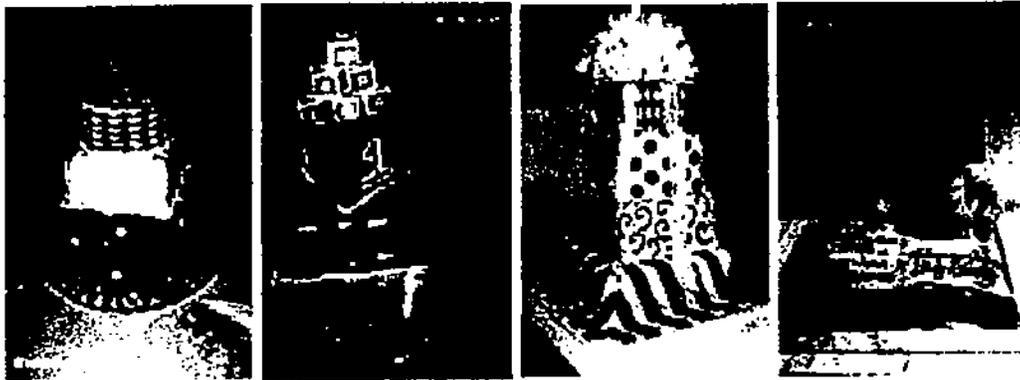
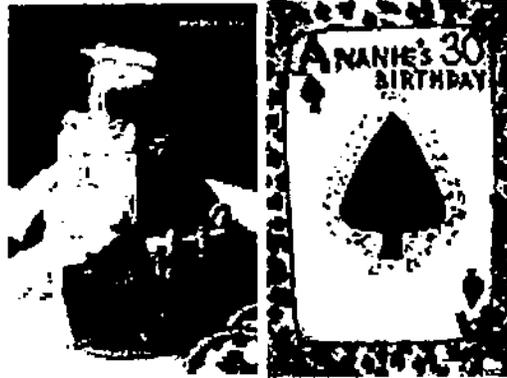


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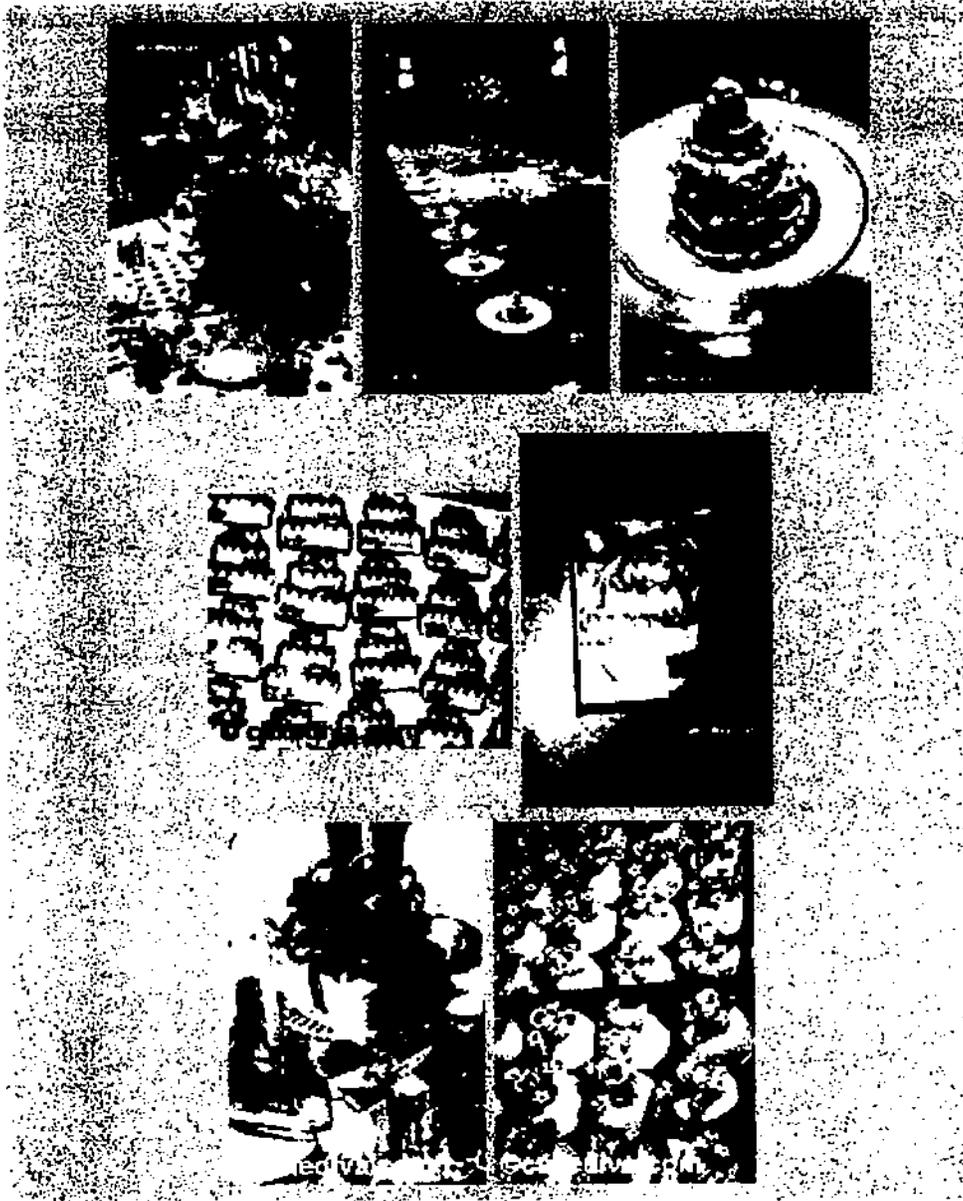


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CAKE ALTERNATIVES



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Coming Together — Celebrations for African American Families

by Harriet Cole and John Pinderhughes



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Essence Magazine, November 2005

Profit from your passion

By Ingrid Sturgis



Credit: Peter Chin

Jones puts finishing touches on one of her tasty creations.

Plan for the Long Haul

Charmaine Jones loves baking cakes. And as owner of the Hoboken, New Jersey-based company Cakediva, she has seen how revenue from a favorite pastime can fluctuate. For 15 years she has created spectacular cakes for soap-opera weddings, celebrities and corporate clients, as well as Afrocentric-themed cakes for African-American weddings.

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New York Weddings Magazine - Spring 2004



bright idea
Lemon Poppy
Seed
Cakes
for
the
bride
and
groom
are
just
one
of
the
many
new
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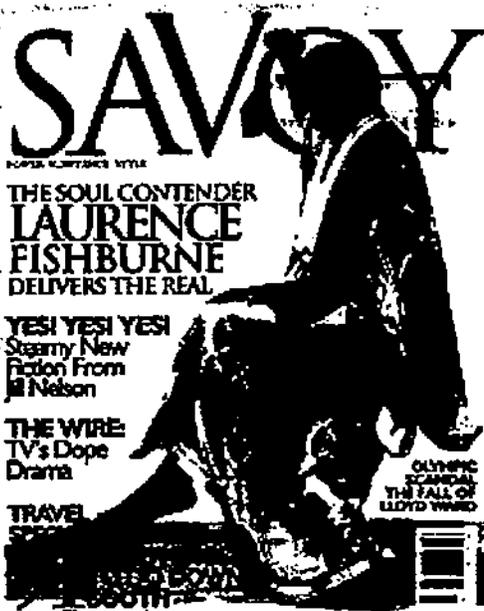


Charmaine "Cakediva" Jones is best known for her African-inspired cake designs, but she'll whip up pretty much anything. Jones turns out more than 100 flavors, from pink champagne cake and Heath-bar chocolate crunch to standard lemon-poppy-seed. Prices begin at \$500 (for 80 people)

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Savoy Magazine, June/July 2003

Players People on the Move - Charmaine Jones

Charmaine "Cakediva" Jones can make a cake that looks like just about anything you want, but you have to be careful what you ask for. Like the time Christopher Wallace Memorial Foundation requested a life-sized rendition of the Notorious B.I.G. for a fund-raising dinner. "It might be a culinary feat of art, but who wants to eat it? You'd have to take the kids out of the room when you cut it," says Jones, who has made wedding cakes for soap operas such as *All My Children* and *One Life to Live*. The compromise? A cake shaped like a CD with a likeness of Biggie made of candy on top. Jones is used to clients asking for the outrageous—after all, she didn't name her Hoboken, N.J.-based company Isn't That Special Outrageous Cakes for nothing. She started baking professionally in 1992 because she couldn't find cakes with an ethnic flavor, so to speak. Since then, she has wowed clients with elaborate confections such as a four-tiered cake incorporating a tank of live goldfish for the opening of the Atlantis hotel in Paradise Island, Bahamas. Her goal is to develop a line of prepackaged ingredients à la General Mills so that anyone can do it. "Everybody can be a cake diva," says Jones. "They just need to know how." Sure—piece of cake. — *Carla E. Williams*



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The Queen of Cake

Artisan Charmaine Jones turns flour and sugar into jaw-dropping visions.

By Eunnie Park (Staff Writer)

Do not offer Charmaine Jones cake.

But if you must, prepare yourself for negative feedback. She is the nationally-recognized "Cakediva" with sky-high standards, and no ordinary cake will impress her palate.

"You really don't want me to try it, because I'll tell you the truth," says Jones. "And the majority of the time, the cake the I taste from other places is nasty."

The nastiness of her competitors' cakes is what inspired Jones to open Isn't It Special/ Outrageous Cakes in Hoboken and Manhattan more than ten years ago. The Indiana native came to New York in her early 20s after completing her masters in art from Loyola University. She initially wanted pursue a career in music but fell into baking when she realized that the cake industry needed her more.

"I was very disgusted with what I saw was available," she says. "So I felt that if I was looking for that to change that was my life's calling — to try to change the world of cakes."

Drawing on her artistic background and the skills she learned and inherited from her mother, a French pastry baker, and father, an architect, Jones began constructing cakes that are as delicious as they are beautiful. With fondant as her canvas and sugar, her clay, she created cakes that make people exclaim, "Girl, you a diva. You the *cake* diva," she says.

At first, she was baking for acquaintances and other random connections, but as the word spread about the Cakediva, her clientele grew. She was able to open her own bakery in Hoboken in 1990, and then Manhattan in 1991. She now does her baking in Manhattan and keeps the cake gallery and sugar room in Hoboken. The gallery reveals hundreds of photographs and models of Cakediva's previous works. One cake looks like a bouquet of flowers, another, an enchanted castle.

Some of her recent orders include a 6-foot gavel cake for a judge in New York, a four-tier box birthday cake for the producer for "the Early Show", and a six-tier with edible CD's and a sugar sculpture of Notorious B.I.G. for the Christopher Wallace Memorial Foundation.

Working with a staff of three to eight people, Jones creates cakes that may weigh hundreds of pounds and take days to make. In the past, she has delivered cakes for overseas clients in the overhead compartment of an airplane.

Jones' client have a choice of 11 cake flavors and 13 fillings; the most popular combination is

pink champagne with coconut filling, she says. The base price for a novelty cake is \$250, wedding cakes start at \$500. Multi-tiered and highly decorated cakes can cost thousands of dollars, but for the time, labour and quality, they are worth every penny and more, says Jones. "If you want a regular cake, you wouldn't be coming here," she says. "Cakediva is a major name we have to live up to. We don't just put everything we have into it, we put our life into it."

Jones bakes for weddings, birthdays, corporate events and other special occasions. Her former clients include Erykah Badu, Michael Jordan, Jay Leno, Susan Sarandon and Queen Latifah's mom. Her cakes are also often featured on many soap operas, including "One Life to Live" and "All My Children".

A dedicated fan of ABC Daytime, Jones has been watching the two shows since they premiered more than 30 years ago. She loved the handsome actors and the twisted plots, but hated the stale looking cakes in the wedding episodes.

"I knew that the guy who's in charge has got to be disgusted with that cake because me, as a viewer, was disgusted," she says. "I knew I could do better."

So she went to the studio and made a pitch to Jimmy Balzaretto of the props department in "All My Children." Her first cake was for a couple that met over the Internet; she proposed making a three-tier wedding cake with bride and groom computers on top. Since then, Jones has been doing the cake for all weddings on the show.

"Her cakes, I think, are phenomenal," says Balzaretto, who has been working with Jones for about ten years. "She's very good with color and texture [and] she does know our needs."

Cakediva gets most of her inspiration from things other than cakes, she says. Seeing a chipped pavement or the texture of a fabric can give her a new idea. And her ideas must be original and unprecedented, she adds. "I've always been a leader, not follower," says Jones. "I can't stand to do what someone else has already done. I'd rather die."

She would, however like to help others to do what she has done. She plans to write a cookbook someday, teaching people how to make these outrageous cakes themselves, she says.

In the meantime, don't invite Jones to your birthday expecting her to bring a three-tier mega cake. One thing she dislikes is to bring her work home — or to a party.

"I'd rather bring buffalo wings," says Jones. "Something other than cake, which is what I do everyday."

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Tiers of Joy
Charmaine Jones sculpts edible works of art
in her Hoboken cake studio.

New Jersey Life Magazine, February, 2001

The creations of Charmaine Jones, aka The Cake Diva, are so fantastical that they make people wonder whether they're really cakes. No worries, though; Charmaine's creations taste as good as they look.

Everything about them is palatable. Even dewy decorative roses, which appear to have been plucked directly from nature, can be popped straight into the mouth and savored.

The daughter of an exacting French pastry baker mother and an artist/architect father, Charmaine makes edible works of art. The former model-music composer, who holds a master's degree in fine arts, says "every cake must be better than the last." That's no short order for this six foot-tall woman whose first cake was an eight-foot by four-foot cake with six tiers—a Jamaican black cake top with a chocolate ship and slaves—that she created for the Schomburg Center for Research in Black Culture in Harlem.



Her extensive repertoire knows few limits. When a client presents Charmaine with an idea, she's likely to push the idea as far as the client's sense of the dramatic will allow. Her two specialties? Saying "yes" to concepts others have said can't be built and creating cakes that can't be duplicated. Her company is appropriately named "Isn't That Special Outrageous Cakes." Charmaine has reproduced the Tai Mahal in butter cream and fondant; built a haunted house cake with edible windows and lights; made a facsimile of the Empire State building in cake; and, for the opening of Atlantis on Paradise Island Bahamas, baked a four-tiered cake to house a water-filled aquarium with live fish. Her client list includes celebrities (Michael Jordan, Jay Leno and Susan Sarandon), but every client will reap the benefits of her perfection and enthusiasm. She particularly likes to work with brides, to execute their wedding cake fantasies. "I want people to cry with being overjoyed when they see their cake," says Charmaine. "I do everything I can to make their sweet dreams come true."

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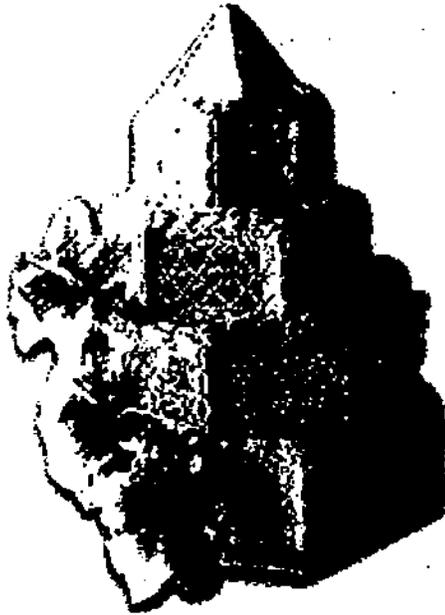
InStyle Magazine's Wedding Issue, Spring 2001



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Essence Magazine, February, 2001



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So Divine

Great Job Batter Up: She's a multilayered angel making the devil's food with a touch of cheesecake, but whether she's baking for the soaps or for real-life dramas, Cakediva always delivers. From Food Arts Magazine, October, 2000

Interviewed by Chris Styler



At over six feet tall, not counting the store-bought hair and heels, Cakediva is not a presence you're likely to miss when you stroll through your next bridal show. One look at the statuesque, figure in stiletto heels, gold lamé miniskirt, and blond megawig, and you know this ain't your mother's Betty Crocker.

Cakediva-aka-Charmaine Jones-puts the "special" into **Isn't That Special-
Outrageous Cakes**, her Hoboken, New Jersey-based company, which produces show stopping cakes in styles like "Extreme", "Afrocentric," "Novelty," and "Conceptual." When Jones started the business out of her tiny Manhattan apartment, she didn't have a clear idea of what to expect. What she did have was a master's degree in fine arts from Loyola University, an architect for a father, and a mother with French baking experience. All of which came in handy when she began forging remarkably complex and beautiful cakes that are as much edifice as they are dessert.

Cakediva doesn't bake in her showrooms. She ships premixed dry ingredients, "drys" as she calls them, to a local bakery where the baking takes place. The cakes are returned to Cakediva, who, along with up to eight assistants in peak season, works her magic on them. Her Web site (www.cakediva.com) and portfolio feature dozens of examples of her work, and it's an understatement to say there are no hard-and-fast rules. How about a tank of live goldfish as one of the layers (for the opening of **Atlantis Paradise Island** in The Bahamas in 1998) or a bust of Michael Jackson (for *People* magazine in 1997)?

Impressive as these cakes are, the stories behind them are serious rivals. I loved hearing about the cake Silvercup Studios in Queens commissioned to thank **Wendy's** owner **Dave Thomas** for his business. "It was really a whole bunch of cakes," Jones explains.

Its central "burger" portion was frosted with chocolate mousse and chocolate butter cream, and topped with three round "pickle cakes," a fondant onion slice, and squiggles of mustard-colored butter cream. They were all sandwiched between two "bun" cakes-the top one removable, of course to reveal the pickle, onion, and mustard combo beneath it.

For the 105th birthday of a woman who credited her long, life to breakfasting on Total cereal Cakediva fashioned a 200-pound replica of a box of Total, complete with three-dimensional flakes of cereal and milk made from thinned royal icing. Jones flew to Ohio to prepare the cake, a 12-hour process that was completed just as the man who had promised to drive the cake to Indiana reneged on his offer. "So there I was," she recalls, "stuck in Ohio with a 200 pound cake in the shape of a cereal box and no way to get it where I was going. Let me tell you, that was too much drama for yo' mama." Help came in the form of an offer from a bystander who had watched, rapt, as Jones completed her work. Cakediva once again emerged triumphant.



Cakediva exits the set.
Photo by Robert Milazzo

With all this work, and the soap opera-style drama surrounding it, one wonders that Cakediva ever sees the light of day. "It's an ordeal," Jones admits. "The lashes, the heels, the wig." As I listened to her incredible stories, most of which start with "Baby, check this out" (as in "Baby, check this out-let me tell you about the time the cake spies came to visit"), I got the feeling there's a book in there. When I suggested this to Jones, she responded, "Oh, I know. *Adventures of Cakediva*. I'm working on it baby."

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From BET Network's Weekend Magazine, January 2000'

For most bakers, a little sugar, flour, butter and milk make a cake, But for Charmaine Jones, they make works of art. The self-described "Cake Diva" whips lifelike flowers, mud cloth or haunted houses from butter cream, fondant and sugar paste.

Although her specialty is multi-tiered Afroncentric wedding cakes with sugar cowry shells and chocolate and vanilla mud cloth, her repertoire is outrageous - just like the company's name, Isn't That Special Outrageous Cakes at her gallery in Hoboken, N.J. (www.cakediva.com or 201-216-0123).

"Every cake I do has to be better than the last," Jones says. "A cake with roses, I make them look as if the roses are breathing." Her talent comes from her mother, an exacting French pastry baker in her hometown of Gary, Indiana. And father, an artist and architect. But she never thought baking was her destiny. With a master's degree in fine art, Jones modeled for 10 years and composed music for commercials, TV and films. After creating a cake for a friend's child who was allergic to flour, word-of-mouth orders came in.

Her first "outrageous" cakes was eight-feet-by-four feet with six tiers. The potently rich Jamaican black cake at the top had a slave ship with chocolate slaves and licorice oars. It was created for the Schomburg Center for Research in Black Culture in Harlem. For the opening of Atlantis on Paradise Island, Bahamas, she made a four-tiered with a water-filled aquarium and real fish. Jones has also created edible corsages for one wedding, as wedding cakes for "One Life to Live" and "All My Children".



"I make the cake as dramatic as the clients let me," Jones says. Such artistry doesn't come

cheap: a cake that feeds 30 starts at \$200. But it's worth it, says Melvin Williams, a New York lawyer, who ordered a lilac cake with a music box inside since his mother collects them. "It was nothing short of fantastic," he says. "My mother didn't eat the cake right away..She said "It was too beautiful."

"I want people to cry with being overjoyed," Jones says. " I do everything to make their sweet dreams come true."

– *Ingrid Sturgis.*

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Let Them Eat Cake: The Cake Diva

The sweet success of cake diva Charmaine Jones, and her secrets for a great wedding cake.

From Kay Jewelers' 'Dolce Vita' Magazine



WITH HER GORGEOUS looks and tall stature, it's no wonder that Charmaine Jones was a fashion model for more than a decade. But a cake diva? Actually, it's not such a stretch since Jones' mother, a French-pastry chef, taught her daughter to bake early on and because of Jones' superior artistic ability, as well as her master's degree in fine arts.

Jones came up with the idea of a cake-design business when she was planning her own wedding, in 1990 and saw a void in the market. "I wanted a purple-and-gold cake with grape-flavored filling inside, but everyone said they couldn't do it," says Jones. So she baked her own wedding cake and made it to match the brocade pattern of her bridesmaids' dresses but with an Afrocentric twist. She gradually eased her way into the business by baking cakes for family friends and business associates. Since she realized she couldn't be a model forever, she thought she could make a go of cakes full time, especially once she realized there was nothing ethnic and fresh in the cake market. "Everything is really on the Victoria-n edge," says Jones. "And there's nothing that has to do with Asian, African, Latino or Jamaican cultures.

Requests for Jones' cakes come from all over the country, as well as Jamaica and the Bahamas. For the recent opening of the Atlantis Resort on Paradise Island in the Bahamas, Jones created a cake that had live goldfish swimming in it. "It was just the wildest cake I ever did," says Jones. The cake was essentially a four-tier aquarium in a hexagon shape with die resort's signature swordfish on top. It was her biggest endeavor because she had to "waterproof" the cake but still be able to feed the fish. "It sure was a challenge," she admits.

And her cakes are as tasty as they are wild. The cakes are covered in fondant, a sweet, elastic icing that gives a very smooth appearance. Underneath, instead of marzipan, an overly sweet almond paste, she uses butter cream, a frosting that has a nice texture and can be blended with other flavors such as chocolate or mocha. Jones goes through this labor-intensive double-icing process because she believes a cake should taste as good as it looks. The producers and stars of ABC's soap opera *All My Children* must have thought her work was worth it, too, since she repeatedly gets asked back to the show. After creating a delectable cake for the wedding of the characters Noah and Julia, she was contracted to design another sumptuous creation for the Valentine's Day wedding of Marian and Stewart. To get the color just right for the fabulous pink-champagne cake, Jones had to blend fruit juices together. "It's all trial and error, but it's fun," says Jones.

Her recommendation to couples trying to choose their wedding cake:
"Make any kind of statement you want to, because cakes are art."

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**TimeOut New York Magazine, February 11-18, 1999
GET HITCHED IN STYLE!**

In the February 11-18, 1999 issue of TimeOut New York Magazine, the CakeDiva was featured in an article titled 'Aisle Take Manhattan', a comprehensive wedding planner compiled by Tamar Schreiberman. This guide is for anyone who wants to get hitched in style. Isn't That Special - Outrageous Cakes was also listed under the African-American category of the 'Eating-Out' section of the wedding guide.

For the suitably grand--and--modern--dessert, Charamine Jones owner of Isn't That's Special- Outrageous Cakes in Hoboken, will build majestic tiered cakes decorated with 24-karat edible gold, tropical sugar flowers and African and Egyptian symbols. Jones recently provided a dazzling cake for a scene in All My Children. "It was crazy pink," Jones says laughing.

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Charmaine Jones The Cake Diva of Outrageous Cakes

From Black Diaprosa Magazine May 1997
Interviewed by Michelle Phipps



In the African-American wedding planner by Harriette Cole, "Jumping The Broom: Wedding Workbook," there is an exquisitely created four-tiered wedding cake with African symbols and colors." This is the mother of all cakes," says Charmaine Jones, the proud creator. "It is the one that started it all. Many people want a cake like that, but they might change the pastel colors to colors of royalty, purple and gold, or African royalty, white and gold." She adds, "In each cake I create, I set the trend like the one in 'Jumping The Broom.'

Charmaine Jones is the owner of the six-year-old Hoboken, New Jersey company, Isn't That Special- Outrageous Cakes. The company is no bakery, it's a cake gallery, where Jones is the sculptor. The former model-music composer grew up in Gary, Indiana, the child of a French pastry chef and a painter-architect. Although she spent a great deal of time helping her mother, she was always in awe of her father's talents and spirit.

Even though Jones now has a successful cake business, her path was not always clearly defined. After she received her master of fine arts from Loyola in Chicago, she went to New York and modeled for 10 years. "I was basically running away from cake," she says. After modeling, she got into the music business. However, she felt that the male-dominated industry was stifling her creativity. Finally, she stopped running from cake and began to examine what the so-called top bakers in the industry were doing.



"I got depressed about the cakes out there. Bakers who were top in their field promised that they can do anything in a cake. So I asked for a grape cake - purple on the outside, grape on the inside. They would say, anything, but that,' so I said okay, I can do that," she reflects. She decided to combine her talents in art and baking. And "finally decided to get into cake because

of what was being offered. I had a mission - to set the trends for Afro-centric cakes."

And that she has.



Since Jones' cake appeared in "Jumping The Broom," her wedding cakes have been seen on television weddings, including the day time soaps, "All My Children" and "One Life To Live." She also did the cake for television personality Geraldo Rivera's 50th birthday, for NBC's celebration of Jay Leno's first year on the air, a life-size bust of Michael Jackson made for People Magazine, and several unusual wedding, anniversary and birthday cakes for the general public. She believes that referrals make it easier for her to get business..

"I don't always have to go in proving myself, because I've already proven myself. I get referrals from people I've done cakes for before, who may want to reorder. We just do everything over the phone and they know it, s good." The creativity comes from a collaboration between Jones and each client. If the client has a themed-wedding, they would come up with an unusual design together Jones is very proud of some of the creations, many of which look extremely realistic. "Each cake is like a child being born," she laughs. So each one is different. When it comes to her specialty, the Afro-centric cakes, she can do edible African tapestry, symbols, edible gold, realistic kente cloth - all in icing. To Jones, creating the flowers are the most time-consuming. She and her staff of eight can spend an entire day creating sugar flowers, getting only a handful.



As a young African-American business, Jones states that it is necessary for her to "have my hand in everything," so Isn't That Special would not fall by. She proudly adds that, "The amount of money we've made so far, has doubled." This maybe because of her credo that a wedding cake should encompass all aspects of beauty - the visual impact as well as the taste.

"Unfortunately many people think that you have to sacrifice one for the other. But after the cake is cut, the visual is gone and you have pictures to immortalize it. But the cake must taste good. Otherwise, why do it?" she states pensively. As a means of passing on her expertise to the community, during the slower months in January and February, Jones and her staff will teach the art of cake making. With really good students, she will take the money earned from the classes and utilize it to pay the best student to help with the cakes during the busier months. Right now, she is putting together a book of cake recipes. Charmaine Jones wants to take her business onto the next plateau hope- fully becoming a household name, Cake Diva. She expects to give Betty Crocker real competition. Jones' cakes are extraordinary. They are sculptured works of art, which at times seem too beautiful to cut. But Jones prefers the flowers to be eaten and savored rather than thrown out. She has a God-given talent that will take her to other dimensions of cake design.

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From Sugarcraft Magazine, May/June, 1994
New York Show Cakes :Charmaine Jones



Charmaine was just inheriting the family business when she began creating cake sculptures in 1990. The daughter of a French pastry baker and an architect/artist father, she obtained a masters in Fine Arts, become a successful model find then quit to form ISN'T SPECIAL:OUTRAGEOUS CAKES.

Affectionately known as the "cake diva". she makes 5 wedding cakes per week ranging in price from \$150 - \$2,800. "I work in all mediums but I prefer sugar paste with a butter cream filling. I love to work with all techniques but like to experiment and create my own'. Her cakes are personalized to her client's taste and she uses dozens of different fillings such as chocolate and raspberry, champagne, vanilla with pineapple, banana-coconut and even lemonade and bubble gum flavoured kiddie cakes!

"There used to be a time when most cake decorators worked with butter cream. But nowadays especially in New York a variety of mediums are being used. A lot of imagination is becoming more prevalent. Stacked cakes and theme cakes have become all the rage".

Charmaine's style is eclectic and saturated with "visual decadence". She describes her cakes "as the moment when style and palate are equally satiated". She is also famous for her Afrocentric cakes featuring African ancestral themes. Her motto is "everyone deserves a great cake at least once in their life and I am here to fill that need".



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The Adventures of Cakediva

Help from a Clown



We were delivering the cake to Pennsylvania. Following the directions exactly how they were given, we were almost there but not quite...After 2 1/2 hours of driving I said to my partner that maybe we should stop and ask someone where this location is at...there was no one in sight...for miles!

The mood was tense! Nothing but fields of open space.... Out of nowhere appeared an image and the closer we got, the more colorful it became....what was it...oh my goodness...I couldn't believe my eyes....it was...a clown! I said, man oh man, no one is going to believe THIS!!!

He bent down and started giving us directions as we intently started taking notes...it was so hard to take him seriously with his huge red nose. He bent down further to reveal his tiny little hat on his big head... and I just had to fall out with laughter.

His friend was calling him to get going and I looked back to see his friend driving a teeny tiny car looking wilder than he did...We thanked him and followed his directions only to find they were not entirely complete...My assistant exclaimed "He gave us the wrong directions"! I said "What did you expect...He's a CLOWN!" Not to worry...we found it three blocks away!!!



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Getting to the bakery that morning, I quickly assessed that this cake is going to end up weighing about 200 pounds. Do you know how many colors the Total Cereal Box has? All the colors had to be made from scratch, but I knew it could be done. CONCENTRATE, LOOK AT THE BOX, LOOK AT THE CAKE, LOOK AT THE BOX, LOOK AT THE CAKE... and make this cake that box. Starting from the colors from the back of the box, everything was layered and stacked. The flakes in the silver spoon would look great if they were coming off the cake I thought. My beeper went off. They have changed the location of the cake delivery. It is to be delivered that night at a hotel in Toledo, Ohio, and then someone else would deliver it and drive it six hours to Warren. The pressure was on! I hope the person's car was big enough!

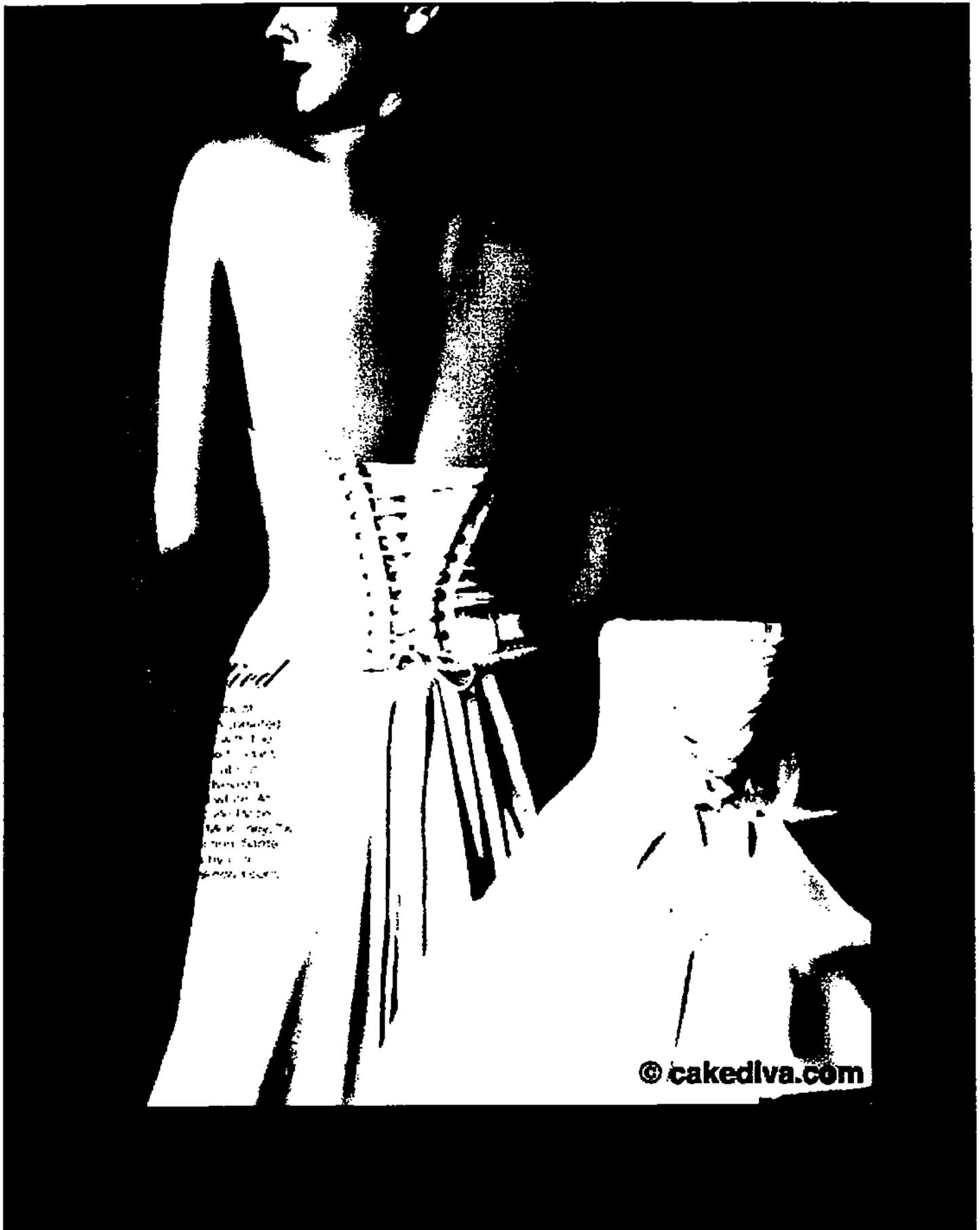
Finally at 11:00pm it was finished and delivered to Toledo for its jaunt to Warren. It was so beautiful that I didn't want to let it go. As I waved goodbye to the cake, I felt I had become one with this masterpiece and had given my all and then some. I must thank all the people that made what seemed like the impossible "possible".

Holly Sweets and Balloons.

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by consumers, for consumers

Register to File

Ripoff Report

Report: Cake Divas, Owner Is Leigh Grode

Category: [Celebrities](#)

Cake Divas, Owner Is Leigh Grode Delivered wrong Iron Man cake to 11 ye old birthday party and gave no money back Culver City California

Cake Divas, Owner Is Leigh Grode
9626 Venice Blvd
Culver City, California, 90232
U.S.A.

Phone: 310-287 2609
Fax: 310-287 2463

 Gina
los angeles, California

Submitted: 6/22/2008 11:35:23 PM
Modified: 6/22/2008 11:35:00 PM

Thank you!!

Read how Ripoff Report saves consumers millions

On may 30, 08 paid cake divas(they make [celebrities](#) cakes, been featured in Jet magazine, wedding guide and wedding channel etc) to make a Iron Man cake from a picture I personally bought in to them.

They said they can make it, paid them \$230.00 (included the \$80.00 deliverely fee to my 11 yr old son birthday party). 1 week later (day of party) the cake arrived 15 minutes before the party started (which I was told it will arrive 2 hours before). When I arrived there with the party group, we opened the cake to cut it and it was not the cake I paid her to make.

My son was upset, didnt eat any of the cake, and the cake didnt even look nowhere near Iron Man, it look like Tin Man. It was ugly. We cut that cake and the top of it was so hard, you could of took a knief and hit it and it did not break.

The inside of the cake was hard, llike it was made about 3 days ago (and she said she makes her cake the same day and she lied). I called them and 3 days went by and they still didnt call me back and on the 4th day, I got the owner Leigh Grode and told her about that bad cake. I was so embrassed with my family, friends, coworkers there.

She asked me to bring her another picture and I drove over there and gave her another picture, she said it will be ready tomorrow and I told her just refund the money and she said she will make a new cake instead. 2 hrs pass she called back and I was sick, so she talked to my mom, asked her what type of filling I wanted in the cake and I said none, so she said 'she never heard of a cake with no filling in the middle' and my mom said thats what my daughter wants, and she said she cant have the cake ready for the next day because she has a lot of celebrities to do cakes and well she will get to it next week and my mom said no and she said well ' I was doing your daughter a favor by making the cake cause 'I dont have to make the cake' and my mom told her 'If you made it right the first time, you wouldnt have to make another one'.

Leigh said well as far as she concerned she aint making another one she dont have time and she does not have to listen to this and hung the phone up in my mom face. I called

Rebuttal Box Respond to the report!

Are you an owner, employee or ex-employee with either negative or positive information about company or individual or can you provide "insider information on this company?"

Victim of this person/company?

Are you also a victim of the same company or individual? War Justice? File a Rip Report, help other consumers to be educated and don't let them get away with it!

her back and she hung up In my face and that was the last, I talked to her. She is a rude very unprofessional jewish owner. She has a very smart mouth on her and I guess she figured (African Americans dont have nothing). Well I took pictures of that ugly cake she delivered (for my proof for court), See I am a business owner myself and I will teach her a lesson, she cant just pop off at the mouth, hanging up in people face and think its all over cause it aint. In case you didnt know, where she is located in culver city, she is in a office space thats runed down off the street of Pico blvd.



Dont the health department have to come out and check places like that? I wanted to know how she cooking in there and its a office space. I will never recommend her to anyone.

Gina
los angeles, California
U.S.A.

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Cake Divas, Owner Is Leigh Grode

In order to assure the best results in your search:

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- Do not include ".com", "S", "Inc.", "Corp", or "LLC" at the end of the Company name.
- Use only the first/main part of a name to get best results.
- Only search one name at a time if Company has many AKA's.

Thank you!!

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Are you an owner, employee or ex-employee with either negative or positive information about the company or individual, or can you provide "Insider Information" on

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Victim of this
person/company?

Are you also a victim of the same company or individual? Want Justice? File a Rip-off Report, help other consumers to be educated and don't let them get away with

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[Get Started](#)



OFFICE OF THE
HUDSON COUNTY EXECUTIVE
NEW JERSEY



Citation

WHEREAS, *The People of the County of Hudson are always proud to recognize the outstanding public and private achievements of their fellow residents; and*

WHEREAS, *the County of Hudson joins the nation annually in celebrating Women's History Month in the month of March, and, in so doing, honors noted women of achievement from Hudson County, or those who have contributed to the cultural, economic, or educational fabric of its communities; and*

WHEREAS, *Charmaine Jones has been the owner of Cake Diva for the past twenty years, elevating cake design to a high art. Her various network appearances, including the Food Network, have propelled her to international acclaim. Some of her clients have included Michael Jordan, Susan Sarandon, and Jay Leno.*

THEREFORE, *in presenting this citation to:*

Charmaine Jones

I, Thomas A. DeGise, County Executive of the County of Hudson, State of New Jersey, on behalf of the People of the County of Hudson, hereby congratulate you and commend you for your life's devotion to your art and your talent and for sharing it to benefit our communities and the residents who live in them.

DATED: March 25, 2008

Handwritten signature of Thomas A. DeGise.

THOMAS A. DEGISE
Hudson County Executive





BOARD OF CHOSEN FREEHOLDERS
COUNTY OF HUDSON

Proclamation

**TO COMMEND CHARMAINE JONES
ON BEING HONORED AT THE HUDSON COUNTY 2008
WOMEN'S HISTORY MONTH CEREMONY**

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation, and American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

WHEREAS, the Senate and House of Representatives of the United States of America have designated March as "Women's History Month," and

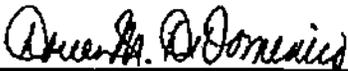
WHEREAS, Hudson County, in observance of the National Women's History Project 2008 theme *Women's Art: Women's Vision*, which commemorates the originality, beauty, imagination, and multiple dimensions of women's lives, are honoring local women who have achieved significant accomplishments in the arts, and have therein advanced the culture and beauty of our county community; and

WHEREAS, Charmaine Jones has been the owner of Cake Diva for the past 20 years, elevating cake design to a high art; her various network appearances have propelled her to international acclaim; some of her clients include Michael Jordan, Susan Sarandon, and Jay Leno.

NOW, THEREFORE, BE IT RESOLVED by the Hudson County Board of Chosen Freeholders as follows:

1. The Board does hereby extend its highest commendations to Charmaine Jones for being honored at the Hudson County 2008 Women's History Month celebration; and
2. The Board extends its sincere appreciation and recognition to Charmaine Jones for her contributions to the arts and to the community of Hudson County.

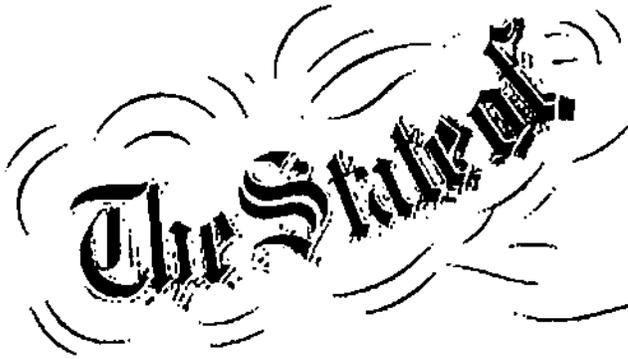
I, **ALBERTO G. SANTOS**, Clerk of the Board of Chosen Freeholders of the County of Hudson in the State of New Jersey DO HEREBY CERTIFY the above proclamation has been authorized and sponsored by **FREEHOLDER DOREEN M. DIDOMENICO**.



DOREEN M. DIDOMENICO, Freeholder
Vice-Chairperson



ALBERTO G. SANTOS, Esq., Clerk



CD000117

General Assembly Citation

Commendations and praise are extended to
Charmine Jones

by the citizenry of the 31st New Jersey Legislative District,
through their elected representative, Assemblyman L. Harvey Smith
as a woman of character, determination and enterprise
whose efforts have brought pride and distinction to her community and
this State and have earned her recognition as the recipient of
Hudson County Celebrates Women's History Month
Women's Art: Women's Vision

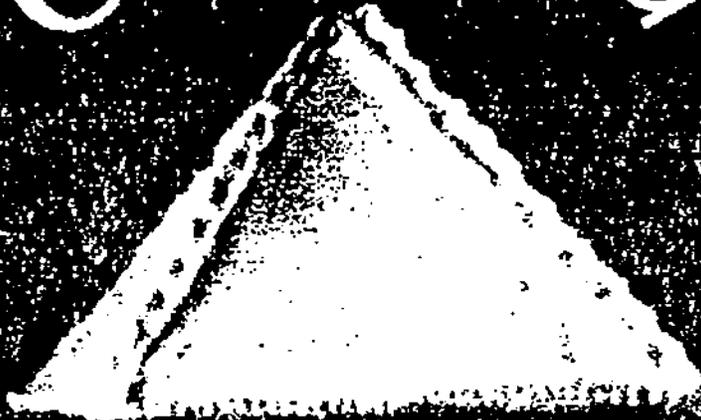
March 25, 2008

Date

L. Harvey Smith
Assemblyman, District 31

Cakediva™

Custom Cakes

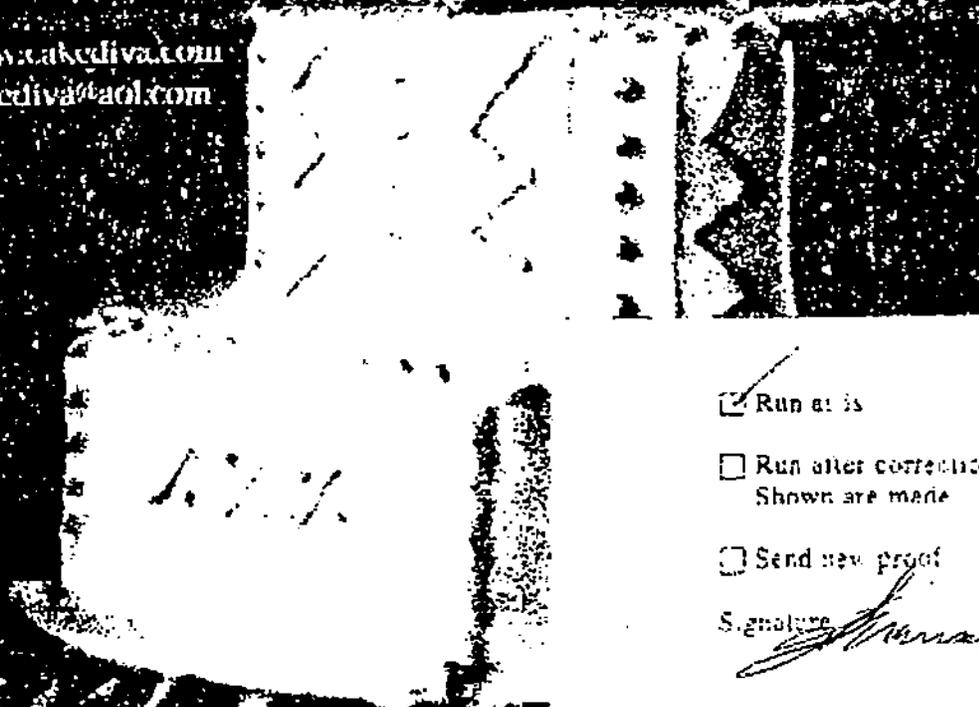


New York City
Paradise Island, Bahamas
Hoboken, New Jersey
Detroit, Michigan

Contact: Charmaine Jones

(212) 722-0678
(201) 216-0123

www.cakediva.com
cakediva@aol.com



- Run as is
- Run after corrections
Shown are made
- Send new proof

Signature

Date 10-29-04

Isn't That SPECIAL Outrageous Cakes

Too can have the soap opera wedding cake of your dreams! To get a cake from Charmaine Jones of "Isn't That Special - Outrageous Cakes" is much better than having a plain wedding cake. You have probably seen them on the popular TV series "All My Children" and "One Life To Live." You have to see it to believe it. Sculptured sugarflourishes, castles, seashells, portraits ... are just a few of the designs offered. Not only is everything custom to your wedding occasion - it's all edible!! The prices are so reasonable and the taste is indescribably delicious - and with over 1000 flavors of cake to choose from ... it is truly possible to have the wedding cake of your dreams! In the Cake Art Studio you will see sculptures that you could never imagine being done in cake! Over 2000 sq. ft. of sugar display. Charmaine is the artist and cake is her medium.



If my cakes look familiar it may be that you saw them on:

Waldo	• NBC Weekend Today Show
Maude	• All My Children
Madison Elliot	• One Life To Live
Donna	• The City (Loving)

The Cake Diva

Charmaine Jones

720 MONROE STREET, HOBOKEN, NEW JERSEY 07030

(212) 722-0678 • (201) 216-0123 • 1-800-945-6810

<http://www.foodstop.com/cakediva> • e-mail: cakediva@aol.com

REDACTED

REDACTED

-----Original Message-----

From: <onecharmedmom@bellsouth.net>

To: <cakediva@aol.com>

Date: Mon, Oct 6, 4:41 PM +0000

Subject: Mark

Mark,

I have been watching Cake Diva's on "Amazing Wedding Cakes" and I have to tell you-I just love you to death! You can really tell that you put a lot of thought and emotion into what you make. But, I get the feeling that you doubt yourself a lot. I'm that way too. I just wanted to tell you that you are very talented and please don't be so hard on yourself! You remind me of my late brother.

I'm talking like I know you, lol! Sorry! Really though, when you cry, I cry! You seem like such a beautiful person inside and out! God Bless, Mark! And, keep making beautiful cakes!

--

Lorrie

=^..^=



(You may want to consult an Attorney for guidance and direction in these matters.)

CERTIFICATE OF TRADE NAME
JAVIER E. INCLÁN
CLERK OF HUDSON COUNTY

(PLEASE TYPE OR PRINT CLEARLY)

THE UNDERSIGNED HEREBY CERTIFIES THE FOLLOWING:

Trade Name: Cakediva
Business Address: 720 Monroe St Suite E304
City/Town: Hoboken NJ Zip Code: 07030
Description of Business: Sugar Art Sculptures & custom edibles & display cakes

OWNER'S INFORMATION

(DO NOT SIGN OR TAKE THE OATH UNTIL IN THE PRESENCE OF A NOTARY PUBLIC)

Owner #1 Name: Charmaine Jones
Residence: 1309 5th Ave #27F
City/State/Zip: New York, N.Y. 10029
Signature: [Signature]

Owner #2 Name: _____
Residence: _____
City/State/Zip: N/A
Signature: _____

Owner #3 Name: _____
Residence: _____
City/State/Zip: N/A
Signature: _____

A TRUE COPY

TO BE COMPLETED ONLY IF ANY OF THE OWNER(S) LIVE OUT OF STATE:

We do hereby appoint the Clerk of Hudson County, in the State of New Jersey, and his/her successors in office, our attorney in fact, upon whom may be served all process affecting the aforesaid business and trade name CAKEDIVA. And we do further agree that any process against the aforesaid Clerk of Hudson County be served, shall be of the same effect as if duty served upon the non-resident owner(s)/partner(s).

STATE OF NEW JERSEY
COUNTY OF HUDSON

The undersigned being duly sworn, say that all of the above person(s) named in the foregoing certificate swore before me that the statements contained therein are true, accurate and complete. Subscribed and sworn to before me this 4th day of JUNE 2004

[Signature]
Notary Public

N.J.S.A. 56:1-1

ARACELIS FIGUEROA
NOTARY PUBLIC OF NEW JERSEY
ID# 23114982
My Comm. Expires May 13, 2006

TRADE # 33763

Processed By: FF

**FILING FEE
PAID**

ADDITIONAL OWNER'S INFORMATION

(DO NOT SIGN OR TAKE THE OATH UNTIL IN THE PRESENCE OF A NOTARY PUBLIC)

Owner #4 Name: _____
Residence: _____
City/State/Zip: _____
Signature: _____

Owner #5 Name: _____
Residence: _____
City/State/Zip: _____
Signature: _____

Owner #6 Name: _____
Residence: _____
City/State/Zip: _____
Signature: _____

Exhibit 7

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

In the Matter of Application Serial No. 76/529,077
Published in the *Official Gazette* of May 8, 2007

Cake Divas,)	
	)	Opposition No. 91177301
Opposer,)	
)	
v.)	
)	
Charmaine V. Jones,)	
)	
Applicant.)	
_____)	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

**OPPOSER'S RESPONSE TO APPLICANT'S
FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Section 2.120 of Title 37 of the Code of Federal Regulations, Opposer Cake Divas ("Opposer") hereby responds to Applicant Charmaine V. Jones' ("Applicant") First Set of Interrogatories as follows:

PRELIMINARY STATEMENT

The following responses to interrogatories propounded by Applicant represent Opposer's present knowledge, based on discovery, investigation and trial preparation to date. Discovery, investigation and trial preparation are continuing. Opposer expressly reserves the right to rely upon further information adduced upon completion of discovery, investigation and trial preparation.

GENERAL OBJECTIONS

1) Opposer objects to each and every interrogatory to the extent that it seeks to impose duties or obligations on Opposer different than those imposed by Rule 33 of the Federal Rules of Civil Procedure, the Code of Federal Regulations and the Trademark Rules of Practice.

2) Opposer objects to each and every interrogatory to the extent that it seeks to elicit information that is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.

3) Opposer objects to each and every interrogatory to the extent that it seeks to elicit information protected from disclosure by the attorney-client privilege or the work product doctrine. The inadvertent disclosure of any matter covered by such attorney-client privilege or work product doctrine shall not be deemed a waiver thereof.

4) Opposer objects to each and every interrogatory to the extent that it is unduly oppressive and burdensome.

5) Opposer objects to each and every interrogatory to the extent that it is vague, ambiguous and/or overbroad.

6) Opposer objects to each and every interrogatory to the extent that it seeks the disclosure of trade secret, proprietary or other confidential information, as a consequence of which Opposer is entitled to a protective order regarding the same.

7) Opposer objects to each and every interrogatory to the extent that it violates the United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer and third parties.

These general objections are incorporated into each of the specific responses set forth below, and the responses are made without waiver of any of the general objections.

RESPONSES

INTERROGATORY NO. 1:¹

Identify all corporate officers of Opposer by name, address, title and duty for the period 1998 to present.

RESPONSE TO INTERROGATORY NO. 1:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this interrogatory to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in that it requests private information of third parties.

Subject to and without waiver of the foregoing objections, Opposer states:

1. Joan Leslie Spitler, Co-Owner, c/o Keats McFarland & Wilson, LLP, 9720 Wilshire Boulevard, Penthouse, Beverly Hills, California 90212.
Production and distribution of the services identified in Opposer's trademark application for CAKE DIVAS (Ser. No. 76/538,360) ("Opposer's Mark").
2. Leigh Beth Grode, Co-Owner, c/o Keats McFarland & Wilson, LLP, 9720 Wilshire Boulevard, Penthouse, Beverly Hills, California 90212.
Production and distribution of the services identified in Opposer's trademark application for Opposer's Mark.

INTERROGATORY NO. 2:

a. Identify all products and services provided or intended to be provided by Opposer under Opposer's Mark.

¹ Applicant's First Set of Interrogatories omitted interrogatory numbers 10, 20, 23, 26, 27 and 29. Opposer has included the omitted interrogatory numbers herein, but has not provided substantive responses for them.

b. For every product and/or service identified in response to Paragraph a. hereof, state the date the product and/or service was first offered for sale or provided, or if not yet offered for sale or provided, the date on which Opposer intends to offer the product for sale or provide the service.

c. For each product and/or service identified in response to Paragraph a. hereof, state the volume of sales in dollars and units, if applicable, since first use.

RESPONSE TO INTERROGATORY NO. 2:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of responsive information that is equally available to Applicant because the application for Opposer's Mark, which is publicly available on the PTO website, clearly identifies the information requested. Thus, the discovery sought "can be obtained from some other source that is more convenient, less burdensome, or less expensive." Fed. R. Civ. P. 26(b)(2)(C)(i).

Opposer objects to this interrogatory to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer and third parties. In particular, this interrogatory is objectionable to the extent that it is seeking confidential financial information as well as information regarding Opposer's intended business plans, which information is protected as confidential business information and/or a trade secret.

To the extent that any relevant privileged information is encompassed by this interrogatory, Opposer objects to the production of such information to the extent that it is not covered by the Board's standard protective order.

Subject to and without waiver of the foregoing objections, Opposer states:

- a. Custom cake making, baking, designing and decorating services for edible and faux cakes;
- b. October 15, 1998;
- c. Opposer estimates its gross revenues since October 15, 1998, to be approximately \$2,477,000.00.

INTERROGATORY NO. 3:

State the facts and circumstances surrounding Opposer's decision to adopt Opposer's Mark including the reasoning and rationale behind the decision.

RESPONSE TO INTERROGATORY NO. 3:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this interrogatory on the grounds that it is overbroad, oppressive, and unduly burdensome and not likely to lead to the discovery of admissible evidence. Requiring Opposer to state all of the facts and circumstances surrounding its decision to adopt its mark, including the reasoning and rationale behind such decision, is unreasonably overbroad and burdensome. Accordingly, "the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues." Fed. R. Civ. P. 26(b)(2)(C)(iii).

Opposer objects to this interrogatory to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in confidential information, which information is protected as confidential business information.

To the extent that any relevant privileged information is encompassed by this interrogatory, Opposer objects to the production of such information to the extent that it is not covered by the Board's standard protective order.

Subject to and without waiver of the foregoing objections, Opposer states: In 1998, Ms. Grode and Ms. Spittler mutually decided to use CAKE DIVAS as a brand name for their joint business enterprise. Prior to adopting the name CAKE DIVAS as a trademark, Ms. Grode performed numerous Internet searches using search engines to determine the availability of the CAKE DIVAS mark and to identify the use of any domain names that were identical or nearly identical to the CAKE DIVAS mark (e.g., www.cakediva.com, www.cakedivas.com). As a result of Ms. Grode's searches, she did not identify any identical or nearly identical marks being used in connection with an existing or former business operation. Accordingly, Ms. Grode purchased the domain name www.cakedivas.com for the purpose of developing and promoting her business with Ms. Spittler. That same year, Ms. Spittler ordered from the Los Angeles County Recorder's Office a nationwide search of all business names looking for any existing businesses using the names CAKE DIVA and CAKE DIVAS, but found none. Shortly thereafter, Ms. Spittler obtained a business license to use the name CAKE DIVAS by filing an application in Los Angeles and by publishing a fictitious business statement in a Los Angeles County area newspaper, namely, Clarion Publications (date of publication was September 3, 1998, see CD-00059-00065).

INTERROGATORY NO. 4:

State the names, addresses, titles, or positions of each person responsible for, participating in, or having knowledge of the selection, adoption, and use of Opposer's Mark by Opposer, including the identity of the person or person who originally suggested its use and adoption.

RESPONSE TO INTERROGATORY NO. 4:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this interrogatory to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in that it requests private information of third parties.

To the extent that any relevant privileged information is encompassed by this interrogatory, Opposer objects to the production of such information to the extent that it is not covered by the Board's standard protective order.

Subject to and without waiver of the foregoing objections, Opposer states: Joan Leslie Spitler (Co-Owner) and Leigh Beth Grode (Co-Owner), c/o Keats McFarland & Wilson, LLP, 9720 Wilshire Boulevard, Penthouse, Beverly Hills, California 90212.

INTERROGATORY NO. 5:

Identify all of Opposer's agents, employees, associates, predecessors, and successors and entities affiliated or related with Opposers which were or are responsible for or involved in the manufacture, sale, and/or distribution of the products or the provision of the services identified in response to paragraph a. of Interrogatory No. 2, and with respect to each such individual or entity state their full name; the location of all offices and places of business and telephone numbers thereof; the nature of each such business; the products and/or services sold and/or provided by each such individual or entity; and the nature and scope of their responsibility and/or involvement with Opposer's Mark, including the periods of such responsibility and/or involvement.

RESPONSE TO INTERROGATORY NO. 5:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this interrogatory on the grounds that it is overbroad, oppressive, and unduly burdensome and not likely to lead to the discovery of admissible evidence. This interrogatory is unreasonably overbroad in that it seeks “all of Opposer’s agents, employees, associates, predecessors, and successors and entities affiliated or related with Opposers which were or are responsible for or involved in the manufacture, sale, and/or distribution of the products or the provision of the services identified in response to paragraph a. of Interrogatory No. 2.” This interrogatory is oppressive and unduly burdensome as it seeks to require Opposer to spend an unreasonable amount of time and energy to search for and identify these persons, and furthermore, with respect to each such individual or entity, to “state their full name; the location of all offices and places of business and telephone numbers thereof; the nature of each such business; the products and/or services sold and/or provided by each such individual or entity; and the nature and scope of their responsibility and/or involvement with Opposer’s Mark, including the periods of such responsibility and/or involvement.” Accordingly, “the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties’ resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.” Fed. R. Civ. P. 26(b)(2)(C)(iii).

Opposer objects to this interrogatory to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in that it requests private information of third parties.

To the extent that any relevant privileged information is encompassed by this interrogatory, Opposer objects to the production of such information to the extent that it is not covered by the Board’s standard protective order.

Subject to and without waiver of the foregoing objections, Opposer states:

Current employees:

- Gloria Reyes (kitchen assistant, pastry), c/o Keats McFarland & Wilson, LLP, 9720 Wilshire Boulevard, Penthouse, Beverly Hills, California 90212.
- Majbritt Almskou (decorator), c/o Keats McFarland & Wilson, LLP, 9720 Wilshire Boulevard, Penthouse, Beverly Hills, California 90212.
- Kiera Fernandez (decorator), c/o Keats McFarland & Wilson, LLP, 9720 Wilshire Boulevard, Penthouse, Beverly Hills, California 90212.
- Rachel Rosen (office), c/o Keats McFarland & Wilson, LLP, 9720 Wilshire Boulevard, Penthouse, Beverly Hills, California 90212.
- Alexis Hunt (office), c/o Keats McFarland & Wilson, LLP, 9720 Wilshire Boulevard, Penthouse, Beverly Hills, California 90212.

Former employees:

- Pablo Sanchez (baker)
- Sandra Jones (decorator)
- Lisa Myers (decorator)
- Darby Aldanco (pastry)
- Efren Bonilla (baker)
- Kirsten Reinholt (baker)
- Rosa Sanchez (decorator)
- Rick Reichart (decorator), CAKELAVA, Hawaii
- Gabrielle Feursinger (decorator), Cake Coquette, San Francisco
- Marc Gravelle (decorator)
- Reva Hawks (decorator)

- Jeannie Rivera (office)
- Jennifer Tani-Ratna (office)
- Mona Winningham (office)

INTERROGATORY NO. 6:

a. Identify all actual and intended distributors or providers of products and/or services offered by Opposer under Opposer's Mark, including without limitation the principal contact(s) at that entity.

b. Identify all communications with distributors or providers concerning the sale or provision of each product and/or service offered by Opposer under Opposer's Mark.

RESPONSE TO INTERROGATORY NO. 6:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this interrogatory on the grounds that it is overbroad, oppressive, and unduly burdensome and not likely to lead to the discovery of admissible evidence in that Applicant's request for "all communications with distributors or providers concerning the sale or provision of each product and/or service offered by Opposer under Opposer's Mark," regardless of the relevance to issues of likelihood of confusion and priority, is not at issue in this action. Accordingly, "the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues." Fed. R. Civ. P. 26(b)(2)(C)(iii).

Opposer objects to this interrogatory to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer and third parties. In particular, this interrogatory is objectionable to the extent that it is seeking the

identity of third parties (and confidential communications with those third parties) in violation of such parties' right to privacy and information regarding Opposer's intended business plans.

To the extent that any relevant privileged information is encompassed by this interrogatory, Opposer objects to the production of such information to the extent that it is not covered by the Board's standard protective order.

Opposer objects to this interrogatory on the grounds that it is being interposed for the improper purpose of harassing Opposer, causing unnecessary delay, and needlessly increasing the cost of litigation because Applicant is purposefully requesting confidential information regarding Opposer's intended business plans as well as irrelevant information that would be unduly burdensome to produce in violation of Fed. R. Civ. P. 26(g)(1)(B)(ii-iii).

Subject to and without waiver of the foregoing objections, Opposer states:

- a. Owen's Market -- Mindy Weiss
LuLu's Café -- Tom Hugenberger
Hotel Bel Air -- Jenny Ha
Shutters/Casa del Mar -- Toby Lent
Marina Ritz Carlton -- Brianna Simon
- b. Communications took place via telephone, e-mail and United States Postal Service.

INTERROGATORY NO. 7:

For each product and/or service identified in response to paragraph a. of Interrogatory No. 2, identify all marketing forecasts, production schedules, and other business plans referring or relating to the offering or intended offering of the products and/or service.

RESPONSE TO INTERROGATORY NO. 7:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this interrogatory on the grounds that it is overbroad, oppressive, and unduly burdensome and not likely to lead to the discovery of admissible evidence. Such a list would necessarily include marketing forecasts, production schedules, and other business plans that were created or that had transpired subsequent to the date of first use of Opposer's mark in commerce. Accordingly, "the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues." Fed. R. Civ. P. 26(b)(2)(C)(iii).

Opposer objects on the grounds that this request is vague and ambiguous in that the terms "marketing forecasts, production schedules, and other business plans" are undefined and subject to a variety of interpretations.

Opposer objects to this interrogatory to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer and third parties. In particular, this interrogatory is objectionable to the extent that it is seeking confidential financial information as well as information protected as proprietary business trade secret.

To the extent that any relevant privileged information is encompassed by this interrogatory, Opposer objects to the production of such information to the extent that it is not covered by the Board's standard protective order.

Opposer objects to this interrogatory on the grounds that it is being interposed for the improper purpose of harassing Opposer, causing unnecessary delay, and needlessly increasing the cost of litigation because Applicant is purposefully requesting confidential information

regarding Opposer's intended business plans to gain an unfair competitive advantage in violation of Fed. R. Civ. P. 26(g)(1)(B)(ii-iii).

Subject to and without waiver of the foregoing objections, Opposer states: None.

INTERROGATORY NO. 8:

Describe all forms of Opposer's Mark which have been used or are intended to be used by Opposer.

RESPONSE TO INTERROGATORY NO. 8:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this interrogatory to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in financial and confidential information. In particular, this interrogatory is objectionable to the extent that it is seeking information protected from disclosure by the attorney-client privilege and/or attorney work-product doctrine, and, regarding Opposer's intended use of its mark, is protected as confidential business information.

To the extent that any relevant privileged information is encompassed by this interrogatory, Opposer objects to the production of such information to the extent that it is not covered by the Board's standard protective order.

Opposer objects to this interrogatory to the extent that it seeks the production of information that is equally available to Applicant in that the application for Opposer's mark clearly identifies the mark as a standard word mark, and thus may be used and is protectable in any form. Therefore, "the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues." Fed. R. Civ. P. 26(b)(2)(C)(iii).

Subject to and without waiver of the foregoing objections, Opposer refers Applicant to the website for the United States Patent and Trademark Office (<http://www.uspto.gov>), which website confirms that Opposer's mark is a standard word mark. In addition, Opposer refers Applicant to Document Nos. CD-00012, CD-00068, CD-00069 and CD-00071, for exemplars of its use of its mark in commerce.

INTERROGATORY NO. 9:

If Opposer has ever promoted or advertised Opposer's Mark, for each media promotion or advertising campaign, identify:

- i. the form of media promotion or advertisement (e.g., print ad, t.v. ad, pamphlet, Internet, including all website addresses whether owned by Opposer or otherwise);
- ii. the inclusive dates and geographic areas of promotion or advertisement;
- iii. the amount spent each year by Opposer on each form of promotion or advertising for the mark from the time of first use; and
- iv. the name(s) and address(es) of the advertising agency(ies) used by Opposer.

RESPONSE TO INTERROGATORY NO. 9:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this interrogatory to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in financial and confidential information. In particular, this interrogatory is objectionable to the extent that it is seeking confidential business and financial information and information protected as a trade secret.

Subject to and without waiver of the foregoing objections, Opposer states:

- i. Internet paid-for advertisements, Internet website movies, television commercial advertisements, magazine publications (see Document Nos. CD-00001-00055, CD-00067-00072, CD-00087-00093);
- ii. Worldwide promotion and advertisement;
- iii. 1998 (approx. \$1,000); 1999 (approx. \$3,000); 2000 (approx. \$3,000); 2001 (approx. \$5,200); 2002 (approx. \$9,500); 2003 (approx. \$10,000); 2004 (approx. \$15,000); 2005 (approx. \$15,000); 2006 (approx. \$18,000); 2007 (approx. \$20,000); 2008 (approx. \$15,000 to date);
- iv. None.

INTERROGATORY NO. 10: [OMITTED BY APPLICANT]

INTERROGATORY NO. 11:

For each product and/or service identified in response to paragraph a. of Interrogatory No. 2 identify:

- i. all clients or customers of such product or service, including names, addresses and the annual sales revenue for each such customer through 2008; and
- ii. the geographical areas in the United States where such products and/or services are distributed or provided, specifying the states in which said products and/or services have been or are intended to be distributed or offered for each calendar year subsequent to the alleged first use of Opposer's Mark in interstate commerce.

RESPONSE TO INTERROGATORY NO. 11:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this interrogatory to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer and third

parties. In particular, this interrogatory is objectionable to the extent that it is seeking confidential business information and information protected as a trade secret. In addition, this interrogatory is objectionable to the extent that it is improperly seeking Opposer's confidential customer list and the identity of third parties (and their private residential and financial information) in violation of Opposer's right to keep such information private, and in violation of such parties' right to privacy.

Opposer objects to this interrogatory on the grounds that it is being interposed for the improper purpose of harassing Opposer, causing unnecessary delay, and needlessly increasing the cost of litigation because Applicant is purposefully requesting confidential business information to gain an unfair competitive advantage in violation of Fed. R. Civ. P. 26(g)(1)(B)(ii-iii).

Subject to and without waiver of the foregoing objections, Opposer responds as follows:

- i. No response, based on the objections set forth above.
- ii. Opposer's services are offered domestically and internationally via the Internet and have been provided to customers domestically in California, Florida, Hawaii, Nevada, New Mexico and Washington, and internationally in Canada, Costa Rica, Mexico, and the Turks and Caicos Islands.

INTERROGATORY NO. 12:

For each product and/or service identified in answer to paragraph a. of Interrogatory No. 2, describe the channel(s) or trade through which the product and/or service is distributed or provided or intended to be distributed or provided, including the manner in which such product and/or service is or is intended to be sold or offered.

RESPONSE TO INTERROGATORY NO. 12:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this interrogatory to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in confidential information of Opposer. In particular, this interrogatory is objectionable to the extent that it is seeking confidential information regarding Opposer's intended business plans.

Subject to and without waiver of the foregoing objections, Opposer states: The channel(s) or trade through which Opposer distributes its goods and services identified in the application for Opposer's Mark are the Internet, Opposer's place of business located at 9626 Venice Boulevard, Culver City, California 90232, and via telephone.

INTERROGATORY NO. 13:

Identify the persons/entities who are principally responsible for the creations, sales, marketing, and promotion and advertising of each product and/or service identified in answer to paragraph a. of Interrogatory No. 2.

RESPONSE TO INTERROGATORY NO. 13:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Subject to and without waiver of the foregoing objections, Opposer states: Joan Leslie Spitler and Leigh Beth Grode.

INTERROGATORY NO. 14:

For each product and/or service identified in answer to paragraph a. of Interrogatory No. 2, state the total dollar amount Opposer has spent in advertising and promoting such product and/or service for each year through 2008 and the amount Opposer intends to spend during 2009, and identify each advertisement which has been, or is intended to be, published, broadcast, or displayed (including without limitation on the Internet), and for each such advertisement:

- i. state the date on which it was or will be published, broadcast, displayed or distributed;
- ii. if a print media advertisement, identify the publication in which such advertisement appeared or will appear by name, date, and page number;
- iii. if a broadcast advertisement, identify the radio or television station or network over which such advertisement was or will be broadcast and state the length of the commercial and the date and time of broadcast; and
- iv. state the total amount of money spent or budgeted for such advertisement, including but not limited to, cost of space or time, production costs, and agency commissions.

RESPONSE TO INTERROGATORY NO. 14:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this interrogatory to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer and third parties. In particular, this interrogatory is objectionable to the extent that it is seeking confidential business information as well as information protected as a trade secret regarding Opposer's financial expenditures and its intended business plans.

Opposer objects to this interrogatory on the grounds that it is being interposed for the improper purpose of harassing Opposer, causing unnecessary delay, and needlessly increasing the cost of litigation because Applicant is purposefully requesting confidential information to gain an unfair competitive advantage in violation of Fed. R. Civ. P. 26(g)(1)(B)(ii-iii).

Opposer objects to this interrogatory on the grounds and to the extent that it is duplicative of Interrogatory No. 9.

the cost of litigation because Applicant is purposefully requesting irrelevant information that would be unduly burdensome to produce in violation of Fed. R. Civ. P. 26(g)(1)(B)(ii-iii).

Subject to and without waiver of the foregoing objections, Opposer directs Applicant to exemplars of the documents requested (see Document Nos. CD-00001-00007, CD-00067-00070, CD-00072-00075).

INTERROGATORY NO. 16:

For each product and/or service identified in answer to paragraph a. of Interrogatory No. 2, state whether Opposer has promoted or exhibited any product and/or service bearing Opposer's Mark at any conventions, trade shows, or exhibitions, or has any plans to do so, and if so, state the title, dates and location of each such convention, trade show, or exhibition, and the product and/or service exhibited or expected to be exhibited.

RESPONSE TO INTERROGATORY NO. 16:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this interrogatory to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer and third parties. In particular, this interrogatory is objectionable to the extent that it is seeking information protected from disclosure by the attorney-client privilege and/or attorney work-product doctrine, and is information protected as proprietary business trade secret regarding Opposer's intended business plans.

Opposer objects to this interrogatory on the grounds that it is being interposed for the improper purpose of harassing Opposer, causing unnecessary delay, and needlessly increasing the cost of litigation because Applicant is purposefully requesting confidential information to gain an unfair competitive advantage in violation Fed. R. Civ. P. 26(g)(1)(B)(ii-iii).

Subject to and without waiver of the foregoing objections, Opposer states: Opposer has promoted or exhibited its products and/or services bearing Opposer's Mark in the following formats and/or locations: television, movies, Catersource 2007, Soolip, 4pm Events, GBK EVENTS, Wedding Shows.

INTERROGATORY NO. 17:

For each product and/or service identified in answer to paragraph a. of Interrogatory No. 2, state whether said product and/or service has been the subject of any article or articles in any magazines, journals, or other literature. If so, identify the article or articles by the name of the publication and the issue and date such article or articles appeared.

RESPONSE TO INTERROGATORY NO. 17:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this interrogatory on the grounds that it is overbroad, oppressive, and unduly burdensome and not likely to lead to the discovery of admissible evidence. This interrogatory seeks to require Opposer to identify "any article or articles in any magazines journals, or other literature" (emphasis added) that its products and/or services have been the subject of, and the name of the publication, the issue and the date of such article, regardless of whether Opposer has knowledge of the existence such article or articles. Accordingly, "the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues." Fed. R. Civ. P. 26(b)(2)(C)(iii).

Opposer objects to this Request to the extent that it seeks the production of responsive information that is equally available to Applicant because Applicant could perform an Internet search and obtain the requested information. Thus, the discovery sought "can be obtained from

some other source that is more convenient, less burdensome, or less expensive.” Fed. R. Civ. P. 26(b)(2)(C)(i).

Opposer objects to this interrogatory on the grounds that it is being interposed for the improper purpose of harassing Opposer, causing unnecessary delay, and needlessly increasing the cost of litigation because Applicant is purposefully requesting information that would be unduly burdensome to produce in violation of Fed. R. Civ. P. 26(g)(1)(B)(ii-iii).

Subject to and without waiver of the foregoing objections, Opposer states: Opposer’s business and/or CAKE DIVAS mark has been the subject of articles in magazines, journals and other literature (see Document Nos. CD-00001-00055).

INTERROGATORY NO. 18:

For each product and/or service identified in answer to paragraph a. of Interrogatory No. 2, identify all administrative or judicial proceedings in which Opposer is or has been involved relating to Opposer’s Mark other than the instant action, then state the title, docket number, and tribunal of the proceeding and describe its final outcome or current status.

RESPONSE TO INTERROGATORY NO. 18:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Subject to and without waiver of the foregoing objections, Opposer states: None, other than the instant proceeding.

INTERROGATORY NO. 19:

Identify any and all grants, licenses, authorizations, or assignments regarding Opposer’s Mark and identify all documents referring or relating to each such grant, license, authorization, and assignment and each amendment or modification thereof. For each and every third party who is not authorized or ever was authorized to use Opposer’s Mark, described the scope of such authorization including the identity of the third party, the product(s) and/or service(s) for which

use is or was authorized, the date of authorization; and the method by which Opposer controls the nature and quality of the products and/or services of which use of Opposer's Mark is or was authorized.

RESPONSE TO INTERROGATORY NO. 19:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Subject to and without waiver of the foregoing objections, Opposer states: None.

INTERROGATORY NO. 20: [OMITTED BY APPLICANT]

INTERROGATORY NO. 21:

Identify the date and describe the circumstances surrounding Opposer's first knowledge of Applicant's use of the CAKE DIVA mark.

RESPONSE TO INTERROGATORY NO. 21:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Subject to and without waiver of the foregoing objections, Opposer states: Opposer first learned of Applicant's use of the CAKE DIVA mark when Opposer received a cease-and-desist letter, dated July 31, 2003, from counsel for Applicant. This letter was received subsequent to Ms. Spitler's and Ms. Grode's appearance on the television program, Roker on The Road, in 2000.

INTERROGATORY NO. 22:

State whether Opposer, or any individual(s) or other company(s) or organization(s) acting on Opposer's behalf, has conducted or authorized any other individual or company to conduct a survey, investigation, study, or market test (hereinafter "Survey") relating to Opposer's Mark or Applicant's Mark or the precuts and/or services sold or to be offered under either Mark including, but not limited to, surveys relating to public recognition, consumer acceptance, secondary meaning, or confusion and, if so, identify each individual or entity who was or is in

charge of conducting each Survey, each report or summary of the results thereof, whether written or oral and, of oral, state the contents thereof and identify the person making and receiving such report or summary and each person having knowledge thereof, and each document relating to, reflecting, supporting, or generated in the consideration, planning, conduct, or reporting of any such Survey, or the results or substance, thereof.

RESPONSE TO INTERROGATORY NO. 22:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Subject to and without waiver of the foregoing objections, Opposer states: None.

INTERROGATORY NO. 23: [OMITTED BY APPLICANT]

INTERROGATORY NO. 24:

Identify every objection Opposer has made to the use by another of any trademark, service mark, or trade name comprised of any term alleged to be confusingly similar to Opposer's Mark. For each such objection state: a description of the mark to which objection was made; the date of the objection; the identity of the person to whom the objection was made; the goods, services, or business in connection with which the objectionable mark was used; the disposition of the objection; and the identity of all documents pertaining to the objection, including settlement agreements.

RESPONSE TO INTERROGATORY NO. 24:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Subject to and without waiver of the foregoing objections, Opposer states: None.

INTERROGATORY NO. 25:

Identify every objection Opposer has received from others in reference to Opposer's use or application to register Opposer's Mark. For each such objection state the identity of the objector; the date of the objection; the reason for the objection; the disposition of the objection;

and the identity of all documents or writings pertaining to the objection including settlement agreements.

RESPONSE TO INTERROGATORY NO. 25:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Subject to and without waiver of the foregoing objections, Opposer states: None, other than the cease-and-desist letter sent by Applicant's counsel, dated July 31, 2003.

INTERROGATORY NO. 26: [OMITTED BY APPLICANT]

INTERROGATORY NO. 27: [OMITTED BY APPLICANT]

INTERROGATORY NO. 28:

Identify all communications with customers and others concerning products and/or services offered by Opposer under its mark.

RESPONSE TO INTERROGATORY NO. 28:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this interrogatory on the grounds that it is overbroad, oppressive, and unduly burdensome and not likely to lead to the discovery of admissible evidence. Such a list would necessarily include all or nearly all of Opposer's communications with any of its customers regardless of the content or relevance of such communications. Accordingly, "the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues." Fed. R. Civ. P. 26(b)(2)(C)(iii).

Opposer objects to this interrogatory to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of

privacy in financial and confidential information of Opposer and third parties. In particular, this overbroad request seeks information encompassed by the attorney/client privilege, as well as the private communications with Opposer's customers and/or third parties in violation of such parties' right to privacy and Opposer's right to protect such information as its confidential business information and as a trade secret (i.e., as Opposer's customer list).

Opposer objects to this interrogatory on the grounds that it seeks to elicit information that is irrelevant and will not lead to the introduction of admissible evidence. This information is irrelevant because the identity of "all communications with customers and others concerning products and/or services offered by Opposer under its mark" (emphasis added), necessarily encompasses communications that are not relevant to any issues in this proceeding.

To the extent that any relevant privileged information is encompassed by this interrogatory, Opposer objects to the production of such information to the extent that it is not covered by the Board's standard protective order.

Opposer objects to this interrogatory on the grounds that it is being interposed for the improper purpose of harassing Opposer, causing unnecessary delay, and needlessly increasing the cost of litigation because Applicant is purposefully requesting irrelevant and or confidential information that would be unduly burdensome to produce or that is protected confidential business information in violation of Fed. R. Civ. P. 26(g)(1)(B)(ii-iii).

Subject to and without waiver of the foregoing objections, Opposer states: Opposer has communicated with its customers via telephone and written communications.

INTERROGATORY NO. 29: [OMITTED BY APPLICANT]

INTERROGATORY NO. 30:

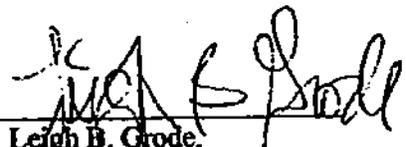
Identify all individuals who assisted in the preparation of the answers to these Interrogatories.

RESPONSE TO INTERROGATORY NO. 30:

Leigh Grode, Joan Spitler, Konrad K. Gatiem, Esq. and Matthew D. Klaffer, Esq.

VERIFIED AS TO RESPONSES

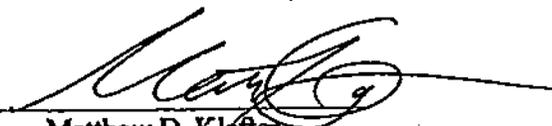
Dated: October 27, 2008

By: 

Leigh B. Grode,
Co-Owner of Opposer, Cake Divas

VERIFIED AS TO OBJECTIONS

Dated: October 27, 2008

By: 

Matthew D. Klaffer
Keats McFarland & Wilson, LLP
Attorneys for Opposer, Cake Divas

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2008, I served the following document(s):

**OPPOSER'S RESPONSE TO APPLICANT'S FIRST SET OF
INTERROGATORIES,**

upon counsel for Applicant named below:

Lori D. Greendorfer
Schiff Hardin, LLP
900 Third Avenue
New York, NY 10022

by placing a true and correct copy thereof in a sealed envelope, postage prepaid, in First Class U.S. mail, for collection and mailing with the United States Postal Service on the same date.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 27, 2008, at Beverly Hills, California.


Cathy Yu

Exhibit 8

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

In the Matter of Application Serial No. 76/529,077
Published in the *Official Gazette* of May 8, 2007

Cake Divas,)	
	)	Opposition No. 91177301
Opposer,)	
)	
v.)	
)	
Charmaine V. Jones,)	
)	
Applicant.)	
<hr/>		

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

**OPPOSER'S RESPONSES AND OBJECTIONS
TO APPLICANT'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS AND THINGS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Section 2.120 of Title 37 of the Code of Federal Regulations, Opposer Cake Divas ("Opposer") hereby responds to applicant Charmaine V. Jones' ("Applicant") First Request for Production of Documents and Things (each a "Request", collectively, "Requests") as follows:

PRELIMINARY STATEMENT

The following responses to Applicant's Requests represent Opposer's present knowledge, based on discovery, investigation and trial preparation to date. Discovery, investigation and trial preparation are continuing. Opposer expressly reserves the right to rely upon further information adduced upon completion of discovery, investigation and trial preparation.

GENERAL OBJECTIONS

1) Opposer objects to each and every Request to the extent that it seeks to impose duties or obligations on Opposer different than those imposed by Federal Rule of Civil Procedure (“FRCP”) 34 the Code of Federal Regulations and the Trademark Rules of Practice.

2) Opposer objects to each and every Request to the extent that it seeks to elicit information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.

3) Opposer objects to each and every Request to the extent it seeks to elicit information protected from disclosure by the attorney-client privilege or the work product doctrine. The inadvertent disclosure of any matter covered by such attorney-client privilege or work product doctrine shall not be deemed a waiver thereof.

4) Opposer objects to each and every Request to the extent that it is unduly burdensome and oppressive.

5) Opposer objects to each and every Request to the extent that it is vague, ambiguous, and/or overbroad.

6) Opposer objects to each and every Request to the extent that it seeks the disclosure of trade secret, proprietary or other confidential information.

7) Opposer objects to each and every Request to the extent that it violates and/or impairs the United States and California constitutional, statutory, and common law rights of privacy in financial and confidential information of Opposer and third parties.

8) Opposer objects to each and every Request to the extent that it seeks documents already in the possession, custody, or control of Applicant, or is equally available to Applicant.

These General Objections are incorporated into each of the specific responses set forth below, and the responses are made without waiver of any of the General Objections.

RESPONSES

REQUEST FOR PRODUCTION NO. 1:

All documents identified in Opposer's responses to Applicant's First Set of Interrogatories to Opposer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request to the extent that it seeks the production of information that is equally available to Applicant, therefore, "the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues." FRCP 26(b)(2)(C)(iii).

Subject to and without waiver of the foregoing objections, Opposer will produce responsive relevant, non-privileged documents (see CD-00001-00055, CD-00059-00065, CD-00067-00075, CD-00087-00093).

REQUEST FOR PRODUCTION NO. 2:

All documents identifying the products or services offered or intended to be offered under Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request to the extent that it seeks the production of information that is overbroad and unduly burdensome in that Applicant has requested "all" documents, when exemplars would suffice. In addition, the Request calls for documents that are equally available to Applicant, therefore, the burden or expense of the proposed discovery clearly outweighs "its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues." FRCP 26(b)(2)(C)(iii).

Subject to and without waiver of the foregoing objections, Opposer refers Applicant to the website for the United States Patent and Trademark Office (<http://www.uspto.gov>), which website contains documents identifying the products or services offered under Opposer's Mark as well as the following documents (see CD-00001-00007).

REQUEST FOR PRODUCTION NO. 3:

All advertisements or promotional material for Opposer's products or services offered under Opposer's Mark, including without limitation any such advertisements or materials on the Internet.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information that is overbroad and unduly burdensome in that Applicant has requested “all” documents, when exemplars would suffice. Opposer objects to this Request to the extent that it seeks the production of information that is equally available to Applicant, therefore, the burden or expense of the proposed discovery clearly outweighs “its likely benefit, taking into account the needs of the case, the amount in controversy, the parties’ resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues.” FRCP 26(b)(2)(C)(iii).

Subject to and without waiver of the foregoing objections, Opposer will produce responsive relevant, non-privileged documents (see CD-00001-00055, CD-00067-00072, CD-00087-00093).

REQUEST FOR PRODUCTION NO. 4:

All promotional material for Opposer’s products or services offered under Opposer’s Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer and Opposer’s business trade secret.

Opposer objects to this Request because it is duplicative of Request No. 3, see FRCP 26(b)(2)(C)(i), and directs Applicant to the documents identified in Opposer’s response to said Request.

REQUEST FOR PRODUCTION NO. 5:

All price lists for Opposer's products or services offered under Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

To the extent that any relevant privileged information is encompassed by this interrogatory, Opposer objects to the production of such information to the extent that it is not covered by the Board's standard protective order.

Opposer objects to this Request to the extent that it seeks the production of information that is overbroad and unduly burdensome in that Applicant has requested "all" documents, when exemplars would suffice, therefore, the burden or expense of the proposed discovery clearly outweighs "its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues." FRCP 26(b)(2)(C)(iii).

Subject to and without waiver of the foregoing objections, Opposer states that price lists, Bates labeled CD-00076 and CD-00076A, are being withheld as privileged and confidential. Opposer directs Applicant to Opposer's privilege log.

REQUEST FOR PRODUCTION NO. 6:

All documents concerning each piece of promotional material using or containing Opposer's Mark, ever proposed or considered for use by or on behalf of Opposer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request on the grounds that it is overbroad in that “All documents concerning each piece of promotional material using or containing Opposer’s Mark, ever proposed or considered for use by or on behalf of Opposer” is not drafted with sufficient specificity or clarity for Opposer to provide a proper response.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer and Opposer’s business trade secret.

Opposer objects to this Request on the grounds that it seeks to elicit information that is irrelevant and will not lead to the introduction of admissible evidence. This information is irrelevant because “documents concerning each piece of promotional material using or containing Opposer’s Mark, ever proposed or considered for use by or on behalf of Opposer” is not relevant to any issue in this proceeding.

Opposer objects to this Request because it is duplicative of Request No. 3, see FRCP 26(b)(2)(C)(i), and directs Applicant to the documents identified in Opposer’s response to said Request.

REQUEST FOR PRODUCTION NO. 7:

All documents concerning or identifying employees of Opposer who are responsible for the distribution and sale of products or who provide services under Opposer’s Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request on the grounds that it is overbroad in that “All documents concerning or identifying employees of Opposer who are responsible for the distribution and sale of products or who provide services under Opposer’s Mark” is not drafted with sufficient specificity for Opposer to provide a proper response, particularly with respect to the term “provide services.”

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer and third parties.

Subject to and without waiver of the foregoing objections, Opposer will produce responsive relevant, non-privileged documents (see CD-00066).

REQUEST FOR PRODUCTION NO. 8:

All documents concerning or identifying independent sales representative(s), independent contractors or other non-employees who have distributed or sold products or have provided services under Opposer’s Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request on the grounds that it is overbroad, vague and ambiguous in that “All documents concerning or identifying independent sales representative(s), independent contractors or other non-employees who have distributed or sold products or have provided services under Opposer’s Mark” is not drafted with sufficient specificity for Opposer to provide a proper response, particularly with respect to the term “have provided services.”

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine,

and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer and Opposer's business trade secret.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 9:

All documents concerning actual or projected expenditures for the advertising of products or services sold or provided under Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in financial and confidential information.

Subject to and without waiver of the foregoing objections, Opposer directs Applicant to Opposer's response to Interrogatory No. 9, section (iii).

REQUEST FOR PRODUCTION NO. 10:

All documents concerning actual or projected expenditures for promotional material for products or services sold or provided under Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in financial and confidential information.

Opposer objects to this Request to the extent that it is duplicative of Request Nos. 3 and 9, see FRCP 26(b)(2)(C)(i), and directs Applicant to Opposer's response to Interrogatory No. 9, section (iii) and the documents identified in Opposer's response to Request No. 3.

REQUEST FOR PRODUCTION NO. 11:

All documents concerning Opposer's first use of Opposer's Mark for any products and/or services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request to the extent that it seeks the production of information that is equally available to Applicant, therefore, the burden or expense of the proposed discovery clearly outweighs "its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues." FRCP 26(b)(2)(C)(iii).

Subject to and without waiver of the foregoing objections, Opposer refers Applicant to the website for the United States Patent and Trademark Office (<http://www.uspto.gov>), which website contains documents concerning Opposer's first use of Opposer's Mark for any products and/or services and to the documents identified as CD-00067-00068.

REQUEST FOR PRODUCTION NO. 12:

All business plans concerning products or services manufactured, distributed, sold or provided, or intended to be manufactured, distributed, sold or provided under Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request on the grounds that it is overbroad, vague and ambiguous in that "All business plans concerning products or services manufactured, distributed, sold or provided, or intended to be manufactured, distributed, sold or provided under Opposer's Mark" is not drafted with sufficient specificity for Opposer to provide a proper response.

REQUEST FOR PRODUCTION NO. 13:

All documents including, without limitation, communications, investigations, searches, studies, focus groups, surveys, inquiries, and meetings concerning Opposer's decision to register and/or use Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request on the grounds that it is overbroad, vague and ambiguous in that “All documents including, without limitation, communications, investigations, searches, studies, focus groups, surveys, inquiries, and meetings concerning Opposer’s decision to register and/or use Opposer’s Mark” is not drafted with sufficient specificity for Opposer to provide a proper response.

Notwithstanding this, and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 14:

All documents concerning Opposer’s creation, selection, and adoption of Opposer’s Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request on the grounds that it is overbroad, vague and ambiguous in that “All documents concerning Opposer’s creation, selection, and adoption of Opposer’s Mark” is not drafted with sufficient specificity for Opposer to provide a proper response.

Opposer objects to this Request to the extent that it seeks the production of information that is equally available to Applicant, therefore, the burden or expense of the proposed discovery clearly outweighs “its likely benefit, taking into account the needs of the case, the amount in

controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues." FRCP 26(b)(2)(C)(iii).

Opposer objects to this Request to the extent that it is duplicative of Request No. 13.

Subject to and without waiver of the foregoing objections, Opposer refers Applicant to the website for the United States Patent and Trademark Office (<http://www.uspto.gov>), which website contains documents concerning Opposer's creation, selection, and adoption of Opposer's Mark. Notwithstanding this, and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 15:

All documents concerning each term, name, mark, or symbol considered for use by Opposer as an alternative to Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request on the grounds that it is overbroad in that "All documents concerning each term, name, mark, or symbol considered for use by Opposer as an alternative to Opposer's Mark" is not drafted with sufficient specificity for Opposer to provide a proper response.

Opposer objects to this Request on the grounds that it seeks to elicit information that is irrelevant and will not lead to the introduction of admissible evidence. This information is

irrelevant because documents concerning each term, name, mark, or symbol considered for use by Opposer as an alternative to Opposer's Mark has no bearing on the issues in this proceeding.

REQUEST FOR PRODUCTION NO. 16:

All documents concerning Applicant and/or Applicant's use of the CAKEDIVA mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request on the grounds that it is overbroad, vague and ambiguous in that "All documents concerning Applicant and/or Applicant's use of the CAKEDIVA mark" is not drafted with sufficient specificity for Opposer to provide a proper response.

Opposer objects to this Request to the extent that it seeks the production of information that is equally available to Applicant, specifically a cease-and-desist letter sent to Opposer by Applicant's counsel on July 31, 2003. Therefore, the burden or expense of the proposed discovery clearly outweighs "its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues." FRCP 26(b)(2)(C)(iii).

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 17:

All documents concerning the date and circumstances under which Opposer first became aware of Applicant's use of the CAKEDIVA mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request on the grounds that it is overbroad in that "All documents concerning Applicant and/or Applicant's use of the CAKEDIVA mark" is not drafted with sufficient specificity for Opposer to provide a proper response.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 18:

All documents, including drafts, created by any person whom Opposer has contacted which evidence or constitute opinions, advice, reports, studies, facts, information, surveys, or expert testimony concerning Opposer's mark, including searches conducted to determine whether Opposer's Mark was available for use and/or registration in connection with the services identified in U.S. Trademark Application Serial No. 76/538,360.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 19:

All publications wherein Opposer's Mark has been referenced.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information that is unduly burdensome to produce and/or is equally available to Applicant, therefore, the burden or expense of the proposed discovery clearly outweighs "its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues." FRCP 26(b)(2)(C)(iii).

Opposer objects to this Request on the grounds that it is overbroad in that "All publications wherein Opposer's Mark has been referenced" necessarily includes publications of which Opposer has no knowledge. Therefore, this Request is not drafted with sufficient specificity for Opposer to provide a proper response.

Subject to and without waiver of the foregoing objections, Opposer will produce responsive relevant, non-privileged documents (see CD-00001-000055).

REQUEST FOR PRODUCTION NO. 20:

All documents concerning the trade channels through which products or services bearing or offered under Opposer's Mark are sold or are intended to be sold.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request on the grounds that it is overbroad, vague and ambiguous in that "All documents concerning the trade channels through which products or services bearing or offered under Opposer's Mark are sold or are intended to be sold" is not drafted with sufficient clarity to determine the information sought. Therefore, this Request is not drafted with sufficient specificity for Opposer to provide a proper response.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 21:

All licenses granted to or from Opposer concerning use of Opposer's Mark or any component thereof in connection with any product or service, including all amendments or modifications to such licenses and any writings concerning said licenses.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer states that no responsive documents exist.

REQUEST FOR PRODUCTION NO. 22:

All agreements, other than licenses, to which Opposer or anyone in privity with it is a party concerning use of Opposer's Mark or any component thereof in connection with any product or service, including all amendments or modifications to such agreements and any writings concerning said agreements.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request on the grounds that it is overbroad in that "All agreements, other than licenses, to which Opposer or anyone in privity with it is a party concerning use of Opposer's Mark or any component thereof in connection with any product or service, including all amendments or modifications to such agreements and any writings concerning said agreements" is not drafted with sufficient specificity for Opposer to provide a proper response.

Subject to and without waiver of the foregoing objections, Opposer states that no responsive documents exist.

REQUEST FOR PRODUCTION NO. 23:

All documents concerning Opposer's trademark enforcement policy and each objection made by Opposer to the use or registration of a mark by another believed by Opposer to be confusingly similar to Opposer's Mark, including, without limitation, all documents showing the status or disposition of the objection.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request on the grounds that it is overbroad in that "All documents concerning Opposer's trademark enforcement policy and each objection made by Opposer to the use or registration of a mark by another believed by Opposer to be confusingly similar to Opposer's Mark, including, without limitation, all documents showing the status or disposition of the objection" is not drafted with sufficient specificity for Opposer to provide a proper response.

Subject to and without waiver of the foregoing objections, Opposer states that it has no responsive documents.

REQUEST FOR PRODUCTION NO. 24:

All documents concerning every objection received by Opposer to the use or registration of Opposer's Mark on the basis of any mark or name of a third party including, without limitation, all documents showing the status or disposition of the objection.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer states that it has no responsive documents.

REQUEST FOR PRODUCTION NO. 25:

All documents concerning or that evidence mistake or confusion between any product or service sold or offered by Applicant and any product or service sold or offered by Opposer under Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request to the extent that it seeks the production of information that is equally available to Applicant, therefore, the burden or expense of the proposed discovery clearly outweighs "its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues." FRCP 26(b)(2)(C)(iii).

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 26:

All documents concerning every judicial proceeding in the courts of the United States, or in the courts of the several states, or in the U.S. Patent and Trademark Office, brought by or against Opposer concerning Opposer's mark including, but not limited to, all pleadings and formal papers from such proceedings, all correspondence relating thereto, and all documents concerning the resolution thereof, whether by settlement or final decision, excluding the instant proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request to the extent that it seeks the production of information that is equally available to Applicant, therefore, the burden or expense of the proposed discovery clearly outweighs "its likely benefit, taking into account the needs of the case, the amount in

controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues." FRCP 26(b)(2)(C)(iii).

Subject to and without waiver of the foregoing objections, Opposer states that it has no responsive documents other than the documents filed with the PTO or exchanged with Applicant in this action, which are within Applicant's possession or that are equally available to Applicant.

REQUEST FOR PRODUCTION NO. 27:

All documents concerning the actual or projected dollar volume of sales of products or services bearing or offered under Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer refers applicant to Opposer's response to Interrogatory No. 2.

REQUEST FOR PRODUCTION NO. 28:

All documents concerning the actual or projected unit volume of sales of products or services bearing or offered under Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer refers applicant to Opposer's response to Interrogatory No. 2.

REQUEST FOR PRODUCTION NO. 29:

All documents concerning the actual or intended geographic scope of sales of products or services bearing or offered under Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 30:

All documents concerning all customers who have purchased or intend to purchase Opposer's products or services bearing or offered under Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer will produce responsive relevant, non-privileged documents (see CD-00056).

REQUEST FOR PRODUCTION NO. 31:

All summaries and tabulations of the records and documents of Opposer showing annual sales in dollars and units of each product or service sold by Opposer bearing or under Opposer's Mark from the date of first use to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer refers Applicant to Opposer's response to Interrogatory No. 2. Notwithstanding this, and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 32:

All summaries and tabulations of the records and documents of Opposer showing dollar volume for advertising by Opposer of each product or service bearing or offered under Opposer's Mark from the date of first use to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request on the grounds that it is overbroad in that "All summaries and tabulations of the records and documents of Opposer showing dollar volume for advertising by Opposer of each product or service bearing or offered under Opposer's Mark from the date of first use to the present" is not drafted with sufficient specificity for Opposer to provide a proper response.

Subject to and without waiver of the foregoing objections, Opposer refers Applicant to Opposer's response to Interrogatory No. 9. Notwithstanding this, and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 33:

All trademark applications and registrations (whether state or federal) and the file histories and/or file wrappers therefore, including but not limited to Office Actions, Responses to Office Actions and any attached exhibits, notices from the U.S. Patent and Trademark Office, Examiner's Amendments, specimens of use, Amendments to Allege Use, and/or correspondence related thereto for Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request to the extent that it seeks the production of responsive information that is equally available to Applicant because the application for Opposer's Mark, which is publicly available on the PTO website, clearly identifies the information requested. Thus, the discovery sought "can be obtained from some other source that is more convenient, less burdensome, or less expensive." FRCP 26(b)(2)(C)(i).

Opposer objects to this Request to the extent that given the availability of these documents to Applicant, the burden or expense of the proposed discovery clearly outweighs "its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues." FRCP 26(b)(2)(C)(iii).

Subject to and without waiver of the foregoing objections, Opposer refers Applicant to the website for the United States Patent and Trademark Office (<http://www.uspto.gov>), which website contains the information requested.

REQUEST FOR PRODUCTION NO. 34:

All documents including correspondence between Opposer and its advertising agency and/or promotional agency, concerning the preparation of advertising or promotional material incorporating Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request on the grounds that it seeks to elicit information that is irrelevant and will not lead to the introduction of admissible evidence. This information is irrelevant because "correspondence between Opposer and its advertising agency and/or promotional agency, concerning the preparation of advertising or promotional material incorporating Opposer's Mark" is not at issue in this proceeding and has no bearing on whether Applicant's use of its mark preceded Opposer's use of its Mark. To the extent that any relevant privileged information is encompassed by this interrogatory, Opposer objects to the production of such information until a Protective Order is entered.

Subject to and without waiver of the foregoing objections, Opposer will produce responsive relevant, non-privileged documents (see CD-00057-00058).

REQUEST FOR PRODUCTION NO. 35:

All documents concerning any period of time lasting more than thirty days where Opposer did not sell any products or services bearing or offered under Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Opposer objects to this Request on the grounds that it is overbroad, vague and ambiguous in that "All documents concerning any period of time lasting more than thirty days where Opposer did not sell any products or services bearing or offered under Opposer's Mark" is not drafted with sufficient specificity for Opposer to provide a proper response.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 36:

All assignments, mergers, changes of name, and other documents of transfer to which Opposer is a party concerning Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 37:

All documents concerning permission, requested permission, approval, or request for approval by Opposer to any governmental authority to sell and/or offer for sale any product or service bearing or offered under Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 38:

All documents concerning Opposer's document retention policy.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 39:

Documents sufficient to show the current corporate structure of Opposer, including the identity of all its officers and directors, its organizational units, and any decision-making hierarchy or hierarchies.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer states that no such documents exist.

REQUEST FOR PRODUCTION NO. 40:

All documents concerning Opposer's policies or practices of receiving, handling, archiving, or storing of consumer communications.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 41:

All documents, including market research, consumer surveys, focus groups, and internal memos, concerning the strength or lack of strength of Opposer's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 42:

All documents, including market research, consumer surveys, focus groups, and internal memos, concerning the strength or lack of strength of Applicant's CAKEDIVA mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 43:

All documents, including market research, consumer surveys, focus groups, and internal memos, concerning the similarity or lack of similarity between Opposer's Mark and Applicant's CAKEDIVA mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 44:

All documents, including market research, consumer surveys, focus groups, and internal memos, concerning the proximity or lack of proximity of the goods or services manufactured, distributed, or sold or intended to be manufactured, distributed or sold by Opposer under Opposer's Mark and those covered by Applicant's CAKEDIVA mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 45:

All documents concerning the value or projected value of the Mark to Opposer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

Opposer refers to and incorporates herein all of the General Objections set forth above.

Opposer objects to this Request to the extent that it seeks the production of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or United States and California constitutional, statutory and common law rights of privacy in financial and confidential information of Opposer.

Subject to and without waiver of the foregoing objections, Opposer states that no relevant non-privileged documents exist.

Dated: October 27, 2008

By: 
Matthew D. Klaffer
Keats McFarland & Wilson, LLP
Attorneys for Opposer, Cake Divas

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2008, I served the following document(s):

**OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS,**

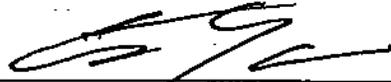
upon counsel for Applicant named below:

Lori D. Greendorfer
Schiff Hardin, LLP
900 Third Avenue
New York, NY 10022

by placing a true and correct copy thereof in a sealed envelope, postage prepaid, in First Class U.S. mail, for collection and mailing with the United States Postal Service on the same date.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 27, 2008, at Beverly Hills, California.



Cathy Yu



Cake Divas

Cake Book

Flavors

Links

Contact



Cake Divas 9626 Venice Blvd - Culver City, CA 90232
Tel: (310) 287 2609 - Fax (310) 287 2465

CD 00001



[Cake Divas](#)

[Cake Book](#)

[Flavors](#)

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The Cake Divas

Joan Spittler and Leigh Grode began their Divasque adventure in October of 1998. The Cake Divas are a Los Angeles based custom dessert company that creates cakes that are both beautiful & delicious. "From Simple Elegance to over the top Whimsy" - If you can dream it, they can create it.

Joan Spittler is a visual Artist who was working in a bakery while attending art school at UC San Diego, "Cake is an amazing medium to make art," she says. Leigh Grode is an award winning stage director, who studied cinema and television production in Europe. Upon returning to the Los Angeles 1993 Grode met Spittler at a film screening with in the next few years they would take a huge leap of faith and start Cake Divas.

The Cake Divas have been featured in Magazines including: InStyle, the Hollywood Reporter, People Magazine, Los Angeles Magazine, Jet, Inside Weddings & Elegant Bride Magazine.

They have created one-of-a-kind cakes for numerous movies & television shows: "Buffy the Vampire", "Charmed", "Arrested Development", "Judging Amy", "ER", "NYPD Blue", "The Division", "The Drew Carey Show", "JAG", "MTV Video Awards", "Comedy Video Awards".

Celebrating Rodney Dangerfield's Birthday 2004, The Cake Divas have appeared on TV specials Discovery Channels "Las Vegas Weddings", "Wedding of a Lifetime (Lifetime TV) the Cake Divas also were featured on "Martha Stewarts Living" "Al Roker on the Road" and "EXTRA! Do you remember "Trista & Ryan's" Wedding Cake, another Cake Divas' Original. Just recently they made "Ellen Degeneres" Birthday Cake and many many more.

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Cake Flavors

*We also take special request flavor choices!
 We will even make your Moms and Grandmas favorite recipes.
 We want you to have what you really want!*

Light Chocolate Mousse

White Chocolate Mousse

Lemon cake

Marble cake

Chocolate cake

Banana cake

Carrot cake

Sweet Potato cake

Light Orange cake

Almond cake

Espresso cake

Pistachio cake

Red Velvet cake

Green Tea cake

Tiramisu cake



Tree Coffee

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CD 00004



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 We want you to have what you really want!*

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Dark Chocolate

Ganache

Light Chocolate Mousse

White Chocolate Mousse

Chocolate Chip

Bavarian Cream

Cream Cheese

Passion Fruit Mousse

Pistachio Mousse

Lemon Curd

Brown Sugar Cream

Coconut Cream

Hazelnut Mousse

Almond Mousse

Cookies and Cream

Mixed Berries & Cream

Mangos & Cream

Bananas & Cream

Light Orange Mousse



Vanilla Orchid

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Mindy Weiss Party Consultants
 Mindy Weiss has become the most sought-after party planner in Southern California. Based in Beverly Hills, Mindy is known for her unrivaled attention to detail and uses personal touches for each of her clients to create a unique feeling of warmth and intimacy.

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Mark's Garden
 Mark Held and Richard David have created a most unique floral environment—part retail flower shop and part creative design studio—MARKS GARDEN in Los Angeles.

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Michaels - Santa Monica
 In 1979, at the age of 25, Michael McCarty founded MICHAEL'S, a restaurant in Santa Monica, California. An instant success, it remains one of the most acclaimed and popular restaurants in the United States.

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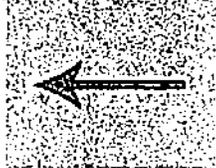
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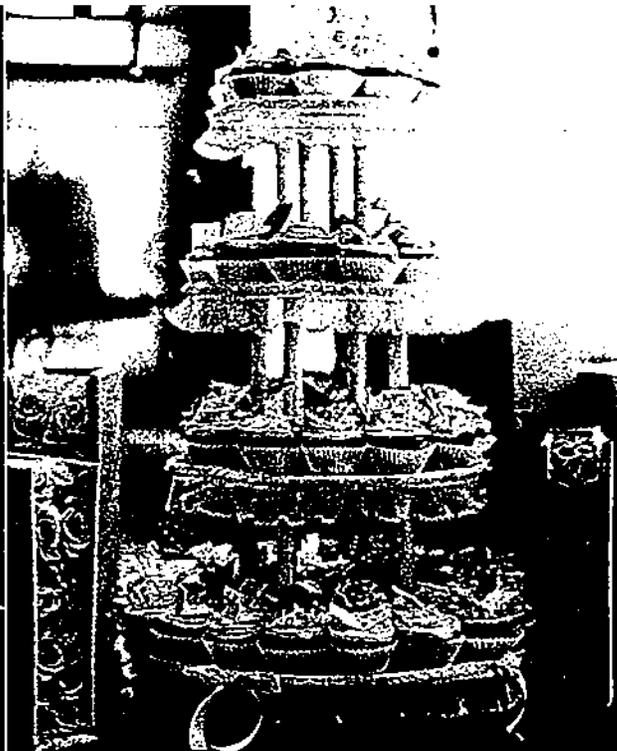
Dress Them Up, Dress Them Down

Hanging Out with Sheryl Crow





Arquette and Cox flank John C. McGinley, one of Miller's *Scrubs* co-stars.



Cupcakes topped with edible books and butterflies

the elements

the event A baby shower for Christa Miller and Bill Lawrence's second child (their first, Charlotte Sarah, is 2). Hosted by Dana Walden, chief of 20th Century Fox TV, and her husband, music exec Matt Walden, as well as sitcom writers Mike and Bonnie Sikowitz, at the Waldens' Brentwood home.

the setting When event planner Mindy Weiss decorated the house, she wanted it to be "whimsical but not too cute." Going for a "buttery, soft palette," she placed pastel rose arrangements from florist Mark's Garden throughout the house. Book-shaped centerpieces also featured tiny roses.

the food Steve Ullman of Delicacies Fine Catering in L.A. provided small, passed hors d'oeuvres—quesadillas with Brie, mango and fresh mint; spicy crab cakes; silver-dollar cheeseburgers; and vegetarian egg rolls—and a panini station. Desserts included lemon and pecan bars and a "cupcake cake" crafted by Cake Divas.

the parting gift Each guest left with one of Bill and Christa's favorite books, Paulo Coelho's fable *The Alchemist*. "I know it sounds corny," says Miller, "but Bill read it aloud to me in my first pregnancy, so it's special for us."



The Practice's Kelli Williams



Actress Nicole Sullivan & Michael McDonald



Jami Gertz



Pink bouquets matched the scented candles.



The Perks of Pregnancy June 1, 2005

It was a day of manicures and tarot cards – but this wasn't a hip new spa, it was a baby shower for our very own Dayna Devon!

All of her past and present "Extra" family, including Mark McGrath and Letta Gibbons, joined Dayna at the posh Varnish salon in Hollywood!

"Dayna doesn't like baby showers," celeb event planner Randy Furman noted. "So we're doing it very

untraditional."

And Randy wasn't kidding. He transformed the stylish salon into a beautiful bash for Dayna's upcoming bundle of joy, complete with red and pink roses by Collage Flowers, decadent desserts by Cake Divas and Godiva's signature drink, the delicious Chocofixer.

But the biggest surprise of day was a beautiful David Netto besinette filled with goodies like a Petunia Pickle Bottom diaper bag, adorable baby booties by Frye, and a precious mother/daughter bracelet set by Simply Tiffany Taite.

You can check out all of Dayna's baby goodies in Life & Style magazine on stands Friday – and be sure to enter for your chance to win your own baby goodie bag from "Extra," right here!

"EXTRA'S" BABY GOODIE BAG GIVEAWAY

Click here to enter – this great giveaway gift bag includes:

Simply Tiffany Taite (mother/daughter pearl bracelets, silver rattle, tea set): www.simplytiffanytaite.com



Nom Maternity (perfume): www.naissancematernity.com/



Small Frye Harness Booties: www.fryeboots.com



Sannio (Hello Kitty): www.Sannio.com

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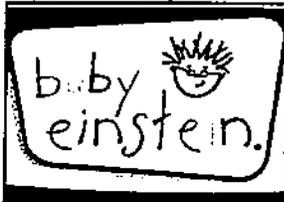
Godiva: www.Godiva.com



Petunia Pickle Bottom (baby bag & blanket): www.Petuniapicklebottom.com



Baby Einstein: www.babyeinstein.com



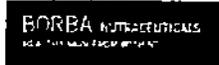
Yo My Booties: www.yomybooties.com



Randy Fuhrman Events (certificate for brownies): www.randyfuhrmanevents.com



Borba (drink): www.borba.net



Our thanks to all who helped make Dayna's shower an unforgettable day!

Randy Fuhrman Events (planner & caterer): www.randyfuhrmanevents.com



Cake Divas: www.cakedivas.com



Collage Designs (flowers): www.collagedesigns.net



Shari's Berries: www.venturabhd.com/sharis-berries/



Evian: www.evian.com



Varnish (venue): www.varnishnails.com



Dubonnet (drinks): www.heaven-hill.com



Ice Occasions West: www.icewest.com



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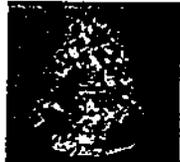
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What's Your Secret ...



"I serenaded my bride with a most appropriate song at our wedding 'Someone to Watch over Me' because that's what Trudie has always been to me, as well as the mother of our children."

Sting, wed to Trudie Styler, August 20, 1992



"We keep a lot of candles in our bedroom. I want us to always stay honeymooners so we never go to bed angry."

Clint Black, wed to Lisa Hartman, October 20, 1991



"We make a date once a week. He can't see me until I'm ready—I make sure I look and smell extra special."

Victoria Principal, wed to Harry Glassman, June 22, 1985



Mack 10 and T-Boz (above) and their look-alike bride-and-groom topper (above, right); Patrick Stewart and Wendy Neuss

Can You Top This?



Call it he, she and mini-me, as couples take cake customization beyond flavor and frosting. Newlyweds Patrick Stewart and Wendy Neuss asked the Cake Divas In L.A. (310-399-2499) to adorn their 120 individual cakes with toppers on which the groom's head was painted bald. TLC's T-Boz and rapper Mack 10 went a step further, placing an eight-inch caricature of themselves atop their tiers (by special order, It Figures, \$850; 818-509-0200). Says Melanie Waldman of It Figures: "Weddings bring together family and friends. A topper is the one thing to take away that is really about the two of you."

WHAT'S HOT: EIGHTIES MUSIC

Call it the new wave of pop songs as the eighties music revival is becoming increasingly widespread. We're always 20 years behind in the music we love—remember the resurgence of the thirties?—and the pop of the West Coast here. Back in '83, the Kennedy dance floor called for a medium of the Sampras and Oprah. We sure wish Coppola, don't we? One of all Duran Duran. It would be wrong to assume that every guest—young or old—share your sense of nostalgia.

Two Chic

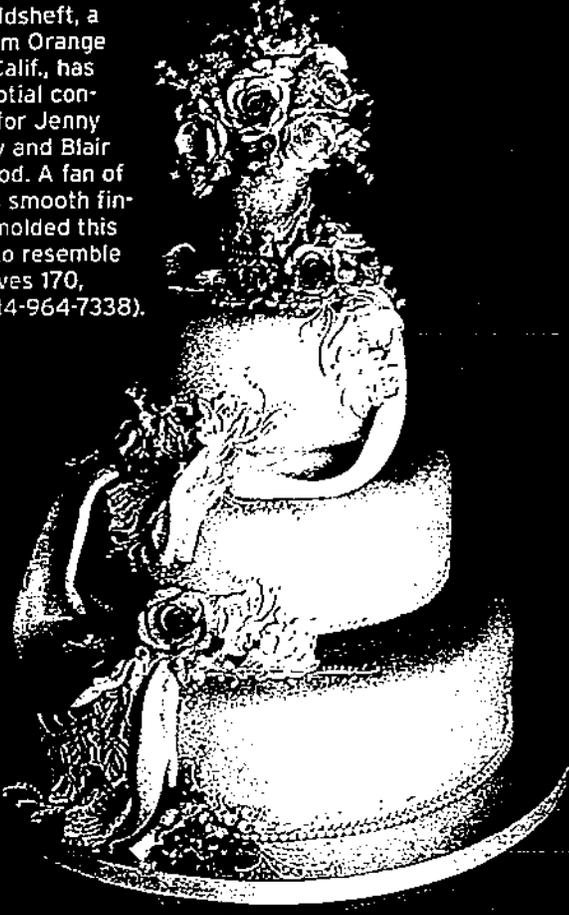
Trendsetting brides are finding innovative ways to combine two traditional elements into one. For Ryan Haddon and Christian Slater, planner Mindy Weiss eliminated the need for place cards by putting names on menu cards. In lieu of floral centerpieces, L.A. planner Yvonne White has used pretty tabletop wedding cakes. Other brides, while sticking to flowers, are creating centerpieces out of several smaller arrangements that guests can take home as favors. Bottom line? A little creativity can double your wedding fun.

Just deux it: Mindy Weiss made a similar menu-cum-place-card for Christian Slater.



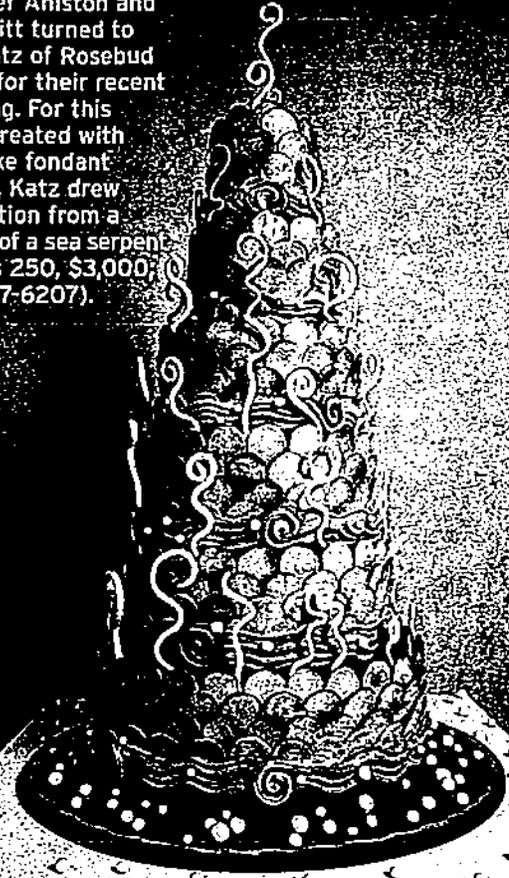
LINDA GOLDSHEFT

Linda Goldsheft, a baker from Orange County, Calif., has made nuptial connections for Jenny McCarthy and Blair Underwood. A fan of fondant's smooth finish, she molded this frosting to resemble ice (serves 170, \$2,125; 714-964-7338).



ELIN KATZ

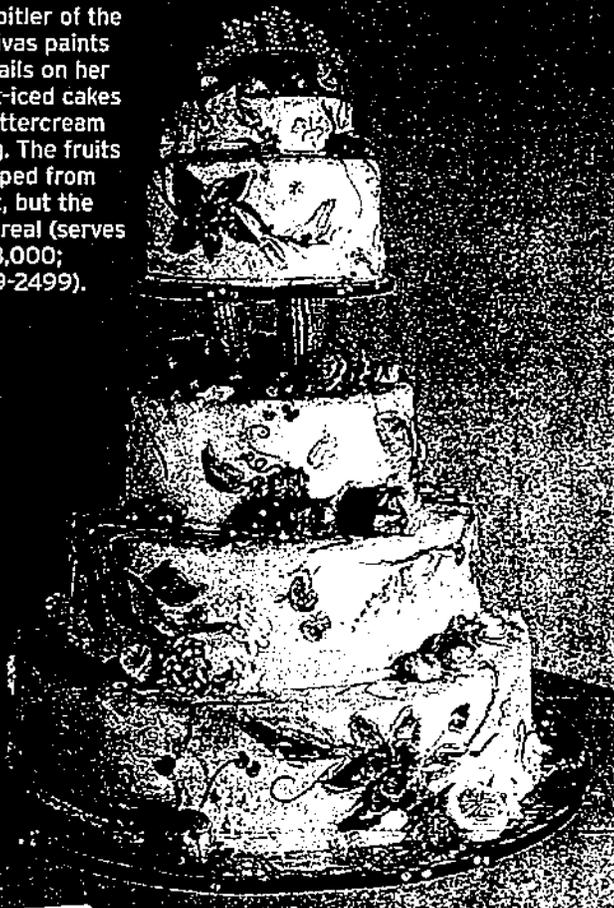
Jennifer Aniston and Brad Pitt turned to Elin Katz of Rosebud Cakes for their recent wedding. For this cake, created with scalelike fondant wafers, Katz drew inspiration from a sketch of a sea serpent (serves 250, \$3,000; 310-657-6207).



Cotton-candy tufts make this shimmery cake look as if it's floating in the clouds. Hollywood baker Tammy Maszman Johnson topped the cake with a Swarovski crystal heart (serves 100, \$1,800; 23-960-9039).



Joan Spiter of the Cake Divas paints the details on her fondant-iced cakes with buttercream frosting. The fruits are shaped from fondant, but the tiara is real (serves 200, \$3,000; 310-399-2499).



WWD
Top Hispanic Hits

WWD THURSDAY

Sportswear



High Contrast

PARIS — There are two sides to every story — and John Galiano loves telling both. For Christian Dior, he gives his girl the glam sex appeal of a froufrou dress while simultaneously toughening it up with hardware or military silhouettes. And let's not forget the element of surprise — this resort, it's touches of India. Here, his silk georgette gown paired with a safari vest. For more, see pages 4 and 5.

Prada Cuts Pay Off: Bertelli Sees Profits Rising 30% in 2003

By Amanda Kaiser and Luisa Zargani

MILAN — Prada is on a roll.

First, its men's wear show here Monday was one of the standout presentations of the spring 2004 season. Then Prada chief executive officer Patrizio Bertelli revealed the company is bucking the luxury sector's wobbles and forecast its net profits this year would leap at least 30 percent above the \$31.1 million seen in 2002. The improvement stemmed from the group's aggressive cost-cutting, he said.

Prada's sales this year should be
See Prada, Page 12

Marital Counsel



LOS ANGELES — Forget white cakes, white dresses and white flowers. Ditto traditional vows and venues. Wedding planner Joanne Gartin, owner of Love, Luck and Angels, prefers to make her own rules. After all, her own wedding dress was dusty rose, while the Malibu reception was strewn with colored orchids and Balinese silk lanterns.

"Most clients don't come to me for a traditional wedding," she says. "It's fun to twist tradition, and people in Los Angeles especially are more open to that." And Gartin should know. Meeting her is like coming face-to-face with a matrimonial encyclopedia, Palm Pitof and Rolodex rolled into one.

Helping her old friend and new client, actress Elizabeth Banks, choose a cake for her nuptials, Gartin pulls out the stops, setting out Cake Divas' cake and fresh mint iced tea in the backyard of her Spanish-style home and headquarters.

Banks' prospective cake is actually white, but Gartin has decorated it with green and fuchsia New Zealand orchids and set it in a base lined with tropical leaves to match the reception's Zen theme. "I've always wanted a simple, square cake," says Banks. "I heard you're supposed to have white cake because it's virginal."

"In that case you'll be getting a red velvet cake?" Gartin teases before returning to business mode. Banks' fiancé insists on chocolate — and no nuts. "Most guys don't even get a choice," says Gartin.

Over the last year and a half, Gartin's celebrity clients have included Elizabeth Berkley and Greg Lauren, Molly Shannon, Tyra Diggs as well as various industry types.

Still, she's always budget minded, even when dealing with movie stars. "Weddings are terrible," she sighs. "Anything you order in white costs three times as much as it does

in any other color. You have to know how to make deals."

To find her party props, Gartin scours L.A.'s ethnic neighborhoods and downtown markets. In Venice Beach, for example, she found a street vendor to make palm-branch flowers and a Chinese artist to calligraph guests' place cards as they watched. Many of Gartin's ideas translate into small gifts to take home — framed black-and-white photographs of family members or embroidered table cards that she later had made into a quilt.

Though she can do it all, from designing and printing invitations to orchestrating the ceremony to planning the menu, flowers are the detail Gartin is most passionate about. She loves colorful orchids, but has been known to dye flowers. She also has painstakingly pasted those special blooms onto hundreds of invitations. To give candles the right look, she has pre-melted them for hours.

Gartin was born in New Zealand and grew up on Australia's Gold Coast, where she studied psychology and physics. "I can add, subtract and deal with mental brides," she

says. "It's perfect." After a stint modeling in New York, where she met her husband, actor Christopher Gartin, she moved to L.A. and started her own mosaic tile frame company. Arranging flowers came next, and after planning her own wedding, friends asked her to do theirs.

Of course, Gartin's experience in the fashion business also has come in handy. When one bride's hair stylist failed to show, Gartin stepped in. Clients always turn to her for advice on choosing a wedding dress.

And in Hollywood, putting on a show is a particularly handy skill. "A wedding is for the bride and groom," Gartin says, "but sometimes you've got 300 people watching, so you want to make it entertaining."

— Marcy Medina

“I can add, subtract and deal with mental brides.”

— Joanne Gartin



Wedding planner Joanne Gartin with client Elizabeth Banks, star of the upcoming "Scrubs."



Tango in Paris



Tina Turner with Viktor Horsting, left, and Rolf Sauerbrei.

I was Tango fever last Thursday night in Paris when Cristina Owen-Jones, wife of Doréai CEO Lindsay Owen-Jones, hosted a benefit gala for UNESCO at the Palais de Chaillot theater.

The Tangovia Buenos Aires troupe and orchestra performed in front of a sellout crowd including Karl Lagerfeld, Betty Lagerfeld, Tina Turner, and Viktor Horsting and Rolf Sauerbrei. The design duo came to town specifically for the event — it takes two to tango, after all — in part because Sauerbrei himself used to dance.

"I love tango," he said. "But I haven't danced it in 10 years."

Lagerfeld was another enthusiastic fan. "My South American roots, you know," she teased.

Owen-Jones, who was chairing her first benefit that night, explained the gala would help Argentina's distressed children.

"I saw so much poverty when I traveled to Buenos Aires that it became a priority for me to help these children," she said after the show.

Wright On

NEW YORK — At age 19, Lizz Wright suffered from what she calls "young singer's syndrome." She channeled a Thirties-style chanteuse in Atlanta's jazz clubs, stuck to standards like "Summertime" and even added a second "L" to her name for effect. Four years and genres later, Wright, who just released her debut album, "Salt," has ditched a singular style for an informed mix of gospel, jazz, pop and soul and will take her act to Avery Fisher Hall on Saturday, as part of the NYC Jazz Festival.

A minister's daughter, Wright grew up in Kathleen, Ga., where she sang in the church choir. "By high school, I was putting the pieces together and teaching Sunday school to everybody's kids," she says.

After a year studying opera at Georgia State and during a six-month stint as a Celco insurance agent, Wright began driving to Atlanta jazz clubs and sitting in on jam sessions. She learned up with local band in the Spirit and quickly caught the attention of Verve Records president and chief executive Ron Goldstein, who was searching for vocal jazz artists like crossover star Diana Krall.

"I was signed really early and at first it made me insecure," she says. "But I began to see a story in the life I lived and in the voice I had already." For a year and a half, Wright worked with renowned producers like Tommy LiPuma, who has produced Krall and George Benson, took voice lessons and, song by song, developed her album. "It was like trying to paint or draw a picture you're actually seeing," she says of the process.

Wright, who is tall, slender and striking, also learned how to deal with the mounting buzz heading her arrival on the scene. After performing at a star-studded Bette Midler tribute last July, Los Angeles Times jazz critic Don Heckman called Wright "the real surprise of the evening."

"The buzz is really cool," says Wright. "But it sure was going faster than me."

Now, at 23, Wright's velvety voice conveys raw emotion and intimacy. And though she sings the gospel classic, "Walk With Me, Lord," on her album, she insists that she doesn't work the "vocal gymnastics" of popular music. Mixing gospel and cool jazz are not her bag — at least not on their own. Instead, her album mixes covers ("Soon as I Get Home" from "The Wiz," Nina Simone's "End of the Line") and original songs.

Though Wright once endured hour-long vocal exercises before stepping onto the stage, she now relies on a preconcert concoction that, like her music, is all her own.

"I'll have a black cup of coffee, do some jumping jacks and sing."

— Janine Rossen



On the Beat Los Angeles



An open letter to Don Ohlmeyer, producer of ABC's "Monday Night Football," by deputy editor Howard Burns

Dear Don,

All of this talk about Rush Limbaugh becoming a commentator on "Monday Night Football" is causing me great anxiety. As a student of the medium, I implore you to please go public and say it ain't so.

I know you want to put some pizzazz back into the venerable old franchise, and I applaud that. While it has always been a quality broadcast, "MNF" admittedly has lost some of that "big event" luster, despite having the best play-by-play man in the business calling the games.

But, Don, I'm one of those diehards who's been there from the beginning. I was parked in front of my 13-inch black-and-white when Homer Jones took that kickoff for the Cleveland Browns and ran it back for a touchdown on the very first "MNF" broadcast. I remember Howard Cosell introducing Frank Gifford as ABC's new "MNF" play-by-play guy during a Knicks-Lakers playoff game. I remember "Halftime Highlights." I even remember Fred "The Hammer" Williamson. Great memories all.

So what's all this Rush Limbaugh blather?

After the Boomer Esiason fizzle and the Gifford phase-out, it doesn't take a network executive to realize that ABC needs to get this one right. I was comforted knowing that you were back in charge of the broadcast you helped shape in the early days with Boone Arledge and the crew.

Then I read that Limbaugh told a Washington, D.C., radio show that he had actually come to Los Angeles to audition for the job. Don, tell me he's lying. Tell me he was just looking to get a headline. Tell me anything except that you're considering Limbaugh.

No matter how hard Limbaugh tries to reinvent himself again, the considerable baggage he brings with him as a conservative political commentator is too much for "MNF" to take on and, frankly, too much for me as a loyal viewer to accept. The only conservatives I want with my football are offensive coordinators.

Don, I'm one of those unusual individuals who still thinks "MNF" is a happening. I know you feel the same way, and I have no doubt that you'll bring the show closer to what it once was. But, please, recognize that hiring Limbaugh would be nothing more than a stunt. And you, perhaps more than anyone else, should appreciate that "MNF" deserves better.

Icing the Gig

A pair of enterprising pastry artists cook up a plan for breaking into the movie business

Take one woman who embodies a heaping spoon of New York edge and mix in a whimsical California-born artiste and, *voilà* — camera-ready sweets!

Leigh Grode and Joan Spitzer, better known as the Cake Divas, started out baking cakes for weddings. In less than two years the duo has walked down the aisle and onto movie sets.

In the upcoming film "Blow," the divas had to fashion an air-brushed portrait torte of cocaine trafficker Johnny Depp that resembled the actor, down to the color and length of his 1970s shag.

And in "Hang-
ing Up," the frosting on the oversized pumpkin cake had

to be extra frothy to increase the splatter effect when Walter Matthau knocked a piñata into it.

"They're efficient and talented," says propmaster Maureen Farley, who has worked with Grode and Spitzer on those two recent shoots. "I can call them up, explain to them what time period I am doing, what the scene is about, and they will come to me wherever I am with sketches, color suggestions, flavors and all kinds of visuals."

The secret ingredient to their success, according to Grode, is familiarity with movie parlance.

"We've both worked for the industry before so we know,

when they say, 'We want a white frosted cake,' they really mean cream or eggshell because you can't shoot white," she explains from their Venice, Calif., kitchen.

Grode has a background in film, having graduated from the Netherlands Film and Television Academy. She has also written and directed her own film — "Outcasts," a historical drama about lesbians who were encamped by the Nazis.

Spitzer has been decorating cakes for more than 14 years.

"I was studying at art school and working in a bakery and they just sort of crossed over," she says.

She eventually became chief decorator for a high-end company, garnishing a batch of high-profile baked goods. She designed a cake for Julia Child's birthday.

"We found that a personalized service was really lacking in the market," adds Spitzer.

"We'd been friends for a while so we said, 'Why don't we just do it for ourselves?' We decided to take a risk," says Grode.

The culinary artists have been baking scrumptious and sumptuous confections non-stop ever since, with regular gigs for television's "ER." And if they're not in the kitchen, they're buzzing off to consult with future brides or confer with food stylists and propmasters.

Their designs can take anywhere from a day to three days to prepare, depending on the extensiveness of the artwork. For example, in the yet-to-be-released film "Monkey Bone," about a cartoonist who gets caught in his own creation, they had to design several replicas of a mustard-colored, three-tiered chocolate cake adorned with wild jungle flowers. Prices for such creations range anywhere from \$300 to \$1,800.

So why divas? "Because a diva is a kind of person whose energy is above, above it all," says Grode. "So, yes we have an attitude with cake, but we're not here to be a pain in the tush — we want to make film crews' lives easier."

—Maryam Henein



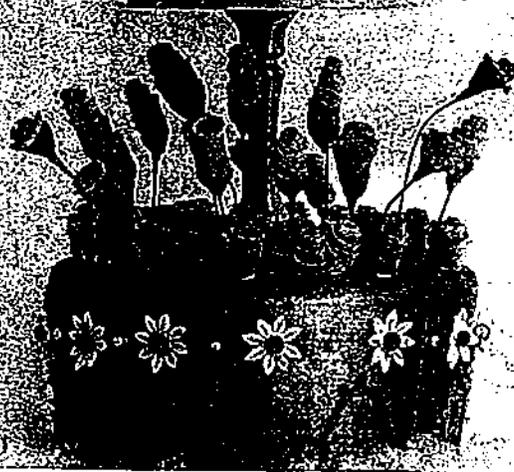
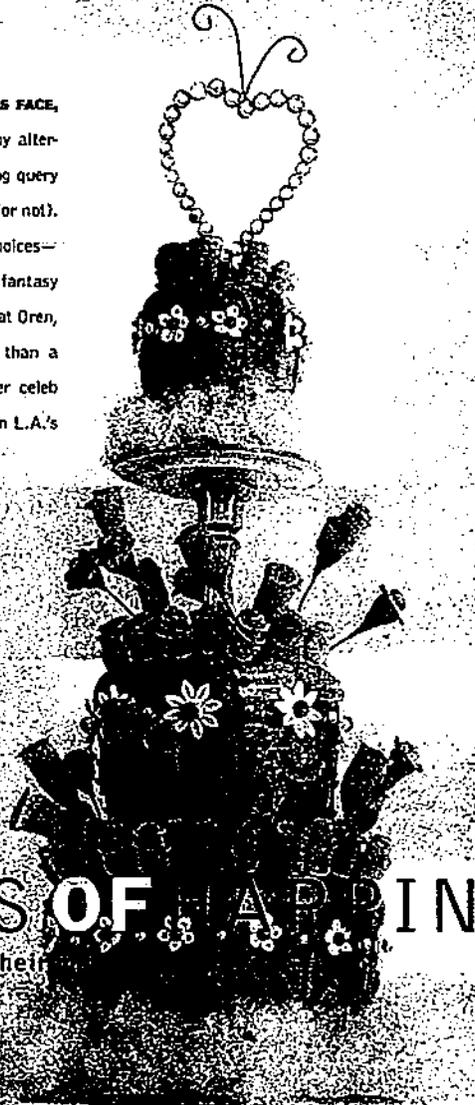
Another movie prop leaves the Venice kitchen of the Cake Divas.

WEDDINGS

TO SMASH A PIECE OF CAKE IN YOUR SPOUSE'S FACE, OR NOT TO? That may be the question for many alter-bound couples, but perhaps an even more pressing query is what kind of cake you're considering smashing (or not). Wading through a myriad of wedding pastry choices—from baby-boomer traditional to funky fantasy creations—is no piece of cake. Here to help is Yifat Oren, one of L.A.'s top wedding planners for more than a decade. While respectfully tight-lipped about her celeb clientele, Oren nevertheless dishes up the goods on L.A.'s best wedding cake makers.

TIERS OF HAPPINESS

Cakes that make their



CAKE DIVAS If you're searching for a cake to reflect your love and commitment, look no further than Cake Divas. Known for their signature cake—a multi-tiered creation embellished with the couple's wedding vows written in iridescent frosting—they design cakes that “cater to the spiritualists within,” says Oren. And without, too. Cake Divas recently baked a cake for the Dalai Lama himself. Owners Leigh Grode and Joan Spiller, who consider their work high art, have backgrounds in painting and sculpture. “We make your fantasies a three-dimensional reality,” says Grode. One thing you won't get at Cake Divas is any highfalutin attitude: The duo takes requests for anything from chocolate marble to green tea to a super-sized version of your grandmother's beloved recipe.

FANTASY FROSTINGS Draping bows, gold painted leaves, stunning flowers and an intricate basket weave design, these are the cakes of choice for brides planning a fairytale wedding. “The details are flawless, down to the piped out butter cream frosting,” says Oren. Perhaps practice does make perfect. Owner Joyce Maynor has been in the business for 30 years, during which time she's created an enormous following that includes many luxury-loving traditionalists like John Stamos and Rebecca Romijn. Oren's particular favorite is the shaved dark chocolate with Grand Marnier and fresh raspberries creation. Oren also suggests that couples personalize their ornate cakes by coordinating the frosted flowers and bows with the wedding's color scheme.

VERY DIFFERENT CAKES BY TAMMY MASSMAN-JOHNSON Ever dream of having a teal leaf cake with yellow and white fondant flowers over a chocolate cake with a cotton candy base? Very Different Cakes is where it all happens. “It's all about style,” says owner Massman-Johnson, who cites Di Stasio as

a primary influence for her whimsical, otherworldly creations. “I do a lot of hand painting and get a sense of animation with sugar-coated flowers popping out of the cake.” Her pieces de resistance, however, are the cake toppers which include a Swarovski crystal heart. Says Oren, “Guests go crazy when they see these cakes. There's no doubt people will talk about them for years to come.”

RHUBARB Chocoholics will go wild over Rhubarb cakes, especially their decadent desserts glazed with chocolate cream and filled with rich chocolate ganache. Elegant simplicity is what it's all about here. Cakes such as the Swiss Dot, which is covered in a series precise points of frosting, add a twist to tradition, allowing couples to express themselves from within the realm of classic design. Oren says that chocolate cakes are the latest trend, but what's fashion got to do with fabulous flavor? Using Michel Cluizel and Valrona chocolates, owners David Saltzman and Tracy Callahan have raised the bar on wedding cakes with their no corner-cutting approach: “We hand make each cake, and only do it from scratch with the very best ingredients. I want people to enjoy eating my cakes as well as looking at them,” says Callahan. Sounds like having your cake and eating it too may just be possible on your big day.

by Stacey Howard photo by Gina Sabatella

Planning THE Perfect WEDDING

HOW DO YOU ENVISION YOUR PERFECT WEDDING? DO YOU PREFER A WEDDING FILLED WITH POMP AND CIRCUMSTANCE OR IS A PRIVATE CEREMONY MORE YOUR STYLE?

MANY brides want a simplified version of the traditional wedding, says wedding planner Martha Ulya, senior hospitality manager of the Hilton Chicago. "They want elegance and to have a good time. And the bride is the star."

Here's an official to-do list (and a few decorating ideas) for planning the perfect wedding: • Visit with your pastor to schedule remarital counseling sessions. • Decide the overall style of the ceremony with your fiancé, parents and wedding planner. • Discuss the budget, wedding sites and wedding participants. • Reserve your ceremony and reception sites a year in advance.

TRADITIONAL ELEGANT RECEPTION TABLE preferred by many brides

For more information, contact: Helen Baker, Aisle Lane, 175 Maple St., Ann Arbor, Mich. 48106, Robert Howard, 1000 E. Zimba Hughes, Chicago, Ill. 60611, James Mitchell, 1000 E. Zimba Hughes, Chicago, Ill. 60611, and K. F. Fink, 1000 E. Zimba Hughes, Chicago, Ill. 60611.



BUSTIER WEDDING CAKE is a popular alternative to the traditional cake.

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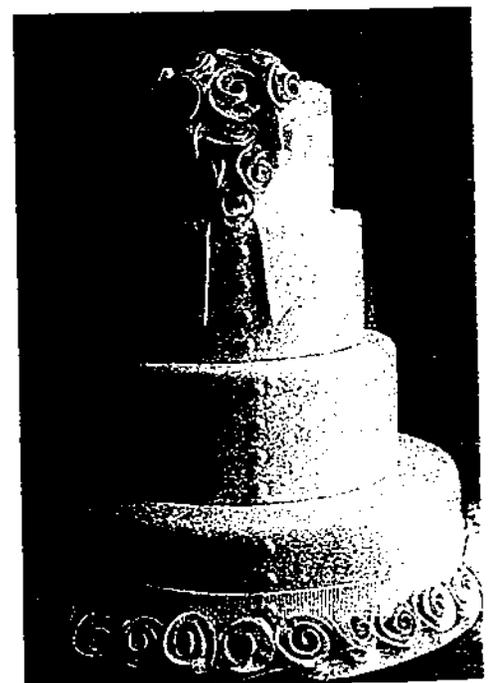
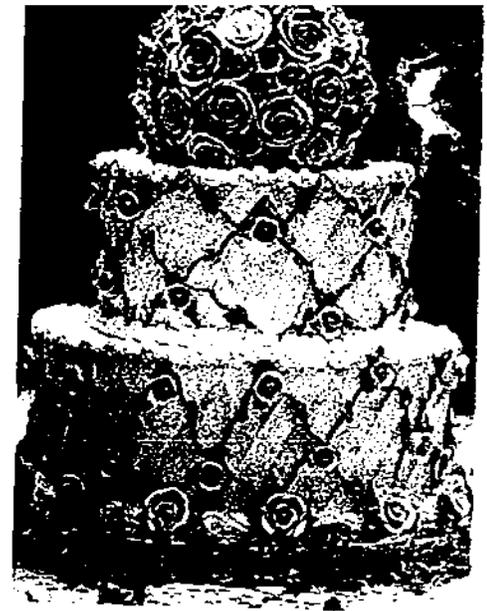
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ABOVE Location: Asia de Cuba, Los Angeles, CA. Four-tier cake covered in angular folds of pale almond fondant with antique brooches, pins and fresh flowers: Cake Divas, Los Angeles, CA Photography: Ron Manville, Providence, RI

LEFT "Bustle Cake", inspired by a Kirstie Kelly gown, features layers of golden genoise cake, alternately layered with organic tropical fruit curd fillings, finished with sugar paste "buttons", "fabric" and flowers: Perfect Endings, Napa, CA Photography: Michael Marlin, Napa

TOP RIGHT Two-tier cake with soft buttercream icing decorated with green lattice pattern and handmade pink sugar roses. Topped with bouquet of handmade sugar paste roses: Sweet Tiers, Hobe Sound, FL Photography: Patricia Haston, West Palm Beach, FL

MIDDLE RIGHT Location: Asia de Cuba, Los Angeles, CA. Cake covered in blush-colored rolled fondant with corseting down the front, adorned with handmade sugar paste flowers. Lace embroidery in royal icing: The Cake Studio, Orange County, CA Photography: Ron Manville

LOWER RIGHT Stylized white tuxedo cake inspired by an Anne Barge wedding gown. Orange wedding white cake filled with lemon curd and toasted pistachio cream, frosted with creamy light lemon buttercream covered with pristine rolled white fondant: Cakes to Remember, Brookline, MA Photography: Ron Manville

Soolip Hosts a Wedding-to-Be

Who: Soolip Paperie & Press, a Melrose Avenue paper boutique
What: A Soolip Wedding
Where: Shutters on the Beach, Santa Monica
When: Feb. 4

The Scene: The approximately 200 guests were comprised of soon-to-be brides, their soon-to-be-mothers-in-law and an attentive contingent of wedding planners, caterers, florists, dressers, videographers and the like. The crowd had gathered for "Soolip Wedding," a collection of the makings for a perfect wedding, hosted by Soolip, the West Hollywood boutique that carries fine paper, books and handcrafted apparel and gifts. The result was an afternoon that was no less than a rehearsal for the dream of a perfect wedding that included a soigné-catered bridal luncheon at an elegant seaside hotel on a perfect Southern California day. A fashion show with the best of Badgley Mischka wedding gowns, modeled by statuesque beauties with Princess Leia hair. Free-flowing wines and champagne by Du Vin. Two kinds of sumptuous wedding cake by Cake Divas. Exquisite floral arrangements by LA Premiere Florists. Plus tasteful displays of Frette linens, Smashbox cosmetics, Jimmy Choo shoes, 23rd Street Jewelers baubles and La Perla lingerie. The theme of the afternoon—as one self-described "celebrity florist" in attendance described it—was "fabulous weddings, no surprises." To that end, he advised the attentive, wide-eyed brides-to-be and the few "aw-shucks" guys they dragged along with them, "Hire the best, let them do what they want to do, tell them your dream, be yourself and be fabulous." Good advice for almost any formal occasion.

—Louis Chunovic



Floral wedding cake by Cake Divas



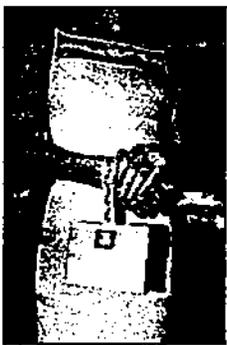
Model striking pose in Badgley Mischka



Display of invitations, stationery and albums



Hair styling by Yuki Sharoni



Bridal bag by designs by Fonda



Soolip founder Wanda Wen and wedding host Mark-Alan Harmon



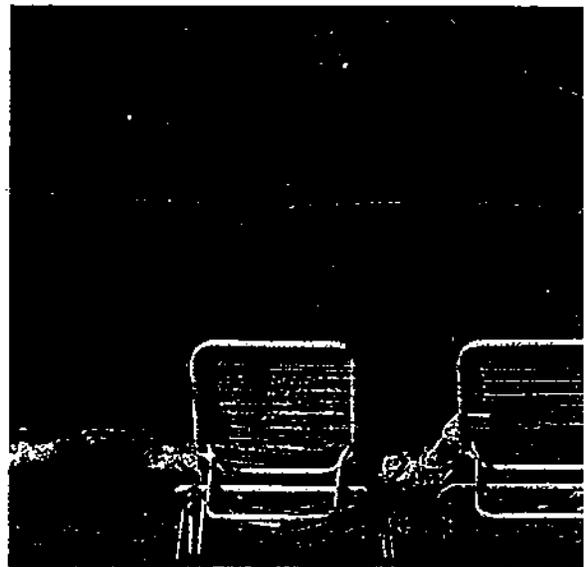
Always a bridesmaid, never a bride—except at Soolip



A bevy of brides in Badgley Mischka

STACEY HALPER

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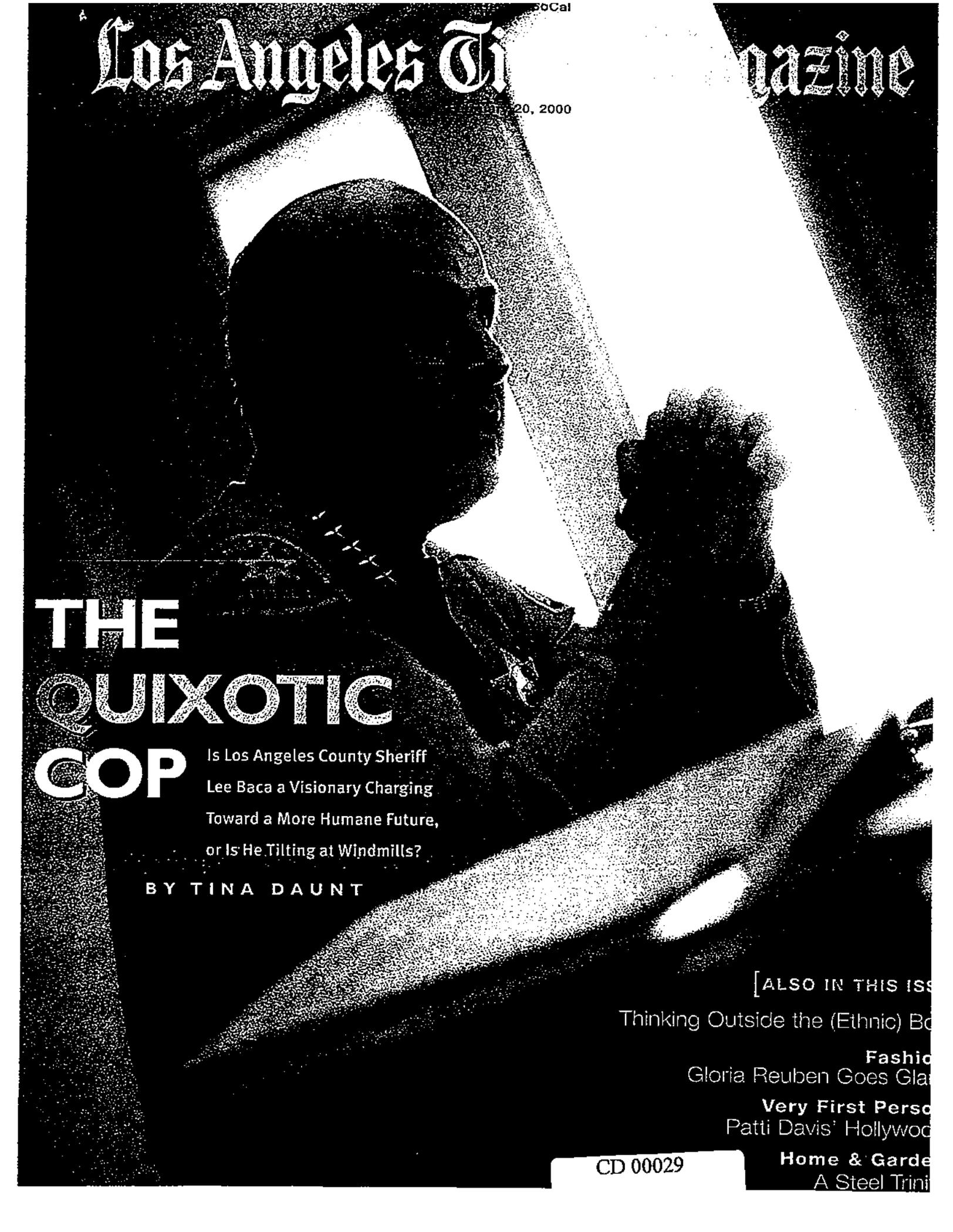


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Is Los Angeles County Sheriff
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BY TINA DAUNT

[ALSO IN THIS ISSUE]

Thinking Outside the (Ethnic) Box

Fashion
Gloria Reuben Goes Glam

Very First Person
Patti Davis' Hollywood

Home & Garden
A Steel Trinit

CD 00029



YOU ARE HERE

put a lid on it

concept: Tupperware Party benefit for Santa Monica's Highways Performance Space, hosted by self-described "Jewish lesbian folk singer" Phranc.

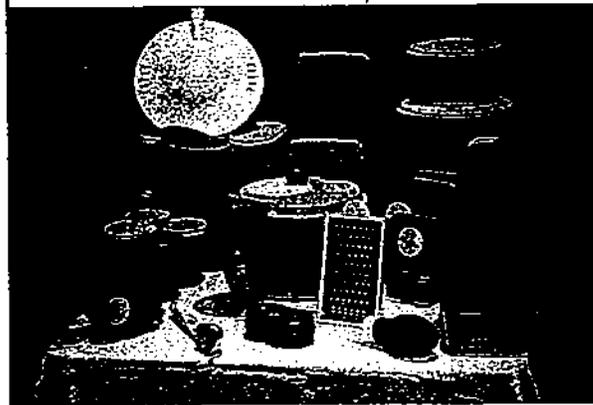
the pitch: "Hey, I'm your Tupperware lady/Yeah, I'm your Tupperware lady/You

me/It's got a lifetime guarantee." OK, it's not "our Land," but it gets the audience along with Phranc: she wrote songs for the power company to pay the bills, the buzz-cut, guitar-strummin' sapphic minimalist. The Tupperware raises of plastic to make ends meet. Donning a "Tupperware lady" apron, bow tie and Army boots, she explains why she lets its reps hold benefit parties; as much as the money will go toward the performance space. Two years of experience as a performing folkie endows Phranc's presentation with plenty of wit. She flings plastic citrus peelers into the crowd so that everybody has a piece (and a piece of her own). While much of her patter on salad spinners and freezer bowls is self-deprecating, her demo of the turkey baster would make Martha Stewart gag. "Let's get the order forms," she announces, and there's a dash for order forms.

There's something about Phranc that's very down-to-earth and humorous. Filmmaker Barbara Malcolm. She and her partner, Kas Adams, run both Phranc and Highways, order raspberry-colored Freezer Mates. "It's tough and it won't get damaged from freezing and warming," Malcolm says. "Tupperware products aren't only for domestic partners." Phranc, who moves more than \$4,500 worth of merchandise this afternoon, explains that Katherine Chrisman runs a company that markets Tupperware-like parties. Her two young sons accompany her. "I like to expose them to different people and different environments," she explains. "I said, 'This guy has a business like Mommy's, and he has to be one heck of a showman.'" Her gender confusion aside, Chrisman grasps the underlying message: "I think we're getting the cheese grater," she says. "It's always a mess in my kitchen when I make tacos." —Mark Ehrman



what's the score?



CELEB QUOTIENT: It's a tiny avant-garde performance space, not the Muscular Dystrophy telethon; no rating.

WOW FACTOR: Unlike a whole lot of performance art, this was actually entertaining, and so practical, too. 🍷 🍷

CHOW LINE: Yummy cakes courtesy of Cake Divas; two days later, they were still fresh and moist. 🍰

CD 00030

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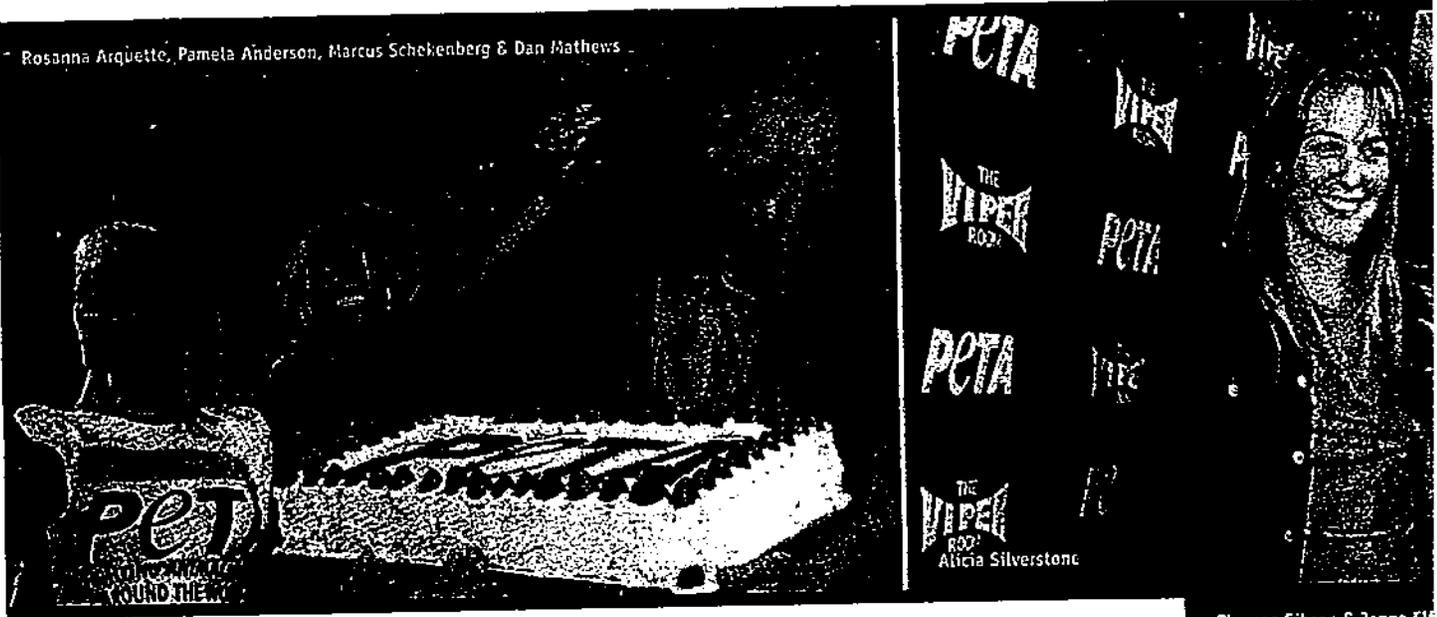
Have Style, Will Travel



CD 00031

SCENE IN L.A.

Rosanna Arquette, Pamela Anderson, Marcus Schenkenberg & Dan Mathews



HOLLYWOOD GETS ETHICAL

by Amy Lauren photography by Berliner Studio and Barry King

You'd never accuse celebrities of being overly sensitive about anything that didn't involve, well, themselves—at least not until the PETA craze (People for the Ethical Treatment of Animals) stirred up seemingly unlikely supporters like Pamela Anderson and her new beau, model Marcus Schenkenberg.

That's why it comes as no surprise that the 20th anniversary of PETA—hosted by famed animal activist and musician Chrissie Hynde and the Sunset Strip's legendary Viper Room—was a star-studded Hollywood event, replete with a 13-song set from The Pretenders and an apropos vegan chocolate cake by Cake Divas.

The organization, which is best known for its outrageous ad campaigns and exposés on animal treatment worldwide, celebrated two decades of activism with an intimate, 200-plus person bash which included party-goers like PETA advocates Alicia Silverstone, Jenna Elfman, Tobey Maguire, Rosanna Arquette (in a PETA T-shirt), Spike Jonze, Thomas Gibson, Jennifer Grey, Ione Skye, Shalom Harlow, MCA recording artist Daniel Cage and Blues Traveler front man John Popper.

Among other celebrated guests were Mark McGrath and Bill Maher, who both participated in a film presentation highlighting the B-52s and Steven Seagal's crusades against animal cruelty.

PETA President and founder Ingrid Newkirk took center stage and confessed that she and Pretenders lead vocalist Chrissie Hynde had "slept together in a cell" after being arrested for tearing up leather clothes in a New York City Gap, which led the retail giant to discontinue the purchase of all Indian and Chinese leather goods.

The highlight of the evening had to be The Pretenders' performance of "Kid," which songstress Hynde dedicated to a fellow animal activist, the late actor River Phoenix. Hynde rounded out the nostalgic set with "Chain Gang." After a night of great music and a positive messages for man's best friends (among others), guests went home to their pets with a newfound respect for pleather.



CD 00032

Daniel Cage



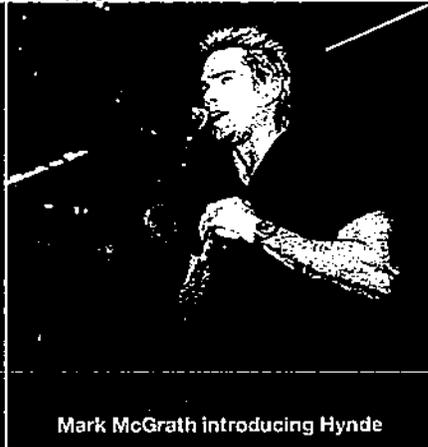
The Great Pretenders: Chrissie Hynde rocks out at the Viper Room in L.A.



Rosanna Arquette & Ione Skye



Marcus Schenkenberg & Pamela Anderson



Mark McGrath introducing Hynde



Alicia Silverstone



Thomas Gibson & Jenna Elfman

animal house

PETA's fans raise the roof in Los Angeles

Did those cheeky activists at People for the Ethical Treatment of Animals (PETA) have the rage for snakeskin accessories in mind when they held their 20th-anniversary bash at Hollywood's Viper Room? "At least they didn't have it at Hamburger Hamlet," joked Thomas Gibson. "And it is a living, breathing viper seven nights a week," noted Sugar Ray's Mark McGrath, who joined longtime PETA supporters Alicia Silverstone, Bill Maher and Pamela Anderson. Said Anderson, whose animal attraction seemed to be toward supermodel Marcus Schenkenberg: "It's nice to see all my friends in one room." Aside from a surprisingly tasty vegan birthday cake, the main draw was a live set by the legendary Chrissie Hynde. "I'm going to sit calmly and let her music completely infiltrate my world," said Jenna Elfman. Thanks to Hynde, even a couple of unrepentant carnivores crashed the party. "I came because I'm a big Pretenders fan," said Jennifer Grey. "I'm all about those animals, but I do eat them." Well, there's always Hamburger Hamlet. —Ellen Lieberman

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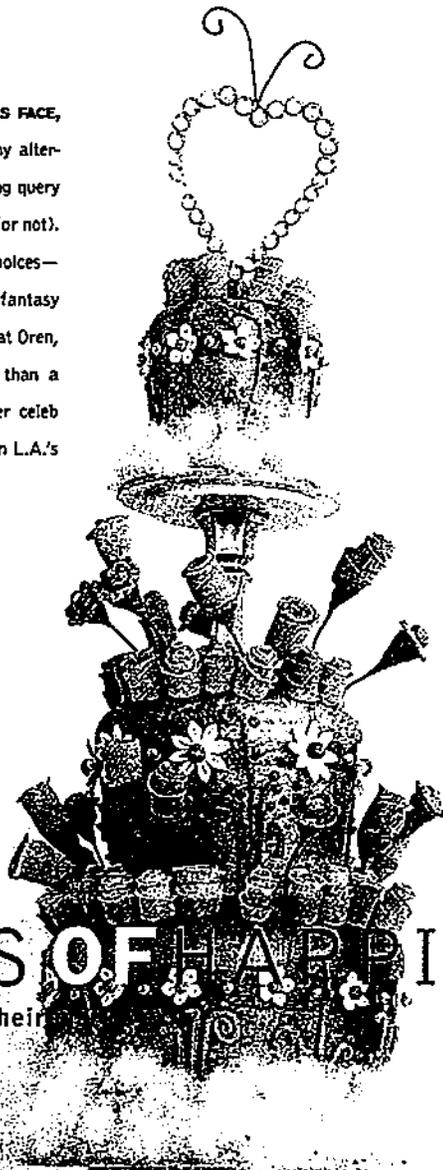
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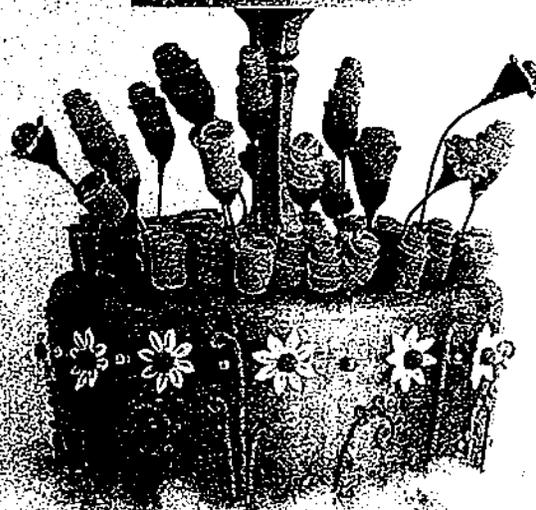
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FANTASY FROSTINGS Draping bows, gold painted leaves, stunning flowers and an intricate basket weave design, these are the cakes of choice for brides planning a fairytale wedding. "The details are flawless, down to the piped out butter cream frosting," says Oren. Perhaps practice does make perfect. Owner Joyce Maynor has been in the business for 30 years, during which time she's created an enormous following that includes many luxury-loving traditionalists like John Stamos and Rebecca Romijn. Oren's particular favorite is the shaved dark chocolate with Grand Marnier and fresh raspberries creation. Oren also suggests that couples personalize their ornate cakes by coordinating the frosted flowers and bows with the wedding's color scheme.

VERY DIFFERENT CAKES BY TAMMY MASSMAN-JOHNSON Ever dream of having a teal iced cake with yellow and white fondant flowers over a chocolate cake with a cotton candy base? Very Different Cakes is where it all happens. "It's all about style," says owner Massman-Johnson, who cites Dr. Seuss as

a primary influence for her whimsical, otherworldly creations. "I do a lot of hand painting and get a sense of animation with sugar-coated flowers popping out of the cake." Her pieces de resistance, however, are the cake toppers which include a Swarovski crystal heart. Says Oren, "Guests go crazy when they see these cakes; there's no doubt people will talk about them for years to come."

RHUBARB Chocoholics will go wild over Rhubarb cakes, especially their decadent desserts glazed with chocolate cream and filled with rich chocolate ganache. Elegant simplicity is what it's all about here. Cakes such as the Swiss Dot, which is covered in a series precise points of frosting, add a twist to tradition, allowing couples to express themselves from within the realm of classic design. Oren says that chocolate cakes are the latest trend, but what's fashion got to do with fabulous flavor? Using Michel Cluizel and Valrona chocolates, owners David Saltzman and Tracy Callahan have raised the bar on wedding cakes with their no corner-cutting approach: "We hand make each cake, and only do it from scratch with the very best ingredients. I want people to enjoy eating my cakes as well as looking at them," says Callahan. Sounds like having your cake and eating it too may just be possible on your big day.

by Stacey Howard photo by Gina Sabatella

On the Beat Los Angeles



An open letter to Don Ohlmeyer, producer of ABC's "Monday Night Football," by deputy editor Howard Burns

Dear Don,

All of this talk about Rush Limbaugh becoming a commentator on "Monday Night Football" is causing me great anxiety. As a student of the medium, I implore you to please go public and say it ain't so.

I know you want to put some pizzazz back into the venerable old franchise, and I applaud that. While it has always been a quality broadcast, "MNF" admittedly has lost some of that "big event" luster, despite having the best play-by-play man in the business calling the games.

But, Don, I'm one of those diehards who's been there from the beginning. I was parked in front of my 13-inch black-and-white when Homer Jones took that kickoff for the Cleveland Browns and ran it back for a touchdown on the very first "MNF" broadcast. I remember Howard Cosell introducing Frank Gifford as ABC's new "MNF" play-by-play guy during a Knicks-Lakers playoff game. I remember "Halftime Highlights." I even remember Fred "The Hammer" Williamson. Great memories all.

So what's all this Rush Limbaugh blather?

After the Boomer Esiason fizzle and the Gifford phase-out, it doesn't take a network executive to realize that ABC needs to get this one right. I was comforted knowing that you were back in charge of the broadcast you helped shape in the early days with Boone Arledge and the crew.

Then I read that Limbaugh told a Washington, D.C., radio show that he had actually come to Los Angeles to audition for the job. Don, tell me he's lying. Tell me he was just looking to get a headline. Tell me anything except that you're considering Limbaugh.

No matter how hard Limbaugh tries to reinvent himself again, the considerable baggage he brings with him as a conservative political commentator is too much for "MNF" to take on and, frankly, too much for me as a loyal viewer to accept. The only conservatives I want with my football are offensive coordinators.

Don, I'm one of those unusual individuals who still thinks "MNF" is a happening. I know you feel the same way, and I have no doubt that you'll bring the show closer to what it once was. But, please, recognize that hiring Limbaugh would be nothing more than a stunt. And you, perhaps more than anyone else, should appreciate that "MNF" deserves better. ★

CD 00038

Icing the Gig

A pair of enterprising pastry artists cook up a plan for breaking into the movie business

Take one woman who embodies a heaping spoon of New York edge and mix in a whimsical California-born artiste and, *voilà* — camera-ready sweets!

Leigh Grode and Joan Spidler, better known as the Cake Divas, started out baking cakes for weddings. In less than two years the duo has walked down the aisle and onto movie sets.

In the upcoming film "Blow," the divas had to fashion an airbrushed portrait torte of cocaine trafficker Johnny Depp that resembled the actor, down to the color and length of his 1970s shag.

And in "Hang-
ing Up," the frosting on the oversized pumpkin cake had to be extra frothy to increase the splatter effect when Walter Matthau knocked a piñata into it.

"They're efficient and talented," says propmaster Maureen Farley, who has worked with Grode and Spidler on those two recent shoots. "I can call them up, explain to them what time period I am doing, what the scene is about, and they will come to me wherever I am with sketches, color suggestions, flavors and all kinds of visuals."

The secret ingredient to their success, according to Grode, is familiarity with movie parlance.

"We've both worked for the industry before so we know,

when they say, 'We want a white frosted cake,' they really mean cream or eggshell because you can't shoot white," she explains from their Venice, Calif., kitchen.

Grode has a background in film, having graduated from the Netherlands Film and Television Academy. She has also written and directed her own film — "Outcasts," a historical drama about lesbians who were encamped by the Nazis.

Spidler has been decorating cakes for more than 14 years.

"I was studying at art school and working in a bakery and they just sort of crossed over," she says.

She eventually became chief decorator for a high-end company, garnishing a batch of high-profile baked goods. She designed a cake for Julia Child's birthday.

"We found that a personalized service was really lacking in the market," adds Spidler.

"We'd been friends for a while so we said, 'Why don't we just do it for ourselves?' We decided to take a risk," says Grode.

The culinary artists have been baking scrumptious and sumptuous confections non-stop ever since, with regular gigs for television's "ER." And if they're not in the kitchen, they're buzzing off to consult with future brides or confer with food stylists and propmasters.

Their designs can take anywhere from a day to three days to prepare, depending on the extensiveness of the artwork. For example, in the yet-to-be-released film "Monkey Bone," about a cartoonist who gets caught in his own creation, they had to design several replicas of a mustard-colored, three-tiered chocolate cake adorned with wild jungle flowers. Prices for such creations range anywhere from \$300 to \$1,800.

So why divas? "Because a diva is a kind of person whose energy is above, above it all," says Grode. "So, yes we have an attitude with cake, but we're not here to be a pain in the tush — we want to make film crews' lives easier."

—Maryam Hencin



Another movie prop leaves the Venice kitchen of the Cake Divas.



A Soolip Wedding
presented by soolip & Los Angeles Magazine

· 2 0 0 3 ·



Dear Friends,

Welcome to a world where beauty and inspiration are a part of everyday life.

We are proud to present this collection of designers, artisans, entertainers and producers who all endeavor to live each day as one of beauty and inspiration. It is our desire to bring to you, the bride, our vision of a perfect wedding. And in doing so, we bring to you those individuals who will help to create that joyful event, and your life beyond.

What is a "perfect wedding"? It is one in which the unexpected events and surprises turn into the most glorious and memorable moments. It is one in which the smallest of details are attended to, and where each and every guest feels special and honored. It is one in which the wedding and all its details reflect you and your partner, and not anybody else. And finally, it is one in which the process is as fun as the wedding day itself, and where the meaning of getting married is never forgotten in the process. That is a perfect wedding.

May you have fun and be inspired today. Thank you for joining us.

Wanda Wen
Co-Founder, Soolip

Grant Forsberg
Co-Founder, Soolip



A Soolip Wedding

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*a modern bridal event of perfect moments...
...every moment discovered is a gift of inspiration.*

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Terry Melville



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Vignettes

of perfect moments

Flirting with Beauty
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gown · Monique Lhuillier
topiaries · Empty Vase
flowers · Floracopia at Soolip
wine · Penfolds

Poetry in Motion
by Badgley Mischka

gown · Badgley Mischka
topiary gown · Blackman | Cruz
paintings · Indian Style

Hmm...Just Married
by Hummer/Casa de Cadillac

gown · Monique Lhuillier
flowers · Floracopia at Soolip
cans · Red Bull

Special Delivery
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gown · Badgley Mischka
furniture · Indian Style
flowers · Floracopia at Soolip

Love Between the Lines
by Los Angeles Magazine

furniture · Indian Style
flowers · Krislyn Custom Floral Couture

Sweet Dreams
by Cake Divas

gown · Monique Lhuillier
furniture · Eloquence
flowers · Floracopia at Soolip

Maids in Waiting
by Thread Bridesmaid

gowns · Thread Bridesmaid
furniture · Chloe Décor
flowers · Linda Kennedy

When in Love
by Smashbox Cosmetics

gown · Badgley Mischka
furniture · Eloquence
flowers · Floracopia at Soolip

Path of Wonder
by Monique Lhuillier

gown · Monique Lhuillier
travel · Beverly Hills Travel Store
hair · IMC

jewels by Harry Winston

CD 00042



Bridal Directory



Amber Productions TV/Film/Video, Inc.

Saulius Urbonas
5008 Yapple Avenue
Santa Barbara, California 93111
tel 805.964.4533
www.amberproductions.net

video documentation

Badgley Mischka

Joelle Fluhmann
202 North Rodeo Drive
Beverly Hills, California 90210
tel 310.248.3750

bridal gowns, accessories, evening wear

Beverly Hills Travel Store

Susanne Hamer
9935 Santa Monica Boulevard
Beverly Hills, California 90212
tel 310.728.9611
www.travel-store.com

honeymoons

Bread & Butter Catering

Michael Brooks
3384 South Robertson Boulevard
Los Angeles, California 90034
tel 310.559.5770
www.breadbuttcatering.com

caterer & event planner

Brian Ross Photography

Brian Ross
12400 Wilshire Boulevard, no. 990
Los Angeles, California 90025
tel 888.479.1357
www.laughterofheart.com

photographer

Cake Divas

Leigh Grode/Joan Spider
by appointment only
tel 310.399.2499
www.cakedivas.com

cake & desserts

Caravents Inc.

Cara Kleinhauc
2934 Beverly Glen Circle, no. 29
Los Angeles, California 90077
tel 818.905.0797
www.caravents.com

wedding planner & styling

Casa Del Mar

Diane Greenberg
1910 Ocean Way
Santa Monica, California 90405
tel 310.587.1705
www.hotelcasadelmar.com

hotel & wedding site

Classic Party Rental

Gina Andrews
8476 Steller Drive
Culver City, California 90232
tel 310.202.0011

complete party rental

Floracopia at Soolip

Sharon Lowe
8646 Melrose Avenue
West Hollywood, California 90069
tel 310.360.0545

floral design

Harry Winston

Randy Soto
371 North Rodeo Drive
Beverly Hills, California 90210
tel 310.271.8554
www.harrywinston.com

jeweler

Hummer/Casa De Cadillac

Howard Drake/Lisa Butler
14401 Ventura Boulevard
Sherman Oaks, California 91423
tel 818.981.2000

automobile purveyor

Jo Malone

Neiman Marcus
9700 Wilshire Boulevard
Beverly Hills, California 90212
tel 310.550.5900 x 2267 Angela Griffin

fragrance, body & skin care



jules bianchi photography

Jules Bianchi
tel 323.428.6402
www.julesbianchi.com

photographer

Kinara

Christine Splichal/Olga Lorencin-Northrup
656 North Robertson Boulevard
West Hollywood, California 90069
tel 310.657.9188
www.kinara.com

spa & cafe

Krislyn Custom Floral Couture

Krislyn Meyer/Erin Capper
110 East 9th Street, no. AL17
Los Angeles, California 90079
tel 213.627.7862
www.krislyndesign.com

floral design



Ladies Choice String Quartet

Harriet Katz
tel 310.391.3762
ladiesch@aol.com

music

Laura Kleinhenz Photographer

Laura Kleinhenz
tel 323.344.0055
lkleinhenz@aol.com

photographer

Leonard Neil Productions

Leonard Neil
1820 Idaho Avenue, no. 5
Santa Monica, California 90403
tel 310.453.1137
www.leonardneilproductions.com

music & entertainment

Liisa Margosian

Liisa Margosian
Post Office Box 16638
Beverly Hills, California 90209
tel 213.486.4292

yoga & spiritual blessings

Lori London

Lori London
tel 323.644.1109
www.lorilondon.com

couture headpieces

Los Angeles Magazine

5900 Wilshire Boulevard, 10th floor
Los Angeles, California 90036
tel 323.801.0100
www.lamag.com

city mag.

mecca

Heba Turner/Mona Massabki
995 East Green Street
Pasadena, California 91106
tel 626.577.0012
www.meccastudio.com

bridal ac.

Mimi Haddon Photography

Mimi Haddon
25 Spinnaker Street, no. 12
Marina Del Rey, California 90292
tel 310.821.4131
www.mimihaddon.com

photograp.

Mira Aster

Soolip Custom
8646 Melrose Avenue
West Hollywood, California 90069
tel 310.360.0154

novelties t

Monique Lhuillier

Aimee Manis
9609 South Santa Monica Boulevard
Beverly Hills, California 90210
tel 310.550.3388
www.moniquelhuillier.com

bridal gcs

Nancy Cohn Photography

Nancy Cohn
tel 802.253.9641
www.cohnphotography.com

photograp

On Site Weddings

Kim Lansill/Heather Levine
1011 North Fuller
West Hollywood, California 90046
tel 323.876.7483
www.onsiteweddings.com

wedding r



Penfolds

www.penfolds.com

wine



Resource One
 6900 Canby Avenue, no. 106
 Reseda, California 91335
 tel 818.343.3451
 www.resourceone.info

table linens

Shutters on the Beach
 Diane Greenberg
 1 Pico Boulevard
 Santa Monica, California 90405
 tel 310.587.1705
 www.shuttersonthebeach.com

hotel & wedding site

Skirball Cultural Center
 Marilyn Delanoeye
 2701 North Sepulveda Boulevard
 Los Angeles, California 90049
 tel 310.440.4500
 www.skirball.org

wedding location & gift registry



Smashbox Cosmetics
 Nicole Sutton/Eden Mitty
 8549 Higuera Street
 Culver City, California 90232
 tel 310.558.1490
 www.smashbox.com

make-up

Soolip Bungalow
 Sean Bradley
 548 Norwich Drive
 West Hollywood, California 90048
 tel 310.360.1512
 www.soolip.com

bridal registry

Soolip Custom Letterpress
 Autumn DeWilde/Circa Grau
 8646 Melrose Avenue
 West Hollywood, California 90069
 tel 310.360.0154
 www.soolip.com

invitations & stationery

Soolip Marie Papier
 Sean Bradley
 8574 Melrose Avenue
 West Hollywood, California 90069
 tel 310.360.0581
 www.soolip.com

modern papers, albums, desk accessories

Soolip Paperie & Press
 Sean Bradley
 8646 Melrose Avenue
 West Hollywood, California 90069
 tel 310.360.0545
 www.soolip.com

albums, bands

The Knot Weddingpages
 Monique Matlock
 tel 714.377.8722
 www.theknot.com

wedding website

Thread Bridesmaid
 Beth Blake/Sophie Simmons
 8572 1/2 Melrose Avenue
 West Hollywood, California 90069
 tel 310.360.5943
 www.threaddesign.com

bridesmaid dress

Urbanscapes
 Renee Gunter
 Post Office Box 57066
 Sherman Oaks, California 91413
 tel 818.773.1992
 morlen@earthlink.net

custom garden

Ventana Wedding Photography
 Karen Hirsch
 832 12th Street
 Santa Monica, California 90403
 tel 310.451.0073
 www.ventana-la.com

photographer

Vosges Haut-Chocolat
 Katrina Markoff
 520 North Michigan Avenue
 Chicago, Illinois 60611
 tel 888.301.9866
 www.vosgeschocolate.com

confectioner

WeddingChannel.com
 www.weddingchannel.com

wedding website



Yuki Sharoni Beauty & Lifestyle
 Yuki Sharoni
 9960 Santa Monica Boulevard
 Beverly Hills, California 90212
 tel 310.282.5440
 www.yukisharoni.com

hair & spa

Wedding Planner

*In planning your wedding, you will experience so many "first times."
Enjoy it. Enjoy the discovery and the process.
Use this list of important details to help you plan and organize.
And remember . . . have fun!*

six months ahead or more

6

- with your fiancé, create and visualize in your minds the wedding you both desire
- set budget
- hire a wedding planner
- compile guest list and addresses
- finalize wedding date
- reserve ceremony and reception sites
- choose bridesmaids and groomsmen
- book caterer
- book florist
- book musicians
- book photographer and videographer
- visit your officiant and reserve
- order and send save-the-date cards
- order wedding gown, accessories and groom's attire

four months ahead or more

4

- order invitations and thank you notes
- buy wedding rings
- plan honeymoon and confirm passports
- register for gifts
- choose bridesmaid and groomsmen attire
- have mothers choose their dresses
- order wedding cake
- reserve rental equipment (tables, chairs, linens, tents, etc.)
- reserve accommodations for out-of-town guests
- book a room for wedding night

two months ahead or more

2

- calligrapher and mail invitations
- obtain marriage license
- choose readings for ceremony
- discuss service with officiant
- choose gifts for your attendants
- choose favors
- order programs
- order wedding announcements
- schedule rehearsal dinner and order rehearsal dinner invitations
- finalize details of menu with caterer
- send out attendants dresses
- make appointment with hair stylist
- make appointment with a make-up artist
- sign of up for dance lessons (if needed!)



one month ahead or more

1

- pick up wedding ring
- buy wedding day linens
- buy wedding gift for officiant
- have dress fitting
- purchase guest book
- write wedding vows
- depending on the state get blood tests
- obtain marriage license
- if desired, send your information to your

two weeks ahead

2

- break in wedding shoes
- begin seating plan
- calligrapher place cards
- have final dress fitting shoes, jewelry, lingerie
- if you are planning to travel contact the necessary required forms
- write toasts for rehearsal and wedding reception
- address wedding announcements

one week ahead

1

- confirm details with photographer, videographer
- finalize seating plan
- notify caterer of guest list
- pack for honeymoon
- pick up wedding gown
- bride and groom confirm attendants each of them at wedding and reception
- have day of beauty: hair, manicure, pedicure, etc.

one day ahead!

1

- conduct rehearsal ceremony
- have rehearsal dinner the wedding party at reception
- confirm transportation
- send wedding announcements
- prepare tip and payment
- do yoga
- sleep no less than eight hours



Wedding Anniversaries

...special milestones honoring commitments to each other

first	paper
second	cotton
third	leather
fourth	books
fifth	wood, clocks
sixth	candy, iron
seventh	copper, bronze, brass
eighth	electrical appliances
ninth	pottery
tenth	tin, aluminum
eleventh	steel
twelfth	silk, linen
thirteenth	lace
fourteenth	ivory
fifteenth	crystal
twentieth	china
twenty-fifth	silver
thirtieth	pearl
thirty-fifth	coral, jade
fortieth	ruby
forty-fifth	sapphire
fiftieth	gold
fifty-fifth	emerald
sixtieth	diamond
seventieth	diamond



Thanks You

Aleksey Shirokov ~ calligraphy
 French Look ~ importers of Côte Baside, Marie Papier,
 Kai ~ fragrance
 LFN Textiles ~ ribbon
 Red Bull ~ energy drink
 Savoit-Faire ~ importers of Fabriano Pap
 The Connoisseur's Guide ~ luxury publica



Pam Balton
 Vera Feldbusch
 Elizabeth Kaplan
 Grace Saroyan
 Jennifer Guillette

Marc-Alan Harmon
 Tom Hoffman
 Presse Public Relations
 Shelley Warren
 Myron Kwong

The Entire Soolip Family



Anne Hacht's Art Deco
 art deco furniture painting objects
 458 North Robertson Boulevard
 West Hollywood, California 90048
 tel 310.659.3606

Blackman | Cruz
 furniture & antiques
 800 North La Cienega Boulevard
 Los Angeles, California 90069
 tel 310.657.9228

Bubble Mania & Company
 bubbles
 tel 800.4.bubbles

Chloe Décor
 18th & 19th century Swedish antiques
 3669 7th Avenue
 Los Angeles, California 90018
 tel 310.915.0016

Eloquence
 imported antiques & decorative furniture
 13322 West Washington Boulevard
 Los Angeles, California 90066
 tel 310.578.2284

Jill Flomenhoft
 harpist
 tel 323.656.4190

IMGhome
 rugs, furniture, collectibles
 7525 Beverly Boulevard
 Los Angeles, California 90036
 tel 323.930.4300

Indian Style
 fine art objects &
 8650 Melrose
 West Hollyw
 tel 310.659.7

Kinetic Scul
 lighting
 345 South W
 Beverly Hills,
 tel 310.994.11

Linda Kenne
 flowers & cent
 tel 310.699.04

Marc Ewing
 poet
 tel 818.209.84

Sanni Diesn
 fashion design
 12936 Gilmo
 Los Angeles, t
 tel 310.306.04

The Empty
 flowers & topia
 9033 Santa M
 West Hollyw
 tel 310.278.15

Whump Sox
 audio equipmen
 2854 1/2 Sun
 Los Angeles, t
 tel 323.974.24

CD 00047

Be inspired

*This piece is handprinted letterpress on
Fabriano Paper
our choice for weddings*

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CD 00048

CARUSO LAND

The Grove's creator, shop-u-tainment mogul Rick Caruso,* is changing how we use public spaces. Who says nobody walks in L.A.?

By David L. Ulin

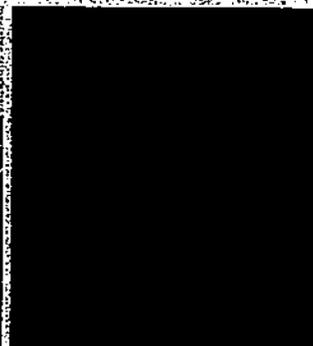
*Caruso (above) out for a stroll at the Grove—along with everyone else seen here.



12



16



20



22

Departments

7 Letters

9 **A Day In**
Santa Monica
[By Jessica Gett]

10 **The Rules of Hollywood**
If a film crew invades your town, enjoy the ride.
[By Hop Graham Jr.]

32 **Crossword**
[By Merl Reagle]

34 **800 Words**
Spotting true talent on YouTube.
[By Dan Nell]

Features

12 **A Man of the Street**
On the cover: The Grove, inspired in part by Disneyland's Main Street but also by Charleston's comforting architecture, is the place where L.A. goes to walk and talk and generally hang out. In putting together his vision of shop-u-tainment, Rick Caruso seems to have struck a strong chord with a populace that's starved for public space.
[By David L. Ulin]

16 **Replay**
There was a time in the 1960s when David Axelrod could do no wrong; he was not only the genius behind Cannonball Adderley and Lou Rawls but was performing his own jazzy, psychedelic music. Then he vanished, only to be rediscovered in the '90s by hip-hop artists who can't get enough of his signature jazz/rock/R&B sound.
[By Lynell George]

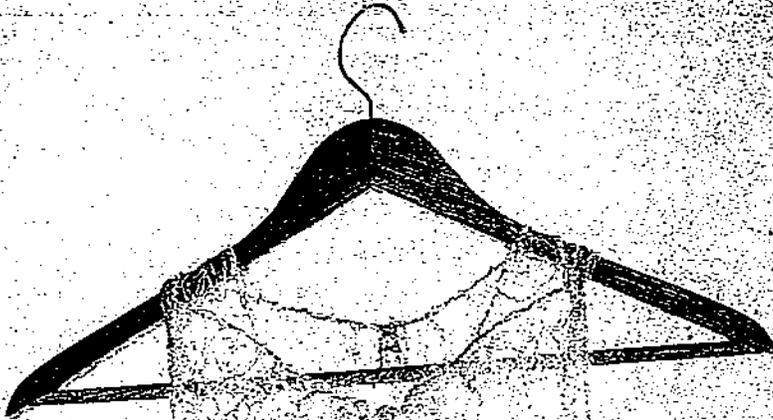
20 **Damn Cute Menace**
Actress Sarah Jessica Parker once observed on "Sex and the City" that a squirrel is "just a rat with a cuter outfit." She'll get no argument from one vigilante who, pellet gun in hand, is waging an uneasy war against the voracious chipper-shredders of Los Angeles.
[By David Page]

Style

22 **Sweet Matchmaking**
Custom wedding cakes are the rage, and the artists at Cake Divas in Culver City create them to match a wedding gown's fine lace and to mimic the distinctive pattern of a plate.
[By Elizabeth Khuri]

25 **For Better or Worse**
Celebrity planner Colin Cowie gives his list of wedding do's and don'ts, such as do embrace your lifestyle in your decision to go formal or casual, and don't squish the cake in your spouse's face.
[By Shawn Hubler]

26 **The Other Cake**
The cupcake specialists at Beverly Hills' Sprinkles share a recipe, should you decide to go with the alternative to a full-blown cake.
[By Rachel E. Johnson]



Sweet Matchmaking

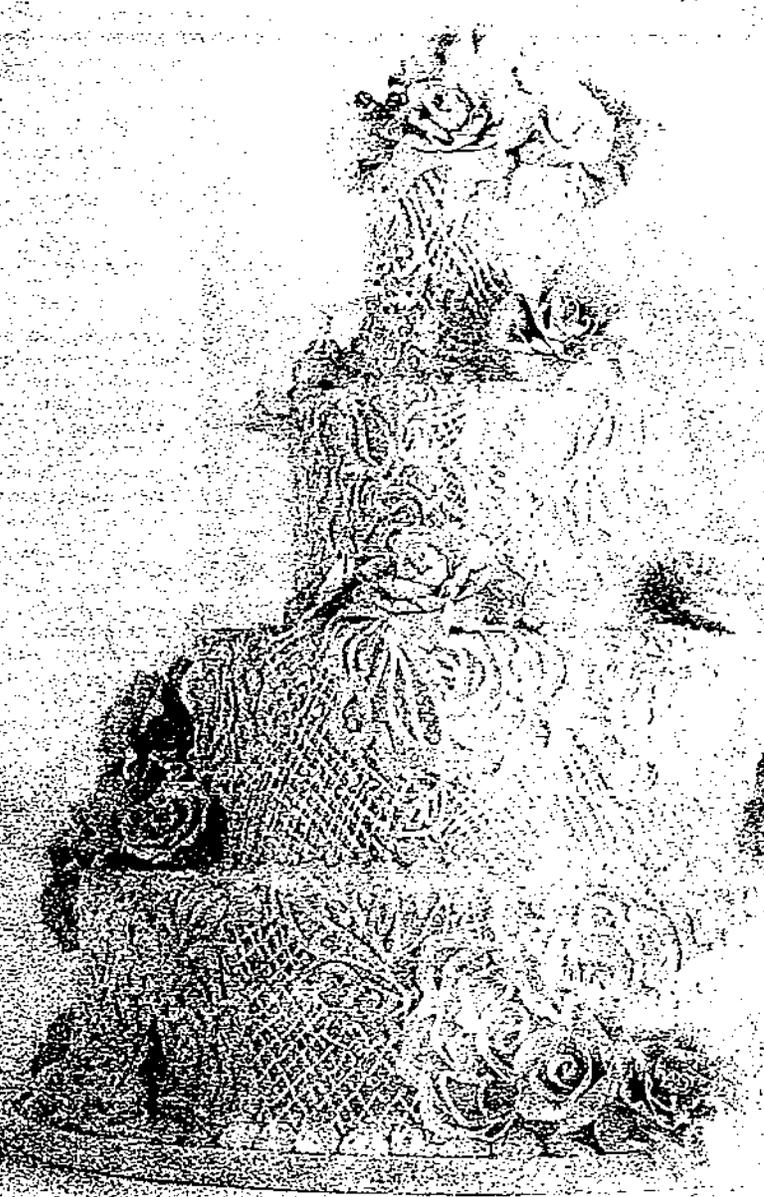
A wedding cake that looks as good as it tastes is hard to find. But nowadays couples want a cake that's not only flavorful but also incorporates their personal aesthetic. Joan Spittler, an artist at Cake Divas in Culver City, says "brides will bring in an accent from their wedding that we tie into their cake." To help them get the dessert of their dreams, Spittler has sculpted a cake out of chocolate fondant and gold to resemble a sari, created patterned tiers after a set of heirloom tablecloths, and tiled confections with edible pearls. On these pages, a Monique Lhuillier gown and china by Vellum inspire the Cake Divas to work their magic. The final creations will be sure to please any discerning bride. —Elizabeth Khuri

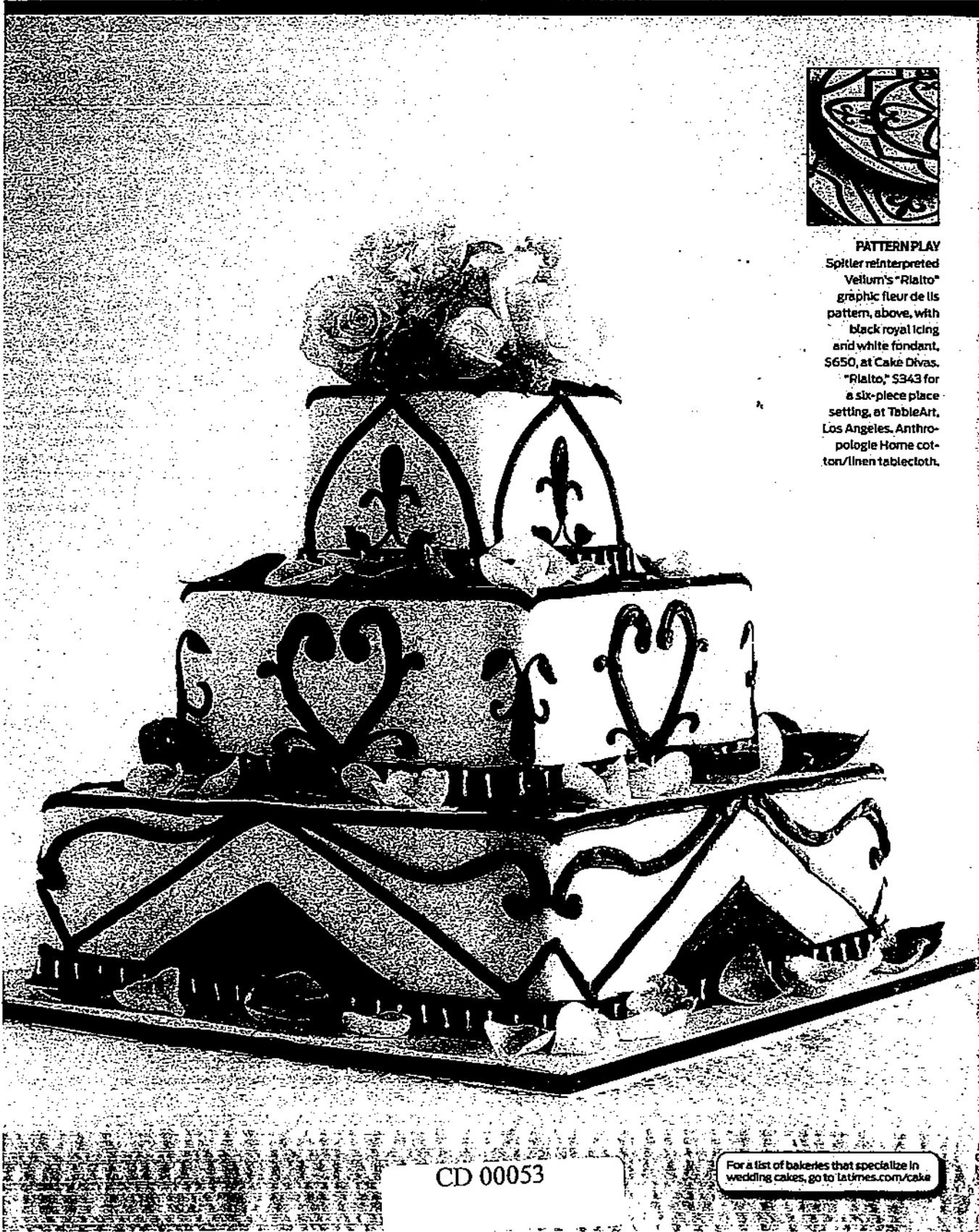
PHOTOGRAPHS BY JULIE TOY

CD 00051

LIGHT AND LOVELY
Customs-embroidered rose-pattern lace sheath with jewel neckline, modified circular skirt and keyhole detail, \$5,940; at Monique Lhuillier Salon, Beverly Hills.

COPYCAT
Joan Spiller of Cake Divas re-created the rose pattern on Lhuillier's gown with loops of royal icing, fondant ice and sugar flowers, \$900; at Cake Divas, Culver City, www.cakedivas.com. Anthropologie Home cotton/linen tablecloth with chiffon border, \$108, at Anthropologie, Santa Monica.





PATTERN PLAY
Spittler reinterpreted Vellum's "Rialto" graphic fleur-de-lis pattern, above, with black royal icing and white fondant, \$650, at Cake Divas. "Rialto," \$343 for a six-piece place setting, at TableArt, Los Angeles. Anthropologie Home cotton/linen tablecloth.

CD 00053

For a list of bakeries that specialize in wedding cakes, go to latimes.com/cake

The Grove

[CONTINUED FROM
Is it then a public
sistent basis," says
around this city fr

All this seems
development, the
dale, and a third,
Anita, being cha
anti-development
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us about the city
to the spaces th
redefine them as
nature of urban li
fluid interplay of
cial concerns.

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The Grove

[CONTINUED FROM PAGE 15] be consistent with those of the community. Is it then a public space? "We're pulling 78 ZIP Codes to the Grove on a consistent basis," says Caruso. "This tells us that there is so much pent-up demand around this city for a place to go that is comfortable and safe and fun to be at."

All this seems particularly relevant at the moment, with another Caruso development, the Americana at Brand, scheduled to open next year in Glendale, and a third, The Shops at Santa Anita, being challenged in court by anti-development groups. What's important is what shopping centers tell us about the city, and how we adapt to the spaces that surround us and redefine them as our own. This is the nature of urban living, which is itself a fluid interplay of human and commercial concerns.

So what does it mean when neighborhoods get scripted? People hang out at the Grove because it's safe and insulated, which explains the parents with their children. But then there are those who use it in more idiosyncratic ways. Why jog through a shopping center or walk your dog on a fake street when there's a real one only a few hundred feet away?

The answer has to do with the nature of those real streets, which all too often in Los Angeles have been constructed for the car. Unlike the Grove's pedestrian dimensions, Third Street east of Fairfax sprawls and stretches, fronted by a gated housing development—Park La Brea—and a shopping complex set back off the street behind an enormous parking lot. There's little street life, almost nothing to look at, none of the direct interaction upon which neighborhoods depend.

What we need to think about, suggests Greg Hise, a professor of urban history at USC's School of Policy Planning and Development, "is how we use the city, the interactions it inspires." This brings us back to the issue of scale, of building to pedestrian dimensions, a quality that most observers suggest is a major factor in the Grove's success. "It's the element of human scale," says Cardoso. "Absolutely, that creates the comfort level—that, and the fact that it is safe and well-controlled."

The scale, in other words, is the scale of the neighborhood, a scale with which we intuitively feel comfortable and at home. Is this manipulative? Of course, it is. But as Hise points out, even the most "authentic" neighborhoods have been packaged and sold. "We need to get away from this kind of binary thinking," he says, "and consider where people feel free, where they feel part of the public. The neighborhood is an essential factor in how people think of cities, and we should look critically at what it means."

Indeed, notes Rebecca Solnit, a San Francisco social critic and author of "Wanderlust: A History of Walking," "Maybe these places are incubators, teaching people how to re-enter public space. Urbanism is a learned behavior, not an infrastructure design. And a development like the Grove might offer an educa-

tion in the uses and pleasure of outdoor space, which people have to have."

Solnit's got a point, for despite the Grove's air of construction, organic things do happen there. If nothing else, you get a taste of the serendipity of street life, no matter how measured or controlled. "People have made the argument that it's not real," Caruso says. "Well, it is real. It's this real perfect little place. A place that people hope for in their own backyards."

If that's more than a little hyperbolic (a touch of Disney, perhaps?), it also suggests a curious authenticity. By invoking the backyard, Caruso is touching on a cornerstone of Southern California living: the one-family home, which is itself an expression of the desire for control. In such a culture, how do we begin to move to more traditional urban models, to think in terms of public, as opposed to private, life?

"The importance of public space," says Cardoso, "is as a place we go without knowing each other to enhance our relationships as citizens and public beings." Los Angeles has never been good at this, eschewing such spaces for the insulation of the freeway and the car. This is the land of the indoor mall, the underground parking lot, a place where you can leave your house and drive to work, to dinner, to the movies without actually stepping outside.

And yet, as the city continues to expand, to urbanize, these dynamics start to change. We long for areas where we can mingle and come together; we long for places we can walk in. "Back to the future," Cardoso describes it, and indeed, the Grove's earliest precursors—Larchmont Boulevard, Old Pasadena, Santa Monica's Third Street Promenade—were developed on existing public streets. But if this makes the Grove an elaborate contrivance, it is also a contrivance that speaks to fundamental aspirations and desires.

Imagine the Grove a decade from now—even two decades—when its moment as the ur-shopping development of Los Angeles has faded and it has settled into the long second act of urban life. Perhaps it will be surpassed by one of Caruso's new developments, by the residential/commercial model of the Americana at Brand. Perhaps the neighborhood will change and change the project with it, in much the same way that the Farmers Market has been continually transformed in the 73 years since it opened. Whatever happens, here's what we can count on: that the lives of cities are open-ended, a matter of framing and re-framing that is hard to anticipate.

Caruso, it is said, got the idea for the Grove from Rome's Via Veneto, where he saw buildings that were centuries old redeveloped for contemporary commercial use. That's a striking image, suggesting that not only are Caruso's intentions more complex than he's commonly given credit for, but also that our cities may ultimately supersede us as independent entities in which we play only a part.

"Ten years from now," says Klein, "we won't remember what we worried about. People adapt." w

David L. Ulin is book editor of *The Times*, and the author of *The Myth of Solid Ground: Earthquakes, Prediction and the Fault Line Between Reason and Faith*.



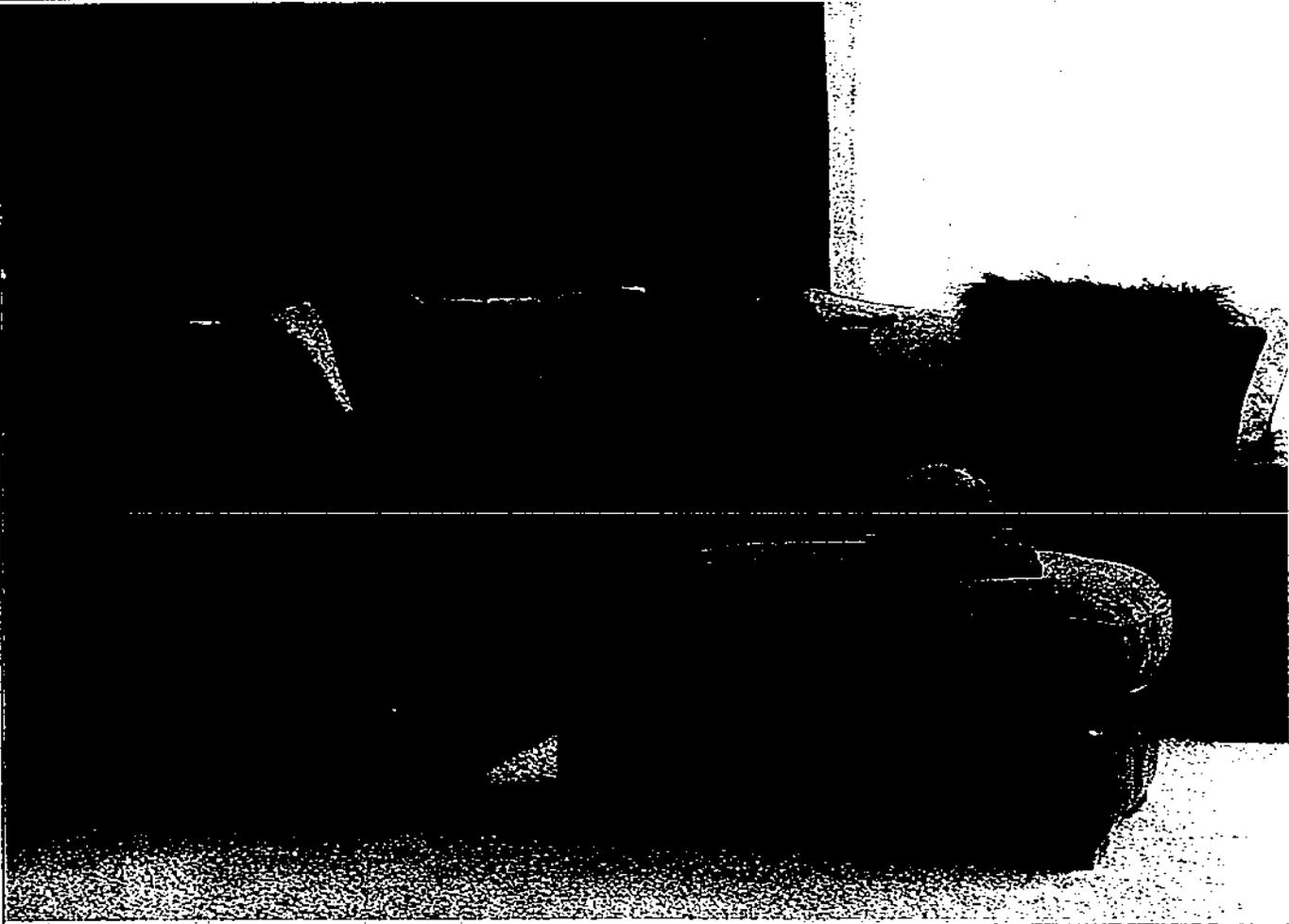
THE GROVE IS 'A PLACE THAT PEOPLE HOPE FOR IN THEIR OWN BACKYARDS,' SAYS CARUSO.

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AMOUNT DUE: \$30

order taken by: Joan Spitler

mailing address:
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1027 Elkgrove Avenue #2
Venice, CA 90291

CD 00056

Leigh and Joan:

Hey guys!! Enclosed are business cards, letterhead, the postcard announcements, and the advertisement. There are some variations that I am going to explain to avoid any confusion:

Letterhead: I printed two different layouts for you to use... Please let me know which one you liked better, and I will print more of that design for you. Right now, there are 100 pieces of the text all flush right, and 200 pieces of the layout with the address and phone number on the same line.

Business cards: There are approx. 700 cards printed, 380 for each of you in the box - I only used one ream of the paper, so I will print more for you by the end of the week. The guides are set for cutting, and I ruled the top sheet, in case you needed it.

Announcements: There are 200 announcements printed, 2 on each page. I set up the guides for cutting on the side with the text, so they can all be cut at the same time.

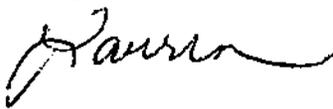
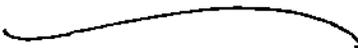
Advertisement: I'm enclosing two different announcements, same layout, but the caps on the first line are different. The ad is camera ready, but just to be safe, I printed two of each (one centered on the page, and the other at the top-left corner, depending on how the printer needs it). Please let me know if you want any changes, or if the printer has additional requirements. (Use the one with the border... I've printed two of each, just in case... you can keep the others if you want, but not necessary to do so.) As far as I know, you can get a stat or linotronic output from the printed pieces I'm giving you... If the ^{printer} ~~printer~~ tells you the images will look better by output from disk, let me know, and I'll save the ad to disk for you - Make sure the printer can output from PC, if this is the way you want to go.

Envelopes: This is the only thing I will not be able to print for you at my office. The copier is not equipped to print anything this size, in addition to the glue on the other side. I told Joan that I would look for some labels you can use instead of printing directly on the envelope (and when you get rich and famous, like divas do, you can have them offset printed!).

In the meantime, I hope everything is to your complete satisfaction. It has been a pleasure doing business with the Cake Divas. I look forward to working on future projects with you both (I had to be a little professional for a minute!).

Please call me with your opinions and suggestions for any changes. We'll talk about the envelope stickers and other stuff later.

Hugs and Kisses,

CD 00057

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WEEKLY COMMENTARY

A Step Closer To Campaign Finance Reform

By Congressman Steve Horn

The House recently took a major step that brings us one step closer to genuine campaign finance reform. This bipartisan bill, which Reps. Christopher Shays (R-Conn.) and Martin Meehan (D-Mass.) introduced, and which I co-sponsored, eliminates large, unregulated "soft money" contributions to parties and demands accountability in so-called "issue advocacy" advertising. It passed by a bipartisan vote of 252-179.

"Soft money" is the money contributed to political parties by corporations, labor unions, and wealthy individuals for "party-building" activities (such as voter registration). There are no limits on the amount of "soft money" that can be contributed. The problem is that both political parties are using soft money to influence specific campaigns. Money that influences campaigns is supposed to be raised according to strict federal rules and limits. It is called "hard money."

The 1996 election cycle was marked by a disturbing influx of soft money to party organizations. Elimination of soft money is essential for genuine campaign finance reform. The Shays-Meehan measure eliminates federal soft money as well as state soft money that influences federal elections.

The bill will help restore accountability to another growing scandal in our political system - radio and television "issue advocacy" advertisements that are sponsored by groups and individuals who do not have to disclose their

matter and her defense of Clinton's many misleading statements. Fong noted her support of partial-birth abortions and the fact that she plays politics with the environment, welfare reform and crime. "... it was Fong who looked like the senator," said Sherry Bebitch Jeffe, analyst for KCAL. The next debate is scheduled for Oct. 12 in San Francisco.

And according to the latest Field Poll, Boxer has lost her lead and is now running neck-and-neck with Fong. The poll said that both candidates were polling 45 % of voter support and that Boxer could slip further before the election.

"Boxer continues to polarize voters," the Field Institute said in its report on the poll of 1,204 Californians. But the pollsters said Fong showed signs of picking up steam as the election date nears. The Field Poll also showed; "Fong... is now known to two-thirds of the state's likely voter's and his image has become increasingly more favorable."

Fong Outlines Five Steps to First-class Education

On Wednesday Matt Fong proposed a comprehensive five-point reform plan for schools. The plan calls for putting dollars in the classroom, not in the pockets of bureaucrats, putting parents back in charge, increasing local control, excellence in the classroom and school safety.

"To give the reform movement the momentum it needs, Washington's role should be to remove the rat's nest of federal regulations and costly mandates," Fong said. "Instead (it should) act as a catalyst, learning about and spreading the word about effective education innovations developed at the local and state levels."

Judge Rules, "Eastin Is No Teacher"

A Superior Court judge told Democrat incumbent State Superintendent of Public Instruction Delaine Eastin Wednesday that being a community college instructor in the 70s does not entitle her to call herself a teacher on November's ballot.

"Eastin is willing to say or do anything to get reelected," said John Fleishman, campaign manager for Republican candidate Gloria Matta Tuchman. "Apparently this includes lying to the voters about what she does for a living."

Party News...

Schroeder Blasts Gore, Davis for Fundraising Abuses
CRP Chairman Mike Schroeder took the occasion of Al Gore's visit to a Gray Davis fund-raiser in San Francisco to point out ominous similarities between the two Democrats. "Gray Davis and Al Gore have a lot more in common than being a couple of boring liberals," he said. "Each has been investigated by an Attorney General of their own party for fundraising improprieties." Janet Reno continues to delay the appointment of an independent counsel to investigate the vice-president's fundraising abuses and former California Attorney General John Van De Kamp let Gray Davis off the hook for his offenses in raising campaign funds. "Fundraising in California has been bad karma for Al Gore in the past, but shady fundraising has never been a problem for Gray Davis."

GOP Registration on the Rise

CRP Political Operations reports that statewide, new Republicans are registering to vote at increasingly high

... Control and Cooperation, leads a discussion (topic to be announced), 12:30 p.m. to 2 p.m. (This event is co-sponsored by the department of political science in the USC College of Letters, Arts and Sciences.)

Oct. 13 George Stephanopolous, ABC News commentator, former senior adviser to President Clinton, and professor of political science at Columbia University, leads a discussion (topic to be announced), 12:30 to 2 p.m. (This event is co-sponsored by the USC School of International Relations.)

Oct. 14 Yosef Lapid, associate professor of political science, New Mexico State university, discusses "Identities, Borders, Orders: New Directions in IR [International Relations] Theory," 12:30 to 2 p.m.

Oct. 28 Etel Solingen, political science department, UC Irvine, talks about "Globalization and Regional Order," 12:30 to 2 p.m.

Nov. 4 Susan Okin, professor of political science, Stanford University, discusses "Culture, Religion and Female Identity Formation: Responding to a Human Rights Challenge," 12:30 to 2 p.m.

Nov. 5 Laurie Brand, associate professor of international relations, USC School of International Relations, analyzes "Women, the State and Political Liberalization: Examples from the Middle East and North," from noon to 1:30 p.m. in Room 108 of USC's University Religious Center. (This event is cosponsored by the USC Center for Feminist Research.)

Nov. 10 Peter Rosendorff, assistant professor of international relations, USC School of International Relations, focuses on "Choosing Democracy: The Transition in South Africa," 12:30 to 2 p.m.

Nov. 18 Nader Habibi, visiting scholar at Yale University's Center for International and Area Studies, leads a discussion (topic to be announced), 4 to 5:30 p.m. (This event is co-sponsored by the department of economics in the USC College of Letters, Arts and Sciences.)

All but one of the seminars (the Nov. 5 event) will be held in Room B-40 of USC's Social Sciences Building. Enter the University Park Campus through Gate 3 from S. Figueroa St. at W. 35th St. (north of Exposition). on-campus parking is free to media upon presentation of press credentials, \$6 to all others.

For more information, call Mara Bird at (213) 740-1800 or send email to her at bird@usc.edu.

The rest of our allies voted against us in disgust. Especially ironic was President Clinton's early leadership in setting up the conference. Like others, he had sought a tribunal to duly prosecute genocide, war crimes, and crimes against humanity. Less clear at the outset had been that he only meant it to apply to other nations, not the United States.

Throughout those proceedings, the U.S. used its muscle to impose provisions which would make it next to impossible for any Western nation, especially us, to be prosecuted. We wanted the court to limit its investigations to less civilized places, like Rwanda, Bosnia, Kosovo, Cambodia, and Sudan.

But the delegates didn't buy that, so we tried another tack. We insisted that every prosecution be first approved by the UN Security Council. That would allow us to veto any embarrassing ones. That lost too, 113-17.

And so, in the end, we voted "no" on the whole shebang. We claimed that American troops, scattered abroad on so many peacekeeping missions, would be too vulnerable to politically-motivated accusations. Unkind observers pointed out, however, that compared to other nations, the U.S. is rather chintzy in its contribution of such troops.

Unspoken, but understood, was our far greater fear. The other players all knew that what really worried us was the potential for much more serious allegations. These include our invasions of Panama and Grenada, our unilateral bombing of Libya and Baghdad (and now Khartoum and Afghanistan), and our attempted assassinations of sundry world leaders. After all, what's the point of being the world's only superpower if you have to stand trial for your misdeeds, just like everybody else.

William A. Collins is a former state Representative and former Mayor of Norwalk, CT.

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again giving a forum to violence, children do not have such easy access due to its late-night time slot.

All of this has occurred, not through government censorship, but by corporate and personal responsibility. In addition, the current trend in the entertainment industry encourages many to send positive messages to our youth. For these reasons, I am personally encouraged that we may be on the verge of a change in the kinds of influences we allow into our children's lives, influences that will uplift our youth and instill positive values rather than promote a culture of violence.

A newly released song by rap artist Will Smith, titled "Just the Two of us," depicts the importance of fatherhood. The song discusses how a proud father looks forward to raising his son. The need for youth to be raised in a society that teaches them the importance of family is invaluable. As a result, the song has been on the Top 25 list for the past three months, according to Billboard Magazine.

Recently, we have seen anti-violent video games like a newer versions of Hasbro's "Frogger" and "Diddy Kong Racing." Both games are nonviolent and have been top-10 sellers.

With movies and television, the pendulum may have swung from gratuitous violence toward a more positive message. Recently, we have seen television shows with very little violence, such as "Touched By an Angel," "Wonderful World of Disney," and "Cosby," enjoy high ratings. The movie industry, as well, has seen success with several family-oriented films, like "Mulan," "The Parent Trap," and "Madeline." In fact, in a newly released survey of the top 50 movies of all time, the movies "E.T.," "Forrest Gump," and "The Lion King" are all within the top 10.

As I have said in the past, I will continue to advocate the need for a nationwide effort to stem our society's culture of violence and get parents involved in monitoring what their children are watching and listening to. Government censorship will not aid in this cause. With the help of parents, teachers, law enforcement, and other citizens - along with personal and corporate responsibility by the entertainment industry - we can do better. Together, we will do better at ridding our society of the culture of violence.

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The following person(s) is (are) doing business as: THE CAKE DIVAS, 4051 Glencoe
Suite 7, Marina Del Rey, CA 90292 Registrant: JOAN LESLIE SPITLER 1027 Elkgrove
Ave., # 2 Venice, CA 90291, Leigh B. Grode 1027 Elkgrove Ave., # 2 Venice, CA 90291
This business is conducted by a general partnership, Signed: JOAN LESLIE SPITLER
& /.
NOTICE - This fictitious name statement expires 5 years from the date it was filed in the
office of the County Clerk. A new fictitious business name statement must be filed prior to
that date.
The filing of this statement does not of itself authorize the use in this state of a fictitious
business name in violation of the rights of another under Federal, State, or common law (see
Section 14400 et seq. Business and Professions Code).
Publish: Clarion Publications/The Paramount Journal/Signal/Lakewood Clarion -
September 3, 10, 17, 24, 1998

FICTITIOUS BUSINESS NAME STATEMENT #98-1576230
The following person(s) is (are) doing business as: NEVERIA MAPLE, 3109 Maple Ave.,
Los Angeles, CA Registrant: DELMY MARIBEL ESQUIVEL 3246 Broadway St.
Huntington Park, CA 90255, Clemente Esquivel 3246 Broadway St. Huntington Park, CA
90255
This business is conducted by husband and wife, Signed: DELMY MARIBEL ES-
QUIVEL & Clemente Esquivel.
NOTICE - This fictitious name statement expires 5 years from the date it was filed in the
office of the County Clerk. A new fictitious business name statement must be filed prior to
that date.
The filing of this statement does not of itself authorize the use in this state of a fictitious
business name in violation of the rights of another under Federal, State, or common law (see
Section 14400 et seq. Business and Professions Code).
Publish: Clarion Publications/The Paramount Journal/Signal/Lakewood Clarion -
September 3, 10, 17, 24, 1998

FICTITIOUS BUSINESS NAME STATEMENT #98-1576311
The following person(s) is (are) doing business as: EL SALVADOR, 1343 Glendale Blvd.,
Los Angeles, CA 90026 Registrant: DIOGENES QUINTANA 1341 1/2 Glendale Blvd. Los
Angeles, CA 90026
This business is conducted by an individual, Signed: DIOGENES QUINTANA.
NOTICE - This fictitious name statement expires 5 years from the date it was filed in the
office of the County Clerk. A new fictitious business name statement must be filed prior to
that date.
The filing of this statement does not of itself authorize the use in this state of a fictitious
business name in violation of the rights of another under Federal, State, or common law (see
Section 14400 et seq. Business and Professions Code).
Publish: Clarion Publications/The Paramount Journal/Signal/Lakewood Clarion -
September 3, 10, 17, 24, 1998

FICTITIOUS BUSINESS NAME STATEMENT #98-1576396
The following person(s) is (are) doing business as: 1. SPILSBURY PRECISION CO. 2.
S.P.C. 12455 Branford St., # 23, Arleta, CA 91331 Registrant: ALBERTO PABLO
SPILSBURY 10904 Meseta Dr. Shadow Hills, CA 91045
This business is conducted by an individual, Signed: ALBERTO PABLO SPILSBURY.
NOTICE - This fictitious name statement expires 5 years from the date it was filed in the
office of the County Clerk. A new fictitious business name statement must be filed prior to
that date.
The filing of this statement does not of itself authorize the use in this state of a fictitious
business name in violation of the rights of another under Federal, State, or common law (see
Section 14400 et seq. Business and Professions Code).
Publish: Clarion Publications/The Paramount Journal/Signal/Lakewood Clarion -
September 3, 10, 17, 24, 1998

FICTITIOUS BUSINESS NAME ST. CD 00061

This business is conducted by an individual, Signed: RICK
NOTICE - This fictitious name statement expires 5 years fr
office of the County Clerk. A new fictitious business name st
that date.
The filing of this statement does not of itself authorize the t
business name in violation of the rights of another under Feder
Section 14400 et seq. Business and Professions Code).
Publish: Clarion Publications/The Paramount Journal/Signa
September 3, 10, 17, 24, 1998

FICTITIOUS BUSINESS NAME STATEMEP
The following person(s) is (are) doing business as: RIG PL/
Ave., Lakewood, CA 90713 Registrant: RICK GOSSETT 616
CA 90713
This business is conducted by an individual, Signed: RICK
NOTICE - This fictitious name statement expires 5 years fr
office of the County Clerk. A new fictitious business name st
that date.
The filing of this statement does not of itself authorize the
business name in violation of the rights of another under Fede
Section 14400 et seq. Business and Professions Code).
Publish: Clarion Publications/The Paramount Journal/Signa
September 3, 10, 17, 24, 1998

FICTITIOUS BUSINESS NAME STATEMEI
The following person(s) is (are) doing business as: NEW AI
4, Santa Monica, CA 90405 Registrant: JONATHAN RO
4 Santa Monica, CA 90405
This business is conducted by an individual, Signed: JON
NOTICE - This fictitious name statement expires 5 years fr
office of the County Clerk. A new fictitious business name s
that date.
The filing of this statement does not of itself authorize the
business name in violation of the rights of another under Fede
Section 14400 et seq. Business and Professions Code).
Publish: Clarion Publications/The Paramount Journal/Signu
September 3, 10, 17, 24, 1998

FICTITIOUS BUSINESS NAME STATEME
The following person(s) is (are) doing business as: MARI
Santa Monica, CA 90405 Registrant: SUSAN E. ROSSETTI
CA 90405
This business is conducted by an individual, Signed: SUS
NOTICE - This fictitious name statement expires 5 years l
office of the County Clerk. A new fictitious business name:
that date.
The filing of this statement does not of itself authorize the
business name in violation of the rights of another under Fed
Section 14400 et seq. Business and Professions Code).
Publish: Clarion Publications/The Paramount Journal/Sign
September 3, 10, 17, 24, 1998

FICTITIOUS BUSINESS NAME STATEMI
The following person(s) is (are) doing business as: SPEAF
Blvd. Suite 785, Los Angeles, CA 90028 Registrant: HC
Bethany Road Burbank, CA 91504
This business is conducted by an individual, Signed: HO
NOTICE - This fictitious name statement expires 5 years
office of the County Clerk. A new fictitious business name
that date.
The filing of this statement does not of itself authorize th
business name in violation of the rights of another under Fed
Section 14400 et seq. Business and Professions Code).
Publish: Clarion Publications/The Paramount Journal/Sig
September 3, 10, 17, 24, 1998

FICTITIOUS BUSINESS NAME STATEM
The following person(s) is (are) doing business as: THE
TOR, 15533 Illinois Ave., Paramount, CA 90723 Registran
Ave. Paramount, CA 90723
This business is conducted by an individual, Signed: JOS
NOTICE - This fictitious name statement expires 5 years
office of the County Clerk. A new fictitious business name
that date.
The filing of this statement does not of itself authorize th
business name in violation of the rights of another under Fe
Section 14400 et seq. Business and Professions Code).
Publish: Clarion Publications/The Paramount Journal/Sig
September 3, 10, 17, 24, 1998

FICTITIOUS BUSINESS NAME STATEM
The following person(s) is (are) doing business as: J.B.
Los Angeles, CA 90061 Registrant: CARLOS VILLEGA
CA 90061
This business is conducted by an individual, Signed: CA
NOTICE - This fictitious name statement expires 5 year
office of the County Clerk. A new fictitious business nam
that date.
The filing of this statement does not of itself authorize th
business name in violation of the rights of another under Fi
Section 14400 et seq. Business and Professions Code).
Publish: Clarion Publications/The Paramount Journal/Sij
September 3, 10, 17, 24, 1998

FICTITIOUS BUSINESS NAME STATEA
The following person(s) is (are) doing business as: TAC
Beach Blvd., Compton, CA 90221 Registrant: HUMBER
Blvd., Compton, CA 90221, Marcelina Piedra 1003 S. I.
90221
This business is conducted by co-partners, Signed: HU
Piedra.
NOTICE - This fictitious name statement expires 5 year
office of the County Clerk. A new fictitious business nam
that date.
The filing of this statement does not of itself authorize
business name in violation of the rights of another under F
Section 14400 et seq. Business and Professions Code).
Publish: Clarion Publications/The Paramount Journal/Si
September 3, 10, 17, 24, 1998

FICTITIOUS BUSINESS NAME STATEI
following person(s) is (are) doing business as: TF

Name: Joan Leslie Spittler
Address: 1027 Elk Grove Ave #2
City: Venice, CA 90291

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
12:01 PM SEP 02 1998

1 First Filing Renewal Filing
 With Changes

FICTITIOUS BUSINESS NAME STATEMENT FEE \$10. BF&R

THE FOLLOWING PERSON(S) IS (ARE) DOING BUSINESS AS: (Attach additional pages if required)

2 Fictitious Business Name(s)
1. The Cake Divas
2. _____
3. _____
Articles of Incorporation or Organization Number (if applicable)
AI #/ON - _____

3 Street Address & City of Principal Place of Business in California (P.O. Box alone not acceptable)
4051 Glencoe, Suite 7, Marina Del Rey
Zip Code 90292

4 Full name of Registrant
Joan Leslie Spittler
(if corporation - incorporated in what state)

4A Residence Street Address City State Zip Code
1027 Elk Grove Ave. #2 Venice, CA 90291
Full name of Registrant
Veigh B. Grade
(if corporation - incorporated in what state)

4B Residence Street Address City State Zip Code
1027 Elk Grove Ave #2 Venice, CA 90291
Full name of Registrant
(if corporation - incorporated in what state)

5 This Business is conducted by:
() an individual (X) a general partnership () joint venture () a business trust
() co-partners () husband and wife () a corporation () a limited partnership
() an unincorporated association other than a partnership () a limited liability company

6 Type of Business:
Examples: Auto Repairing, Beauty Salon, Landscaping
Cake Decorating

7 () The registrant commenced to transact business under the fictitious business name or names listed on (Date):
(X) Registrant has not yet begun to transact business under the fictitious business name or names listed herein.

8 If Business is not a corporation/limited liability, sign below:
Joan L. Spittler SIGNATURE
Joan L. Spittler TYPE OR PRINT NAME

SIGNATURE TYPE OR PRINT NAME

SIGNATURE TYPE OR PRINT NAME

SIGNATURE TYPE OR PRINT NAME

8A If Business is a corporation/limited liability co.:

CORPORATION/LIMITED LIABILITY CO.

SIGNATURE

TITLE

TYPE OR PRINT OFFICERS NAME AND TITLE

This statement was filed with the County Clerk of LOS ANGELES County on date indicated by file stamp above.

NOTICE - THIS FICTITIOUS NAME STATEMENT EXPIRES FIVE YEARS FROM DATE IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED PRIOR TO THAT DATE. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (See Section 14400 et seq., Business and Professions Code)

Name: Joan Leslie Spittle
 Address: 1027 Elk Grove Ave #2
 City: Venice, CA 90291

RECORDED/FILED IN OFFICIAL RECORDS
 RECORDER'S OFFICE
 LOS ANGELES COUNTY
 CALIFORNIA
 12:01 PM SEP. 02 1998

1 First Filing Renewal Filing
 With Changes

FICTITIOUS BUSINESS NAME STATEMENT **FEE \$10.** **BF&R**

THE FOLLOWING PERSON(S) IS (ARE) DOING BUSINESS AS: (Attach additional pages if required)

2 Fictitious Business Name(s)
 1. The Cake Divas
 2. _____
 3. _____
 Articles of Incorporation or Organization Number (if applicable)
 AI #/ON _____

3 Street Address & City of Principal Place of Business in California (P.O. Box alone not acceptable) Zip Code
4051 Glencoe, Suite 7, Marina Del Rey 90292

4 Full name of Registrant (if corporation - incorporated in what state)
Joan Leslie Spittle

4A Residence Street Address City State Zip Code
1027 Elk Grove Ave #2 Venice, CA 90291

4A Full name of Registrant (if corporation - incorporated in what state)
Leigh B. Grode

4B Residence Street Address City State Zip Code
1027 Elk Grove Ave #2 Venice, CA 90291

4B Full name of Registrant (if corporation - incorporated in what state)

Residence Street Address City State Zip Code

5 This Business is conducted by: () an individual (X) a general partnership () joint venture () a business trust
 () co-partners () husband and wife () a corporation () a limited partnership
 () an unincorporated association other than a partnership () a limited liability company

6 Type of Business:
 Examples: Auto Repairing, Beauty Salon, Landscaping Cake Decorating

7 () The registrant commenced to transact business under the fictitious business name or names listed on (Date): _____
 (X) Registrant has not yet begun to transact business under the fictitious business name or names listed herein.

8 If Business is not a corporation/limited liability, sign below:
Joan L. Spittle Joan L. Spittle
 SIGNATURE TYPE OR PRINT NAME

 SIGNATURE TYPE OR PRINT NAME

 SIGNATURE TYPE OR PRINT NAME

 SIGNATURE TYPE OR PRINT NAME

8A If Business is a corporation/limited liability co.:

 CORPORATION/LIMITED LIABILITY CO.

 SIGNATURE

 TITLE

 TYPE OR PRINT OFFICERS NAME AND TITLE

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NOTICE - THIS FICTITIOUS NAME STATEMENT EXPIRES FIVE YEARS FROM DATE IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED PRIOR TO THAT DATE. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (See Section 14400 et seq., Business and Professions Code)

LOS ANGELES
COUNTY
RECORDER
SEP. 02 1998

SEP. 02 1998
RECORD 10.00
TITL 10.00
CHECK 10.00
R01087

CLARION PUBLICATIONS
(800) 540-1870
P.O. BOX 1870
LOS ANGELES, CA 90053

PAID
9/2/98

DATE: 9/2/98

DOLLARS 21.00

THE PARAMOUNT JOURNAL IS A NEWSPAPER OF GENERAL CIRCULATION FOR THE COUNTY OF LOS ANGELES. WE WILL PUBLISH YOUR FICTITIOUS BUSINESS NAME STATEMENT ONCE A WEEK FOR FOUR CONSECUTIVE WEEKS. WE WILL MAIL YOU A COPY OF EACH PUBLICATION. WE WILL FILE THE PROOF OF PUBLICATION WITH THE COUNTY RECORDERS OFFICE.

#1491

THANK YOU,

CASH CHECK M.O. CREDIT CARD

BY

Quilio

LOS ANGELES COUNTY RECORDER'S OFFICE
P.O. BOX 115, LOS ANGELES, CA 90053-0115

RECORDING RECEIPT

SEP 02 1998

DOCUMENTS RECEIVED FOR RECORD ON _____

ASSIGNED NO. (S) _____ TO _____ INCL. _____

FEES PAID:

RECORDING: \$ _____

TRANSFER TAX: _____

SURVEY MONUMENT: _____

TOTAL \$ _____

98 1075228

REGISTRAR-RECORDER/COUNTY CLERK

BY _____

DEPUTY

R188 2/94

CD 00064

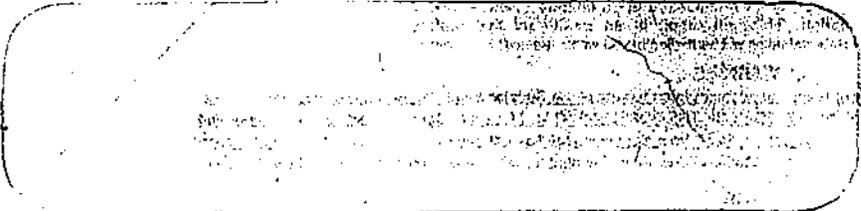
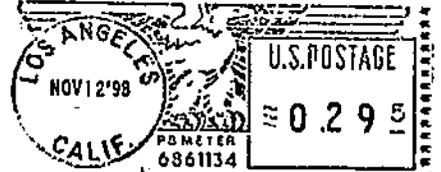
**IMPORTANT NOTICE TO NEW PROPERTY OWNERS
REGARDING PAYMENT OF PROPERTY TAXES**



REGISTRAR-RECORDER/COUNTY CLERK
REAL ESTATE RECORDS
P.O. BOX 53195
LOS ANGELES, CALIFORNIA 90053-0195
IMPORTANT NOTICE ON BACK

**RETURN SERVICE
REQUESTED**

**PRESORTED
FIRST CLASS**



AUTO 98291 REINA



CD 00065

General Partnership Statement for the Cake Divas

As of September 2, 1998, the Cake Divas is a business owned in a General Partnership by Joan L. Spitler and Leigh B. Grode. The Cake Divas is a bakery business, specializing in upscale cake design, from simple elegance to over-the-top whimsy. Delicious cakes. Personalized attention.

Joan L. Spitler, Owner, oversees the actual cake production, ordering and maintaining supplies and relations with suppliers, and creating the Cake Divas cake product line.

Leigh B. Grode, Owner, oversees the marketing and any other business relations aspects of the Cake Divas.

Both partners are equally financially responsible for all aspects of operation and production as related to the business of the Cake Divas. Specifically, the making and maintaining of appointments, personalized customer service and actual cake production and design.

Joan L. Spitler
Signature & Date:

Joan L. Spitler 10/14/98

Leigh B. Grode
Signature & Date:

Leigh B. Grode 10/14/98

Notary:
Signature & Date:

Feven Isaac 10-14-98

Notary Seal



CD 00066

We're Out!

Joan Spitler, formerly of The Cake Place, is out on her own.

Introducing *Cake Divas*,
specializing in upscale, custom cake design,
from simple elegance to over-the-top whimsy.

Delicious cakes.
Personalized attention.

Cake Divas

Joan L. Spitler

Joseph B. Gode

310 399 2499
BY APPOINTMENT ONLY

CD 00067



Cake Divas



Cake Divas specialize
in custom cake design—
from simple elegance to
over-the-top whimsy.

Personalized attention.
Delicious cakes.

If you can articulate it,
we can create it.



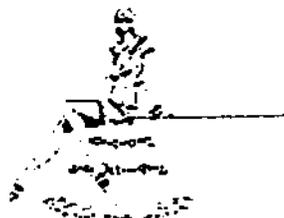
Cake Divas



Cake Divas specialize
in custom cake design—
from simple elegance to
over-the-top whimsy.

Personalized attention.
Delicious cakes.

If you can articulate it,
we can create it.



Cake Divas

CD 00069

**Thank you for supporting the "UGLY" Fundraiser 2003.
This Gift Certificate entitles the Bearer to a \$100.00
worth of**

Cake Divas' Divialicious Deserts.

**So when your ready give us a call @ 310/399-2499.
And please give us a couple of days notice, for
we only bake to order.**

*Congratattons we look forward to creating your cake or dessert
dreams.*

**CAKE DIVAS' GIFT CERTIFICATE IS FOR
\$100.00 WORTH OF DIVIALICIOUS DESERTS.**

**PLEASE GIVE US A COUPLE OF DAYS
NOTICE.**

**FOR WE ONLY BAKE TO ORDER.
CONGRATULATIONS WE LOOK FOR-
WARD TO CREATING YOUR CAKE OR
DESSERT DREAMS.**

Cake Divas™

CD 00071

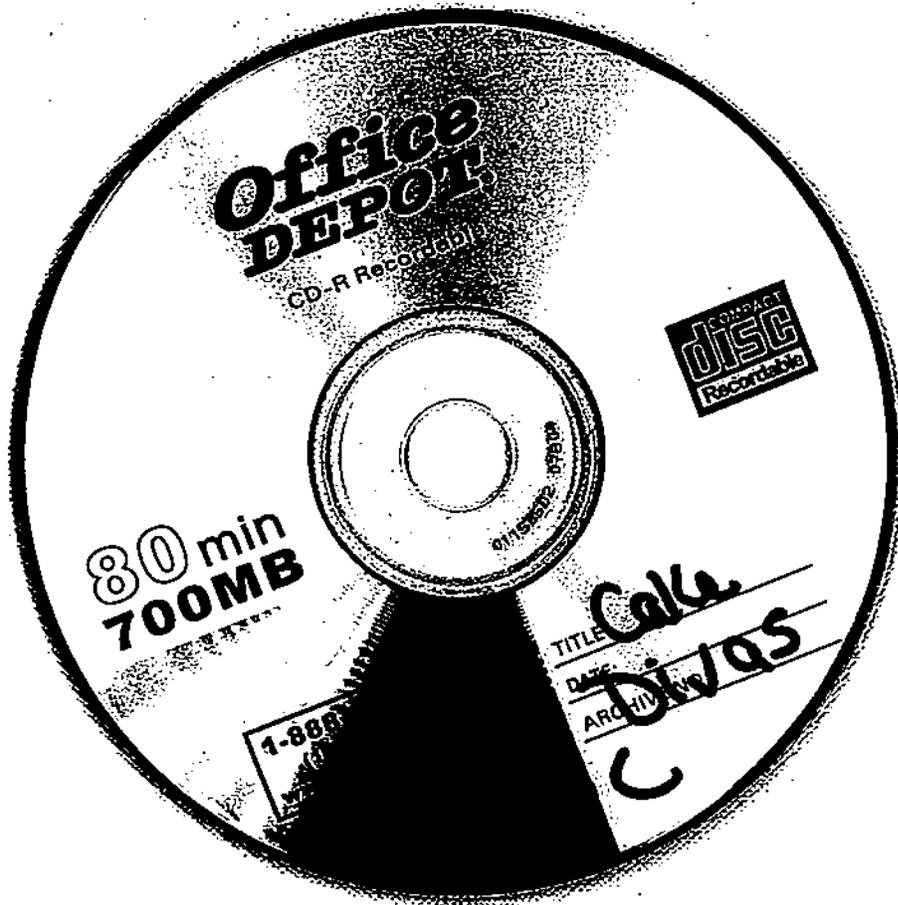
\$150 Gift Certificate from Cake Divas

For the March 22nd, 2005 "Legendary Bingo" benefiting
"Under the Bridges and on the Streets & Hear Me Roar Productions."

Please Note that the Cake Divas only bake to order and need 2 days advance notice. When you are ready to place an order please give us a call @ 310/287-2600. Thank you for coming out and supporting "Under the Bridges and on the Streets". This is an organization that is very dear to our hearts.

Warmly Leigh B. Grode and Joan L. Spitler, Cake Divas.



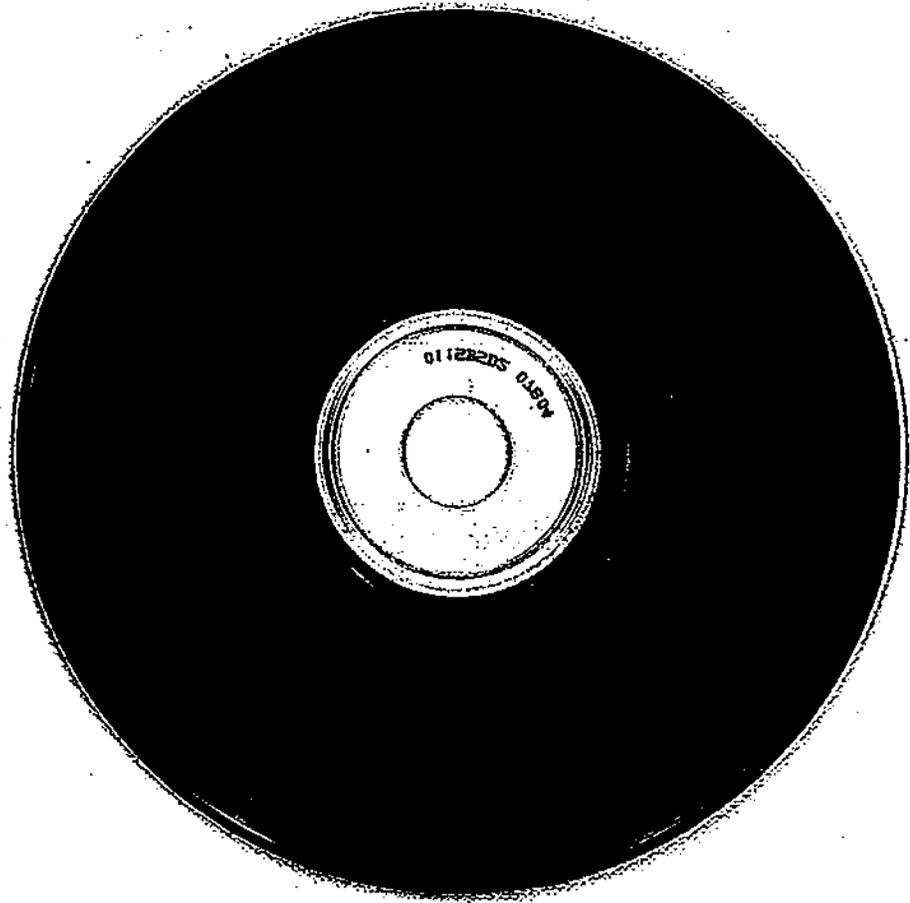


Joan Spitzer
Leigh Grode
310 399 2499

BY APPOINTMENT ONLY

Cake Divas

CD 00073



Joan Spitzer
Leigh Grode
310 399 2499

BY APPOINTMENT ONLY

Cake Divas

CD 00074

CD 00075



Cake Divas

BY APPOINTMENT ONLY
1027 Elkgrove Avenue, #2 • Venice, California 90291 • 310 399 2499

Samples
Thurs / FR /

October 15, 1998

delivery
to California
when do -

Samples
Thurs afternoon
on Friday

Leonel

Platters (?)

To: California Celebrations
4051 Glencoe, Ste. 7
Marina Del Rey, California 90292

Re: Bid for Marlboro 500

• 200 ^{2 1/2 inch} Cookies Assortment - oatmeal raisin, chocolate chip,
double chocolate chocolate chip, peanut butter \$100

• 200 Brownies Assortment - espresso, caramel \$200

• 200 ^{1/4 bites} Mini Cannolis \$200

• 100 ^{2 3/4 inch} Chocolate Truffles - assortment \$100

~~(5) 8" Classic New York Cheesecake(s) \$125~~

~~(5) 9" Lemon Tart(s) \$180~~

~~(5) 8" Carrot Cake(s) \$125~~

• 100 Cupcakes - old fashioned vanilla
with fudge icing & race cars \$150

• Full Sheet Marlboro 500 Logo cake (paint on artwork)
(serves 100-120) \$350

1
100
200
200
100
350
150
1100

~~\$1180~~

all in bakery
boxes -

arranged on platters
will be additional charge
50% deposit required

balance C.O.D.

- 50%

CD 00076

~~with
about
Marina~~



Cake Divas

1027 Grove Avenue, #2 • Venice, California 90291 • 310 399 2499

BY APPOINTMENT ONLY

Cake Price Sheet
June 2008 Update

Size	Serves	Floral/Festive	Pipe/Draw on, Toys	Simple sculptures/outout	Advanced Sculpture/Portrait	Hours
8" - 2 layer	8-10 persons					
10" - 2 layer	12-16 persons					
12" - 2 layer	25-35 persons					
14" - 2 layer	40-50 persons					
16" - 2 layer	60-70 persons					
18" - 2 layer	80-100 pers					
20" - 2 layer	120-150 pers					
22" - 2 layer	160-180 pers					
24" - 2 layer	190-220 pers					
.1/4 sheet	20-25 people					
1/2 sheet	40-50 people					
3/4 sht 1 layer	80-100 people					
Full sht 2 layer	100-130 ppl					
2 tier	20-50 ppl					
3 tier	60-120 ppl					
4 tier	100-180 ppl					
5 tier	200-300 ppl					
6 tier	300 ppl and up					

REDACTED

CD 00076A

SMART SOLUTIONS

HOST
Maty Monfort

Show #564

VTR: 6/08/00
Tapes: 2ND

Executive Producers:
Gary H. Grossman
Robb Weller

Producers in order:
Kristin DeLeo
Julieann Pavesi
Taha Howze

Associate Producers:
Diane Trafford
Jena Burke

Guests:
Eugenia Weston
Joan Spitler
Dia Collins

CD 00077

SMART SOLUTIONS
SHOW #564(TH13)(W1) – Monday, June 12, 2000
A/O 06/08/00 8:05 AM
SHOOT ORDER: 2ND

DW _____
JR _____
Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

[#1]

COLD OPEN

Talent:

Maty Monfort,

Eugenia Weston

Joan Spitler

Dia Collins

TRT: 00:40

SS: SS BUG (LOWER LEFT)

MUSIC: SS VAMP

MATY

HELLO...I'M MATY MONFORT AND
WELCOME TO OUR SPECIAL WEDDING
EPISODE...

LOCATION: KITCHEN

TODAY, SMART SOLUTIONS FOR THOSE
PRICEY WEDDING CAKES. CAKE EXPERT
JOAN SPITLER SHARES HER
PROFESSIONAL SECRETS ON MAKING
YOUR OWN SPECIAL OCCASION CAKE.
HELLO JOAN...

CD 00078

SMART SOLUTIONS

SHOW #564(TH13)(W1) -- Monday, June 12, 20002

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

LOCATION: ICE CREAM TABLE

**AND...YOU CAN CREATE A WEDDING
BOUQUET FOR THAT A SPECIAL DAY.
FLORAL EXPERT DIA COLLINS "TIES THE
KNOT" ON FABULOUS DO-IT-YOURSELF
FLOWER ARRANGEMENTS. HI DIA...**

LOCATION: LIVING ROOM

**PLUS...LOOKING PICTURE PERFECT FOR
YOUR WEDDING OR ANY OCCASION.
MAKE-UP ARTIST EUGENIA WESTON HAS
THE ANSWERS WHEN**

**ALL THAT AND OUR SMART SOLUTION OF
THE DAY...**

VTPB: OPEN ANIMATION & MUSIC

CD 00079

SMART SOLUTIONS
SHOW #564(TH13)(W1) – Monday, June 12, 2003
A/O 06/08/00 8:05 AM
SHOOT ORDER: 2ND

DW _____
JR _____
Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 1 [#3]

VTPB: BUMP SHOT W/LOGO

MUSIC

MAKE-UP FOR

BRIDES

Talent:

Maty Monfort

Eugenia Weston

Producer: Kristin

DeLeo

TRT: 6:30

LOCATION: LIVING ROOM

TWO DIRECTOR'S
CHAIRS
MAKE-UP TABLE

PROPS:

VARIETY OF MAKE-UP THAT GUEST WILL BRING
MAKE-UP SPONGES
MAKE-UP BRUSHES
MORE TO COME

CHYRON: MATY
MONFORT

MATY
HELLO AND WELCOME TO SMART
SOLUTIONS... TODAY...CREATIVE
CAKES FOR SPECIAL

CD 00080

SMART SOLUTIONS
SHOW #564(TH13)(W1) – Monday, June 12, 2004
A/O 06/08/00 8:05 AM
SHOOT ORDER: 2ND

DW _____
JR _____
Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 1

**OCCASIONS...AND SIMPLE WAYS
TO MAKE FLORAL BOUQUETS...**

BUT FIRST...

**WHETHER YOU ARE HEADING
DOWN THE AISLE, OR JUST OUT
FOR A SPECIAL EVENING, YOU
WANT TO LOOK RIGHT. HERE TO
SHOW US HOW, IS PROFESSIONAL
MAKE-UP ARTIST, EUGENIA
WESTON.**

(AD-LIB HELLO)

**CHYRON: EUGENIA
WESTON**

**PROFESSIONAL MAKE-
UP ARTIST**

QUESTIONS

**1. HOW IMPORTANT IS YOUR MAKE-UP ON
YOUR WEDDING DAY?**

- **YOU WANT TO LOOK NATURAL NOT
MADE UP.**
- **YOU WANT TO LOOK GOOD IN THE
PHOTOS**

CD 00081

ACT 1

- YOU DON'T WANT YOUR LOOK TO BE DATED... STICK TO CLASSICS NOT TRENDS.
- THESE TIPS WORK FOR ANYONE WHO HAS A FORMAL EVENT WHERE PHOTOS WILL BE TAKEN.

2. WHERE DO WE START?

DEMOS: FOUNDATION

STICK TO FOUNDATIONS AND POWDERS WITH A YELLOWISH BASE COLOR.

- USE A SPONGE TO APPLY
- STAY AWAY FROM MATTE, USE SHEER COVERAGE.

MENTIONS: USING YELLOW BASED

FOUNDATION ELIMINATES BLUE LOOKING SKIN FROM FLASHBULBS.

3. SHOULD YOU PAY CLOSER ATTENTION TO YOUR NECKLINE?

DEMOS:

TREAT YOU NECK LIKE IT'S YOUR FACE

- APPLY CONCEALER TO DARK SPOTS ON NECK

ACT 1

- APPLY FOUNDATION AND POWER SAME AS FACE.

MENTIONS: MAJORITY OF WEDDING AND FORMAL GOWNS HAVE LOW OR PLUNGING NECKLINES, THIS EXPOSES SKIN WHICH SHOULD BE AS FLAWLESS AS THE FACE.

4. WHAT ABOUT YOUR EYES?

DEMOS: EYE ENHANCEMENT

STICK TO EYE SHADOWS IN THE LIGHT TO MEDIUM RANGE.

- APPLY (ON CAUCASIAN MODEL) WHITE TONED SHADOW UNDER BROW-BONE TO OPEN UP EYE.
- APPLY (ON AFRICAN-AMERICAN MODEL) TOAST COLORED EYE SHADOW UNDER BROW BONE.

MENTIONS: THIS WILL COMPLIMENT THE LIGHT COLOR OF WOMAN'S DRESS. ALWAYS FINISH WITH WATERPROOF MASCARA AND EYELINER

ACT 1

TO AVOID SMEARS IF TEARS HAPPEN DURING
THE DAY.

5. WHAT ABOUT BLUSH?

DEMOS: CHEEK STAINS

**CHEEK STAINS WORK ARE A MORE NATURAL
LOOK THAN POWDER BLUSH AND LAST ALL
DAY AND INTO NIGHT.**

- **SHOW DIFFERENT CHEEK STAINS – GEL,
CRÈME, STICK**
- **SHOW POWDER BLUSH**
- **APPLY STAIN TO MODELS**

6. WHAT ABOUT LIPS? HOW CAN YOU MAKE YOUR COLOR LAST?

DEMOS: LIPSTICK COLORS AND LIPSTICK

FIXATIVES

**IF YOU NORMALLY WEAR NEUTRAL SHADES OF
LIPSTICK, USE THAT COLOR AS YOUR BASE
AND APPLY A PINK OR ROSE SHADE ON TOP.**

- **SHOW VARIETY OF PINK AND ROSE SHADES**
- **APPLY WITH LIP BRUSH**

SMART SOLUTIONS

SHOW #564(TH13)(W1) -- Monday, June 12, 20008

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 1

- SHOW BOTH LOOKS ON BOTH MODELS
- FINISH WITH LIP FIXATIVE

MENTIONS: LIP FIXATIVE WORKS TO "SEAL" THE
COLOR TO YOUR LIPS, FOR ALL DAY INTO NIGHT
COLOR.

WE WILL SHOW A BEFORE AND AFTER SHOT OF
EACH MODEL WITH THEIR NORMAL EVERYDAY
MAKE-UP AND THEIR BRIDAL MAKE-UP.

MATY

(RECAP AND AD-LIB THANKS TO
EUGENIA WESTON)

BUMPER OUT

CD 00085

SMART SOLUTIONS
SHOW #564(TH13)(W1) – Monday, June 12, 2009
A/O 06/08/00 8:05 AM
SHOOT ORDER: 2ND

DW _____
JR _____
Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 1 [#4, #5, #6]

MATY
LATER ON SMART
SOLUTIONS...CREATING
BOUQUETS ON A BUDGET.

PRE-TAPE: CU OF BOUQUET

**CHYRON: FLOWERS FROM THE
HEART!!**

AND UP NEXT, HOW TO MAKE AND
DECORATE YOUR OWN WEDDING
CAKE...

**PRE-TAPE: PRE-MADE WEDDING
CAKE**

CHYRON: EASY-MAKE CAKE!

VTPB/BUMP SHOT W/LOGO

MUSIC

**COMMERCIAL
BREAK**

CD 00086

SMART SOLUTIONS
SHOW #564(TH13)(W1) – Monday, June 12, 200010
A/O 06/08/00 8:05 AM
SHOOT ORDER: 2ND

DW _____
JR _____
Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 2 [#7, #8]

WEDDING

CAKES

Talent:

Maty Monfort

Joan Spiller

Producer:

Julieann

TRT: 6:30

BUMP IN

LOCATION: KITCHEN

PROPS:

TIERED CUPCAKE CAKE
THREE INDIVIDUAL ROUND CAKES
COLUMNS
FROSTING
CHEESE GRATER
SANDWICH BAG
BUTTER-CREAM
CHOCOLATE
SPATULA
THREE TIERED SQUARE CAKE

VTPB/BUMP SHOT W/LOGO

MUSIC

CHYRON: MATY
MONFORT

CD 00087

SMART SOLUTIONS
SHOW #564(TH13)(W1) – Monday, June 12, 200011
A/O 06/08/00 8:05 AM
SHOOT ORDER: 2ND

DW _____
JR _____
Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 2

MATY

WELCOME BACK TO SMART
SOLUTIONS... I'M MATY MONFORT.

THE WEDDING CAKE IS ONE OF THE
MOST EXPENSIVE PARTS TO THE
EVENT...BUT, NOT IF YOU HAVE A
CAKE DIVA IN YOUR CORNER.
HERE TO SHOW US HOW TO MAKE
OUR OWN SPECIAL WEDDING AND
SPECIAL OCCASION CAKE IS JOAN
SPITLER.

(AD-LIB HELLO)

CHYRON:

JOAN SPITLER

CAKE DIVAS

QUESTIONS

1. HOW DID YOU COME TO BE THE CAKE
DIVAS?

(SHORT ANSWER – NO DEMO)

CD 00088

ACT 2

2. WHAT'S THE FIRST STEP IN MAKING A WEDDING CAKE?

DEMOS: CAKES ALREADY BAKED AND FROSTED.

- PREPARE THE CAKES IN A 10" AND A 6" CAKE PAN
- FROST WITH A BUTTER CREAM FROSTING

BUTTER
SUGAR
FOOD COLORING

*Melted butter
powdered sugar*

3. HOW DO YOU MAKE THE COLORED FROSTING?

DEMOS:

- BUTTER
- SUGAR
- FOOD COLORING

4. HOW WOULD I GO ABOUT DECORATING A CAKE?

DEMOS:

- FILL A PASTRY BAG, OR AN ORDINARY SANDWICH BAG WITH FROSTING.

ACT 2

- CUT TIP WITH SCISSORS
- BEGIN DECORATING

NOTE: YOU CAN ALSO USE PASTY TIPS AT THE
END OF YOUR BAG. THEY RETAIL FOR \$1.00
EACH.

5. WHAT'S THE FIRST STEP?

DEMOS: YOU WANT TO HAVE A TRAY THAT
ROTATES, SO IT'S EASY TO WORK ON THE
CAKE.

- USE A LAZY-SUSAN FOR BETTER CONTROL
WHEN DECORATING CAKE

MATY AND JOAN
DECORATE THE CAKE

6. TELL US ABOUT THE DECORATIONS?

DEMOS: TRY AN 'ENGLISH GARDEN' DESIGN

- FIRST, TAKE GREEN ICING AND MAKE THE
VINES
- ATTACH FLOWERS TO THE END OF THE VINE

ACT 2

7. HOW DO YOU MAKE THE FLOWERS?

DEMOS: JOAN TO SHOW MATY HOW O MAKE

THE FLOWERS

- LILACS
- PANSIES
- CALLALILYS

8. HOW ABOUT THE COLUMNS?

DEMOS:

- AFTER EACH LAYER IS DECORATED, WE ASSEMBLE THE CAKE BY PUSHING THE COLUMNS INTO THE CAKE. DEMO
- YOU CAN DIP THE COLUMNS IN A WHITE CHOCOLATE OR DECORATE THEM WITH THE BUTTER-CREAM.
- \$3.00 TO BUY IN A CAKE DECORATING STORE.

SMART SOLUTIONS

SHOW #564(TH13)(W1) – Monday, June 12, 200015

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 2

9. TELL US ABOUT THE OTHER CAKES?

DEMOS: TRADITIONAL CAKE MADE BY USING A
SQUARE CAKE PAN.

- DECORATED WITH SHAVINGS OF
CHOCOLATE
- USE CHEESE GRATER FOR CHOCOLATE
(DEMO GRATER)

10. HOW ABOUT THIS CAKE?

DEMOS: WE ALSO HAVE A TIER FILLED WITH
CUPCAKES IN

- TOPS ARE ALSO DECORATED WITH BUTTER-
CREAM.
- YOU CAN USE DIFFERENT BATTERS TO MAKE
A VARIETY OF CAKE FLAVORS.

MATY

(RECAP AND AD-LIB THANKS TO

LEIGH AND JOAN.)

BUMPER OUT

CD 00092

SMART SOLUTIONS

SHOW #564(TH13)(W1) – Monday, June 12, 200016

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 2 [#9, #10]

MATY

LATER, THE SMART SOLUTION OF
THE DAY...

AND UP NEXT... A DO-IT-YOURSELF
BOUQUET!

PRE-TAPE: CU BOUQUET RIBBON
BEING TIED

CHYRON: TYING THE KNOT!

VTPB/BUMP SHOT W/LOGO

MUSIC

COMMERCIAL
BREAK

CD 00093

SMART SOLUTIONS

SHOW #564{TH13}(W1) -- Monday, June 12, 200017

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 3 [#11, #12]

WEDDING

BOUQUETS

Talent:

Maty Monfort

Dia Collins

Producer:

Taha Howze

TRT: 6:00

BUMP IN

LOCATION: ICE CREAM TABLE

VTPB/BUMP SHOT W/LOGO

MUSIC

SET DRESSING (IF
ANY):

WEDDING ARCH
BEHIND THEM

TABLE IN IVORY
TABLE CLOTHE

PROPS:

ALL FLOWERS ARE BEING PROVIDE

CHYRON: MATY
MONFORT

MATY
WELCOME BACK TO SMART
SOLUTIONS.

CD 00094

SMART SOLUTIONS

SHOW #564(TH13)(W1) – Monday, June 12, 200018

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 3

NOW YOU KNOW YOU CAN MAKE
YOUR OWN WEDDING
CAKE...GUESS WHAT? YOU CAN
MAKE YOUR OWN BOUQUET, TOO!
HERE WITH A BASKETFUL OF IDEAS
FROM A FLORAL FANTASY IS
FLORAL EXPERT DIA COLLINS.
(AD-LIB HELLO)

CHYRON: DIA COLLINS

FLORAL
EXPERT

QUESTIONS

1. MOST BRIDES ARE SO BUSY AS THE WEDDING DAY GETS CLOSER, HOW SOON IN ADVANCE WOULD YOU SAY YOU COULD MAKE A BOUQUET?
 - A FEW DAYS IN ADVANCE BUT WORTH IT BECAUSE YOU CAN SAVE OVER HALF THE AMOUNT OF MONEY YOU WOULD NORMALLY SPEND.

CD 00095

ACT 3

2. IS THERE AN EASY ONE TO MAKE FOR THOSE OF US WHO AREN'T AS SKILLED AS A FLORIST?

DEMOS:

- EASY TIE BOUQUET
- DIA WILL SHOW SEVERAL FLOWERS THAT
LOOK GREAT FOR A WEDDING BOUQUET
- SHE WILL THEN SHOW HOW TO CLUSTER
THE FLOWERS IN THE SHAPE OF A BOUQUET
- SHE WILL THEN SHOW CREATIVE WAYS TO
HOLD THE BOUQUET TOGETHER
- SHE WILL USE A TWISTY TIE HIDDEN BY A
RIBBON THAT IS TIED IN A BOW
- SHE WILL THEN SHOW AN "INVISIBLE" TIE
USING CLEAR TAPE.

3. I LOVE THE LOOK OF THE VERY FANCY ELEGANT BOUQUETS, CAN SOMEONE MAKE ONE OF THOSE AS EASILY?

DEMOS: ELEGANT BOUQUET

- DIA WILL SHOW HOW TO MAKE A BALL OF
ROSES

ACT 3

- SHE WILL SHOW THE BASE AND EXPLAIN THE SHAPE TO LOOK FOR
- SHE WILL THE SHOW HOW TO CLIP THE HEADS OF ROSES FOR THE BOUQUET
- SHE WILL THEN SHOW HOW TO PLACE THE ROSES IN THE BASE TO FORM A LARGE BALL
- (HALF WILL BE DONE FOR TIME)

4. WHAT ABOUT THOSE BRIDES WHO ARE ON A TIGHT BUDGET?

DEMOS: INEXPENSIVE BOUQUET

- DIA WILL SHOW A VARIETY OF FLOWERS THAT LOOK GREAT AND ARE INEXPENSIVE
- SHE WILL START WITH MINI CARNATIONS AND WILL SHOW HOW TO ARRANGE IN A BOUQUET.
- SHE WILL THE SHOW HOW TO TAKE A SIMPLE CALA LILLY AND DRESS IT UP INTO A SINGLE FLOWER BOUQUET

ACT 3

5. ARE THERE ANY FLORAL IDEAS FOR OUR BRIDES MAIDS?

DEMOS: BRIDESMAID CORSAGE

- DIA WILL SHOW AN INEXPENSIVE AND
SIMPLE IDEA FOR THE BRIDES MAID
- SHE WILL TAKE A SINGLE ORCHID AND DEMO
HOW TO MAKE A CORSAGE
- SHE WILL EXPLAIN HOW THIS IDEA IS HALF
THE COST OF BUYING CORSAGES
- THIS IS ALSO A GREAT IDEA FOR A TEEN
GIRL GOING TO THE PROM

6. WE CAN'T FORGET ABOUT THE GROOM, ANY SUGGESTIONS?

DEMOS: BOUTONNIERE FOR GROOM

- DIA WILL SHOW TWO IDEAL FLOWERS FOR
THE GROOM
- SHE WILL THE TAKE ONE AND SHOW HOW TO
MAKE A BOUTONNIERE BACKING
- SHE WILL THEN DEMO HOW TO PUT
TOGETHER FOR A GROOMS BOUTONNIERE
- THIS ALSO WORKS WELL FOR A PROM

SMART SOLUTIONS

SHOW #564(TH13)(W1) – Monday, June 12, 200022

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW_____

JR_____

Seg1 Prod_____Seg2 Prod_____Seg3 Prod_____

ACT 3

MATY

(RECAP AND AD-LIB THANKS TO

DIA COLLINS)

BUMPER OUT

CD 00099

SMART SOLUTIONS

SHOW #564(TH13)(W1) – Monday, June 12, 200023

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 3 [#13, #14, #15]

MATY

UP NEXT, THE SMART SOLUTION OF
THE DAY...

VTPB/BUMP SHOT W/LOGO

MUSIC

COMMERCIAL

BREAK

CD 00100

SMART SOLUTIONS
SHOW #564(TH13)(W1) – Monday, June 12, 200024
A/O 06/08/00 8:05 AM
SHOOT ORDER: 2ND

DW _____
JR _____
Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 4 [#16, #17]

BUMP IN

Talent:

Maty Monfort

Dia Collins

TRT: 01:30

VTPB/BUMP SHOT W/LOGO

MUSIC

MATY

WELCOME BACK TO "SMART
SOLUTIONS".

I WANT TO THANK MY GUESTS,
EUGENIA WESTON AND JEANNE
BENEDICT...

AND, AS WE SAY GOODBYE, DIA
COLLINS HAS OUR SMART
SOLUTION OF THE DAY...

SMART SOLUTIONS

SHOW #564{TH13}(W1) – Monday, June 12, 200025

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 4 [#17]

PROPS:

SS OF THE DAY – DIA COLLINS

TAKE YOUR LEFT OVER FLOWER PETALS AND ROSE
PETALS FROM THE BOUQUETS YOU HAVE MADE INTO
A SMALL ATTRACTIVE BASKET. NOW YOU HAVE
SOMETHING CUTE FOR THE FLOWER GIRL TO CARRY
AND CAN SPRINKLE DOWN THE AISLE.

CD 00102

SMART SOLUTIONS

SHOW #564(TH13)(W1) – Monday, June 12, 200026

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 4 [#17, #18]

MATY

**THANKS DIA...AND THANKS TO YOU FOR
JOINING US TODAY ON "SMART
SOLUTIONS."**

CREDITS

VTPB: BUMPSHOTW/ LOGO

MUSIC

CHYRON: CREDITS

VTPB/ WG LOGO

A Soolip Wedding

March 18, 2003

Hello Everyone!

Hoping this finds you well.

It seems just yesterday that we were all together at the Skirball Cultural Center partaking in what was, quite simply, a wonderful event.

With the talent and creativity of all, A Soolip Wedding 2003 became a Sunday afternoon full of warmth, camaraderie, beauty and inspiration. Thank you to each and every one of you for your part in making this year's event a success.

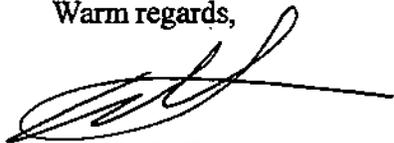
This year, A Soolip Wedding 2003, with the help of Los Angeles Magazine, attracted a group of attendees unparalleled to previous years. We had just over 200 registered guests of which 95 are registered brides getting married in 2003 and in 2004 (mailing list provided). An estimated 75 additional persons attended who came unregistered, consisting of press, stylists, celebrities and friends.

Photographs are available from the event. Should you be interested in photos, please call Jules Bianchi at 323.428.6402 and proof sheets from which you can order from will be forwarded to you.

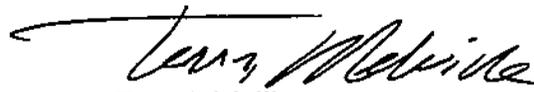
We would love to hear from all of you with your feedback, both positive and negative, of A Soolip Wedding 2003. It is with this information that we are able to improve on the event, year after year. Wanda can be reached by e-mail at wansoowen@aol.com or by telephone at 818.752.2127.

Thank you, once again, to all of you for your efforts. And here's to a wonderfully inspired and prosperous year for all.

Warm regards,



Wanda S. Wen
Co-Founder, Soolip Inc.



Terry Melville
Co-Producer, A Soolip Wedding

Exhibit 9

KEATS McFARLAND & WILSON LLP

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November 4, 2008

VIA E-MAIL AND FIRST CLASS MAIL

Lori D. Greendorfer
Schiff Hardin, LLP
900 Third Avenue
New York, NY 10022

Re: *Cake Divas v. Jones, T.T.A.B. Opp. No. 91177301*

Dear Ms. Greendorfer:

I am writing this letter pursuant to Rule 37 of the Federal Rules of Civil Procedure ("FRCP") and Rule 2.120(e) of the Trademark Rules of Practice, to request a pre-filing conference of counsel regarding your client's failure to comply with the discovery requirements of FRCP 33 and 34. We propose the pre-filing conference take place telephonically on November 5, 6 or 7, 2008, between 10:00 a.m. and 4:00 p.m. (PST). Please confirm the earliest convenient date and time and I will call you to conduct the teleconference.

Our hope is to reach an amicable resolution of our client's discovery dispute so that we may avoid filing a motion with the Board to compel proper responses. As you know, on September 10, 2008, we served your client by mail with Opposer Cake Diva's First Set of Interrogatories (collectively, the "Interrogatories" and each an "Interrogatory") and First Set of Requests for Production of Documents and Things (collectively, the "RFPs" and each an "RFP"). Unfortunately, your client's Interrogatory and RFP responses were incomplete, evasive and/or unresponsive.

As a threshold matter, your client's Interrogatory responses were not verified by your client in violation of FRCP 33(b)(1)(A), 33(b)(5) and Rule 405.04(c) of the Trademark Trial and Appeal Board Manual of Procedure. Therefore, your client's Interrogatory responses have not been properly authenticated. Moreover, because your client failed to verify her Interrogatory responses, her responses are untimely. Thus, she has waived all objections including, without limitation, objections based on the attorney-client privilege and the work product doctrine. *See Richmark Corp. v. Timber Falling Consultants*, 959 F.2d 1468, 1473 (9th Cir. 1992) ("It is well established that a failure to object to discovery requests within the time required constitutes a waiver of any objection.").

In addition, we have serious concerns with respect to the content of your client's Interrogatory responses. Specifically, your client failed to provide a single substantive response to any of our client's Interrogatories. Instead, she merely referred generally to the documents produced in response to our client's RFPs. Unfortunately, more often than not, these documents are not responsive to our client's Interrogatories. Therefore, your client's attempt to invoke the business records option provided under FRCP 33(d) is improper. See *Jain v. Ramparts, Inc.*, 49 USPQ2d 1429 (TTAB 1998) (where interrogatories are straightforward in form, unexceptional in subject matter and scope, and are of type to which parties are routinely able to respond without invoking Rule 33(d) and where producing written answers to interrogatories would not be unduly burdensome, it is improper to invoke 33(d) in response to an interrogatory).

You should be well aware that your client's Interrogatory responses do not qualify for the business records option provided under FRCP 33(d). See *Rainbow Pioneer N. 44-18-04A v. Hawaii-Nevada Inv. Corp.*, 711 F.2d 902, 906 (9th Cir. 1983) (observing that Rule 33 is designed "to prevent abuse of the business records option."). Rule 33(d) is appropriate if the responses specify where in the records the answers can be found, but not if the responses merely refer generically to a group of produced documents, as your client has done here. See *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313, 322 (C.D. Cal. 2004) ("A party that elects to avail itself of this option, however, must 'specify where in the records the answers [can] be found.'") (quoting *Rainbow Pioneer*, 711 F.2d at 906); *Pulsecard, Inc. v. Discover Card Servs.*, 168 F.R.D. 295, 305 (D. Kan. 1996) ("Under the guise of Fed. R. Civ. P. 33(d) defendants may not simply refer generically to past or future production of documents. They must identify in their answers to the interrogatories specifically which documents contain the answer. Otherwise they must completely answer the interrogatories without referring to the documents."). Indeed, the responses must state where in the specified records the answers can be found. See *Walt Disney Co. v. DeFabius*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

Because your client's responses to our client's Interrogatories are utterly devoid of any substantive content, we intend to seek an order compelling the requested information if your client does not immediately supplement her responses with direct, complete and verified responses to each Interrogatory.

In addition, with respect to our client's RFPs, your client produced numerous pages containing redactions but provided no indication of the type of information that was redacted or any citations to a privilege log setting forth the reasons for the redactions, as required by FRCP 26(b)(5). It is well settled that failure to provide a privilege log "demonstrating the sufficient grounds for taking the privilege" results in the waiver of all claims of privilege made concerning the withheld or redacted documents. *Dorf & Stanton Communications, Inc. v. Molson Breweries*, 100 F.3d 919, 923 (Fed. Cir. 1996). Therefore, your client has waived any claims of privilege made with respect to the redacted documents or any other documents withheld based on that privilege.

For your convenience, we have identified below each objectionable response by including the content of each Interrogatory, your client's response, and a statement confirming why the response is improper.

Interrogatory No. 1

“For Applicant’s CAKEDIVA Mark, STATE by month and year the dates of first use anywhere in the United States for each of the goods identified in the application.”

Applicant’s response:

“Subject to and without waiver of the foregoing General Objections, Applicant responds as follows. Applicant refers to documents containing responsive information bates labeled CD7-16, 26-111, 115-16, and refers to Trademark Application Serial No. 76529077.”

Statement re Improper Response and Request to Supplement:

Applicant’s response is evasive and incomplete and fails to provide a direct answer to the Interrogatory. Specifically, rather than respond to the question asked, by stating the dates of first use anywhere in the United States for each of the goods identified in Applicant’s application, Applicant referred Opposer to over 97 different documents produced by Applicant and to Applicant’s trademark application, which documents contain multiple and inconsistent dates. Applicant is required to provide an answer responsive to Opposer’s question asked and cannot simply designate documents. *Anderson v. Fresno County, Human Servs. Sys.*, 2007 WL 1865657, at *3 (E.D. Cal. June 28, 2007) (“An answer to an interrogatory must respond to question being asked. The answer ‘should be complete in itself and should not refer to the pleadings, or to depositions or other documents....’ When a party propounds an interrogatory that requests an answer to a question, a party responds inappropriately by simply designating documents, because the interrogatory did not call for records.”) (quoting *Scaife v. Boenne*, 191 F.R.D. 590, 594 (N.D. Ind. 2000)). Therefore, Applicant’s answer is not “complete in itself” and is insufficient to satisfy Applicant’s obligations under FRCP 33. Please supplement your client’s response by stating the exact dates, by month and year, of first use anywhere in the United States of the CAKEDIVA Mark for each of the goods identified in the application.

Interrogatory No. 2

“For Applicant’s CAKEDIVA Mark, STATE by month and year the dates of first use in interstate commerce in the United States for each of the goods identified in the application.”

Applicant’s response:

“Subject to and without waiver of the foregoing General Objections, Applicant responds as follows. Applicant refers to documents containing responsive information bates labeled CD7-16, 26-111, 115-16, and refers to Trademark Application Serial No. 76529077.”

Statement re Improper Response and Request to Supplement:

Applicant’s response is evasive and incomplete and fails to provide a direct answer to the Interrogatory. Specifically, rather than respond to the question asked, by stating the dates of first use in interstate commerce in the United States for each of the goods identified in Applicant’s application, Applicant merely referred Opposer to over 97 different documents produced by Applicant and to Applicant’s trademark application, which documents contain multiple and inconsistent dates. Applicant is required to provide an answer responsive to Opposer’s question asked and cannot simply designate documents. *Anderson v. Fresno*

County, Human Servs. Sys., 2007 WL 1865657, at *3 (E.D. Cal. June 28, 2007) (“An answer to an interrogatory must respond to question being asked. The answer ‘should be complete in itself and should not refer to the pleadings, or to depositions or other documents....’ When a party propounds an interrogatory that requests an answer to a question, a party responds inappropriately by simply designating documents, because the interrogatory did not call for records.”) (quoting *Scaife v. Boenne*, 191 F.R.D. 590, 594 (N.D. Ind. 2000)). Therefore, Applicant’s answer is not “complete in itself” and is insufficient to satisfy Applicant’s obligations under FRCP 33. Please supplement your client’s response by stating the exact dates, by month and year, of first use in interstate commerce in the United States for each of the goods identified in the application.

Interrogatory No. 3

“For Applicant’s CAKEDIVA Mark, STATE by month and year the dates of first use anywhere in the world for each of the goods identified in the application including the country in which such use occurred.”

Applicant’s response:

“Subject to and without waiver of the foregoing General Objections, Applicant responds as follows: Applicant refers to documents containing responsive information bates labeled CD7-16, 26-111, 115-16, and refers to Trademark Application Serial No. 76529077. Applicant further responds that the goods identified in the applicant have been advertised, promoted, sold and/or distributed internationally, including without limitation in Telford, England in 2001, in Brazil in approximately 2000-01, and in the Caribbean in approximately 1997-98.”

Statement re Improper Response and Request to Supplement:

Applicant’s response is evasive and incomplete and fails to provide a direct answer to the Interrogatory. Specifically, rather than respond to the question asked, by stating the dates of first use anywhere in the world for each of the goods identified in Applicant’s application including the country in which such use occurred, Applicant merely referred Opposer to over 97 different documents produced by Applicant and to Applicant’s trademark application, which documents contain multiple and inconsistent dates, and provided general time periods and locations in which the alleged use of the CAKE DIVA mark occurred, which time periods and locations are not supported by the documents identified in Applicant’s response. Applicant is required to provide an answer responsive to Opposer’s question asked and cannot simply designate documents. *Anderson v. Fresno County, Human Servs. Sys.*, 2007 WL 1865657, at *3 (E.D. Cal. June 28, 2007) (“An answer to an interrogatory must respond to question being asked. The answer ‘should be complete in itself and should not refer to the pleadings, or to depositions or other documents....’ When a party propounds an interrogatory that requests an answer to a question, a party responds inappropriately by simply designating documents, because the interrogatory did not call for records.”) (quoting *Scaife v. Boenne*, 191 F.R.D. 590, 594 (N.D. Ind. 2000)). Therefore, Applicant’s answer is not “complete in itself” and is insufficient to satisfy Applicant’s obligations under FRCP 33. Please supplement your client’s response by stating the exact dates, by month and year, of first use anywhere in the world for each of the goods identified in the application including the country in which such use occurred.

Interrogatory No. 4

“STATE the date that Applicant first began advertising Applicant’s CAKEDIVA Mark in the United States on or in connection with the goods listed in the registration for Applicant’s CAKEDIVA Mark and for each such advertisement, STATE:

- (a) the name, address or location for each advertising medium used;
- (b) the territory reached by each form of advertising; and
- (c) the date or dates on which each such advertisement or promotional activity occurred.”

Applicant’s response:

“Subject to and without waiver of the foregoing General Objections, Applicant responds as follows. Applicant refers to documents containing responsive information bates labeled CD7-16, 26-111, 115-16, as documents containing responsive information to the foregoing interrogatory.”

Statement re Improper Response and Request to Supplement:

Applicant’s response is evasive and incomplete and fails to provide a direct answer to the Interrogatory. Specifically, rather than respond to the question asked, by stating the date that Applicant first began advertising Applicant’s CAKEDIVA Mark in the United States on or in connection with the goods listed in the registration for Applicant’s CAKEDIVA Mark, including failing to provide the requested information for each such advertisement, Applicant merely referred Opposer to over 97 different documents produced by Applicant, which documents contain multiple and inconsistent dates. Applicant is required to provide an answer responsive to Opposer’s question asked and cannot simply designate documents. *Anderson v. Fresno County, Human Servs. Sys.*, 2007 WL 1865657, at *3 (E.D. Cal. June 28, 2007) (“An answer to an interrogatory must respond to question being asked. The answer ‘should be complete in itself and should not refer to the pleadings, or to depositions or other documents....’ When a party propounds an interrogatory that requests an answer to a question, a party responds inappropriately by simply designating documents, because the interrogatory did not call for records.”) (quoting *Scaife v. Boenne*, 191 F.R.D. 590, 594 (N.D. Ind. 2000)). Therefore, Applicant’s answer is not “complete in itself” and is insufficient to satisfy Applicant’s obligations under FRCP 33. Please supplement your client’s response by stating the exact date that Applicant first began advertising Applicant’s CAKEDIVA Mark in the United States on or in connection with the goods listed in the registration for Applicant’s CAKEDIVA Mark, and for each such advertisement, provide the information requested under subsections (a), (b) and (c) of this Interrogatory.

Interrogatory No. 5

“STATE all channels of trade in which YOU have distributed Applicant’s Goods.”

Applicant’s response:

“Subject to and without waiver of the foregoing General Objections, Applicant responds as follows: Applicant refers to documents containing responsive information bates labeled CD7-16, 26-111, 115-16, as documents containing responsive information to the foregoing interrogatory.”

Statement re Improper Response and Request to Supplement:

Applicant's response is evasive and incomplete and fails to provide a direct answer to the Interrogatory. Specifically, rather than respond to the question asked, by stating the channels of trade in which Applicant has distributed Applicant's goods, Applicant merely referred Opposer to over 97 different documents produced by Applicant, which documents do not state the channels of trade in which Applicant has distributed her goods. Applicant is required to provide an answer responsive to Opposer's question asked and cannot simply designate documents. *Anderson v. Fresno County, Human Servs. Sys.*, 2007 WL 1865657, at *3 (E.D. Cal. June 28, 2007) ("An answer to an interrogatory must respond to question being asked. The answer 'should be complete in itself and should not refer to the pleadings, or to depositions or other documents....' When a party propounds an interrogatory that requests an answer to a question, a party responds inappropriately by simply designating documents, because the interrogatory did not call for records.") (quoting *Scaife v. Boenne*, 191 F.R.D. 590, 594 (N.D. Ind. 2000)). Therefore, Applicant's answer is not "complete in itself" and is insufficient to satisfy Applicant's obligations under FRCP 33. Please supplement your client's response by stating the channels of trade in which Applicant has distributed her goods.

Interrogatory No. 6

"IDENTIFY the geographical areas of distribution of Applicant's Goods."

Applicant's response:

"Subject to and without waiver of the foregoing General Objections, Applicant responds as follows: Applicant refers to documents containing responsive information bates labeled CD7-16, 26-111, 115-16, and further states that the goods have been distributed internationally[.]"

Statement re Improper Response and Request to Supplement:

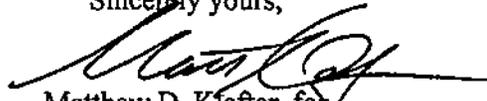
Applicant's response is evasive and incomplete and fails to provide a direct answer to the Interrogatory. Specifically, rather than respond to the question asked, by stating the geographical areas of distribution of Applicant's goods, Applicant merely referred Opposer to over 97 different documents produced by Applicant, which documents do not state the channels geographical areas of distribution of her goods. Applicant is required to provide an answer responsive to Opposer's question asked and cannot simply designate documents. *Anderson v. Fresno County, Human Servs. Sys.*, 2007 WL 1865657, at *3 (E.D. Cal. June 28, 2007) ("An answer to an interrogatory must respond to question being asked. The answer 'should be complete in itself and should not refer to the pleadings, or to depositions or other documents....' When a party propounds an interrogatory that requests an answer to a question, a party responds inappropriately by simply designating documents, because the interrogatory did not call for records.") (quoting *Scaife v. Boenne*, 191 F.R.D. 590, 594 (N.D. Ind. 2000)). Therefore, Applicant's answer is not "complete in itself" and is insufficient to satisfy Applicant's obligations under FRCP 33. Please supplement your client's response by stating the geographical areas of distribution of her goods.

Lori D. Greendorfer
November 4, 2008
Page 7

Based on the foregoing, we demand that your client promptly provide direct, complete and verified responses to each Interrogatory, as requested above and in conformity with your client's obligations under the Federal Rules, on or before November 14, 2008. We believe that your client's supplemental responses to our client's Interrogatories will require amending your client's responses to our client's RFPs. To the extent your client is required to do so, please be sure to specify which documents produced in response to our client's RFPs support your client's supplemental Interrogatory responses. In addition, with respect to our client's responses to our client's RFPs, please immediately provide either copies of the unredacted originals or a privilege log sufficient to satisfy the requirements of FRCP 26(b)(5).

We look forward to discussing this matter with you in further detail during our teleconference once you have confirmed a convenient date and time.

Sincerely yours,



Matthew D. Kjafter, for

KEATS McFARLAND & WILSON LLP

MDK:dvo

cc: Cake Divas
Anthony M. Keats, Esq.
Konrad K. Gatien, Esq.

Exhibit 10



900 THIRD AVENUE, 23RD FLOOR
NEW YORK, NEW YORK 10022
t 212.753.5000
f 212.753.5044
www.schiffhardin.com

Lori D. Greendorfer
212-745-0814
lgreendorfer@schiffhardin.com

November 18, 2008

VIA FEDERAL EXPRESS

Konrad Gatien Esq.
Keats McFarland & Wilson LLP
9720 Wilshire Boulevard
Penthouse Suite
Beverly Hills, California 90212

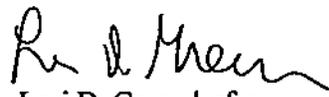
Re: Cake Divas v. Charmaine V. Jones Opposition No. 91177301

Dear Konrad,

Enclosed please find Applicant's supplemental responses to Opposer's Interrogatories, Applicant's privilege log and a supplemental production of documents including a few new documents as well as unredacted versions of certain documents previously produced as redacted. This letter incorporates by reference the entirety of the enclosed electronic mail dated November 6, 2008 as if fully set forth herein.

Please do not hesitate to contact me if you have any questions.

Sincerely yours,


Lori D. Greendorfer

Encl.
NY50457701.1

From: Matthew Klafter [mailto:MKlafter@kmwlaw.com]
Sent: Thursday, November 06, 2008 5:52 PM
To: Greendorfer, Lori D.
Cc: Konrad Gatien
Subject: RE: Greendorfer - 20081104.PDF - Adobe Acrobat Standard

Lori,

We agree with the statements and representations made in your e-mail. Thank you for your cooperation.

Sincerely,

Matt

Matthew D. Klafter
KEATS McFARLAND & WILSON LLP
9720 Wilshire Boulevard
Penthouse Suite
Beverly Hills, California 90212
Telephone: (310) 248-3830
Facsimile: (310) 860-0363
Direct: (310) 777-3736

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UNDER APPLICABLE LAW.

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From: Greendorfer, Lori D. [mailto:LGreendorfer@schiffhardin.com]
Sent: Thursday, November 06, 2008 2:45 PM
To: Matthew Klafter
Cc: Konrad Gatien
Subject: RE: Greendorfer - 20081104.PDF - Adobe Acrobat Standard

Dear Matthew and Konrad,

The purpose of this e-mail is to memorialize our telephone discussion in today's pre-motion conference in connection with your November 4, 2008 letter. In the interests of settling the discovery issues described in that letter and any dispute regarding the same between the parties, and without admitting on our part to any deficiencies, waiver or violation of any Federal or TTAB rules with respect to any of our responses to Opposer's discovery requests, we will make a good faith effort to supplement and verify the responses to interrogatories served on or about October 10, 2008, and prepare a privilege log by November 21, 2008, with the goal of engaging in good faith settlement discussions in connection with this matter shortly thereafter.

You agree to withdraw the demands in the November 4, 2008 letter that we verify the current interrogatory responses and that we respond to the other demands in such letter by November 14. Further, you agree not to file any Rule 37 or related motion described in your letter prior to receiving and reviewing our supplemental responses and privilege log and prior to making a good faith effort to settle any dispute with respect to any supplementary responses or privilege log we provide.

Please confirm by return e-mail that you agree all of the above. Thank you.

Regards,
Lori

Lori D. Greendorfer | Schiff Hardin LLP
900 Third Avenue, 24th Floor
New York, New York 10022

Direct: 212.745.0814

Fax: 212.753.5044

Email: Lgreendorfer@schiffhardin.com

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

In the Matter of Application Serial No. 76/529,077
Published in the *Official Gazette* of May 8, 2007

Cake Divas,)	
	)	Opposition No. 91177301
Opposer,)	
)	
v.)	
)	
Charmaine V. Jones,)	
)	
Applicant)	
_____)	

**APPLICANT'S SUPPLEMENTAL RESPONSES AND OBJECTIONS TO
OPPOSER'S INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, and Rule 2.120 of the Trademark Rules of Practice, Charmaine V. Jones ("Applicant") supplements Applicant's October 10, 2008 responses and objections to the following interrogatories and incorporates herein all of the General Objections set forth in Applicant's responses and objections to Opposer's First Set of Requests for Production of Documents and Things To Charmaine V. Jones.

RESPONSES AND OBJECTIONS TO SPECIFIC INTERROGATORIES

INTERROGATORY NO. 1.:

For Applicant's CAKEDIVA Mark, STATE by Month and year the dates of the first use anywhere in the United States for each of the goods identified in the application.

RESPONSE TO INTERROGATORY NO.1:

Subject to and without waiver of the foregoing General Objections, Applicant responds as follows. The date of first use anywhere in the United States for each of the goods identified in Trademark Application Serial No. 76529077 was June 15, 1993. Applicant refers to documents containing responsive information bates labeled CD5-6, CD17, CD43-46, 82, 84, 86-87, 92-96, 102-04, 105-06, and 115-16, and refers to Trademark Application Serial No. 76529077 as containing responsive information relevant to the date of first use.

INTERROGATORY NO. 2.:

For Applicant's CAKEDIVA Mark, STATE by month and year the dates of first use in interstate commerce in the United States for each of the good identified in the application.

RESPONSE TO INTERROGATORY NO.2:

Subject to and without waiver of the foregoing General Objections, Applicant responds that the month and year of the dates of first use in interstate commerce in the United States for each of the goods identified in Trademark Application Serial No. 76529077 was June 15, 1993, and Applicant refers to the documents referenced in the Response To Interrogatory No. 1 as well as to Trademark Application Serial No. 76529077.

INTERROGATORY NO. 3.:

For Applicant's CAKEDIVA Mark, STATE by month and year the dates of first use anywhere in the world for each of the goods identified in the application including the country in which such use occurred.

RESPONSE TO INTERROGATORY NO.3:

Subject to and without waiver of the foregoing General Objections, Applicant incorporates by reference the responses to Interrogatories 1 and 2 with respect to the United States and refers to Trademark Application Serial No. 76529077. Applicant further responds that specific dates of first use outside of the United States for the goods identified in the application are as follows: Telford, England: 2001, Brazil: 2000-01 (approximate); the Caribbean: 1997-98.

INTERROGATORY NO. 4.:

STATE the date the Applicant first began advertising Applicant's CAKEDIVA Mark in the United States on or in connection with the goods listed in the registration for Applicant's CAKEDIVA Mark and for each such advertisement, STATE:

- (a) The name, address or location for each advertising medium used;
- (b) The territory reached by each form of advertising; and

(c) The date or dates on which each such advertisement or promotional activity occurred.

RESPONSE TO INTERROGATORY NO.4:

Applicant specifically objects that Interrogatory No. 4 is overbroad. Subject to and without waiver of the foregoing specific and General Objections, Applicant responds as follows: Applicant began advertising the CAKEDIVA Mark in the United States on or in connection with the goods listed in the registration for Applicant's CAKEDIVA Mark on or about June 15, 1993.

(a) The name, address or location for each advertising medium used.

Response: Applicant refers to CD17 and CD43 and specifically responds that the location of the advertising media set forth in CD 17 was Des Moines, Iowa and Richmond, Virginia, and, with respect to CD43-44, the United States and Canada.

(b) The territory reached by each form of advertising.

Response: Applicant refers to the example set forth in CD43-44 and specifically responds that the territory reached by such advertising was the United States and internationally. Applicant further refers to the references to Des Moines, Iowa and Richmond Virginia in CD17 as responsive to this sub-part.

(c) The date or dates on which each such advertisement or promotional activity occurred.

Response: June 15, 1993, with reference to CD43-44, and 1992-1993 with reference to CD17.

INTERROGATORY NO. 5.:

STATE all channels of trade in which YOU have distributed Applicant's Goods.

RESPONSE TO INTERROGATORY NO.5:

Applicant specifically objects that Interrogatory No. 4 is overbroad. Subject to and without waiver of the foregoing specific and General Objections, Applicant responds as follows: The channel(s) of trade through which Applicant distributes its goods and services identified in Trademark Application Serial No. 76529077 are Applicant's places of business in New York, New York and Hoboken, New Jersey, via the Internet, and via the telephone.

INTERROGATORY NO. 6.:

IDENTIFY the geographical areas of distribution of Applicant's Goods.

RESPONSE TO INTERROGATORY NO.6:

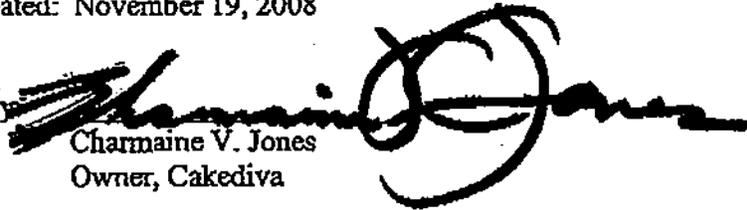
Subject to and without waiver of the foregoing General Objections, Applicant responds as follows: Applicant's goods and services have been provided and distributed in the following geographic areas: United States: New York, New Jersey, Connecticut, Massachusetts, New Hampshire, Rhode Island, Pennsylvania, Maryland, Washington, D.C., Virginia, North Carolina,

Florida, Georgia, Louisiana, Tennessee, Indiana, Illinois, Iowa, Ohio, Michigan, Nebraska, Texas, Arizona, Nevada, Washington and Hawaii. Internationally: England, France, Africa, Jamaica West Indies and British Virgin Islands.

VERIFIED AS TO RESPONSES

Dated: November 19, 2008

By:

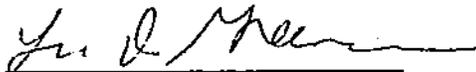


Charmaine V. Jones
Owner, Cakediva

VERIFIED AS TO OBJECTIONS

Dated: November 19, 2008

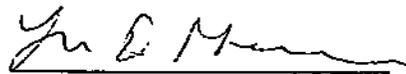
By:



Lori D. Greendorfer
Attorney for Applicant, Charmaine V. Jones

November 19, 2008

Respectfully Submitted,

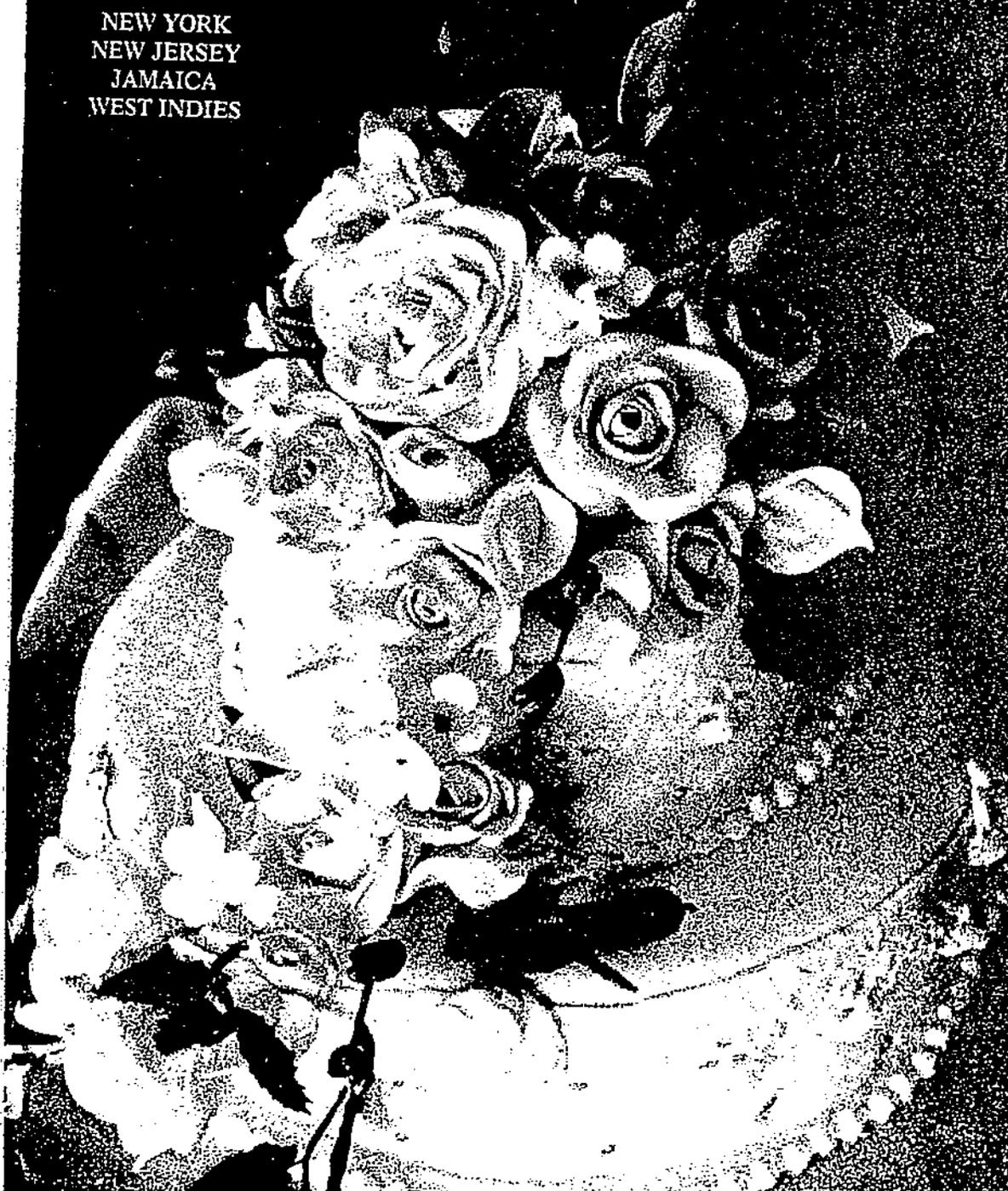


Lori D. Greendorfer
Schiff Hardin LLP
900 Third Avenue, 23rd Floor
New York, NY 10022
Telephone: (212) 745 0814
Facsimile: (212) 753 5044

Exhibit 11

Isn't that Special Outrageous Cakes

NEW YORK
NEW JERSEY
JAMAICA
WEST INDIES



<http://www.foodstop.com> (look for The Cakediva)

email address : cakediva@foodstop.com

Call for appointment (212) 722-0678 - (201) 216-0123

WEDDING DRESS 1998

UNIQUE CAKES

From the white to black sand, the Caribbean is known for its mesmerizing beaches, tropical flowers and exotic foods. Charmaine Jones of Isn't That Special—Outrageous Cakes captures all this in Caribbean inspired wedding cakes. All shells and flowers are handmade out of icing. This pure chocolate cupie doll of the early 20th Century adds an ethnic touch and a delicious favor for special guests.

THE BLACK CAKE

This Caribbean recipe is also known as the Christmas Cake. This version is one of many because the secret to this recipe has been passed down through generations.



- 1 pound Currants
- 1 pound Raisins
- 8 ounces Prunes
- 4 ounces Citron
- 1 teaspoon Ground Spices
- 4 tablespoons Rum
- 1/2 pint wine
- 1 pound Butter
- 1 pound Self Rising-sifted Flour
- 14 ounces Dark Brown Sugar
- 10 large eggs
- 1/2 tsp Almond Extract
- Parchment Paper

Wash and puree the currants, prunes and raisins and put into a large clean jar. Add citron, a tablespoon of sugar, spices, rum and wine. Leave all these covered from 2 weeks to 3 months; the longer the more potent. Grease and flour a 10 inch cake pan and set aside. Cream butter and remaining sugar, add 1 slightly beaten egg at a time (nine). Mix to a creamy consistency, add fruit from jar. Slowly add sifted flour. Consistency should not be runny. Grease cake pan as follows: (use shortening) to grease entire pan; then cover bottom of pan with parchment paper; grease parchment paper; flour entire pan (lightly) making sure no flour is left in corners. Bake for approximately 2 1/2 hours at 325 degrees until cake is springy and firm. Completely cool before removing from pan. Serves 12 or more.



Charmaine Jones
Isn't That Special
"Cake Diva"

212/722-0678
201/216-0213

Bridos Party 6/15/93

Charmaine Jones
Isn't That Special
"Cake Diva"



212/722-0678 • 201/216-0213

CWC ENTERPRISE
-PRESENTS-
**New Jersey's
Touch of Elegance
BLACK BRIDAL FAIR**

Sunday, March 14, 1993
12:00 Noon - 7:00 P.M.



Bridal Fashion Show
at 4:00 P.M.
Holiday Inn
Davidson Avenue
Somerset, NJ

Bridal Fashion Show features:

- Lovely Bridal Gowns
- Latest in Men's Formalwear
- Fashions for the Bridal Party
- Vendor Displays
- Copies of "BRIDES Today"
That New Magazine for Brides of
Color
- Fabulous Free Gifts and Prizes—
Win a Free Trip for Two to Cancun

**TICKETS: \$8.00 INCLUDES BRIDAL
FASHION SHOW**

For reservations and additional information contact:
CWC Enterprise, Shirley Inez Spruill (908) 846-3363

NI

G
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REGI
Opus Public
Wedding

Isn't that Special Outrageous Cakes

(212) 722-0678
(201) 216-0123



Gone are the days of the plastic bride and groom on top. The wedding cakes of the 90's are as much a statement of personal style as it is a symbol of hope and love. From traditional to fantasy you are only limited to your imagination in taste and concept.

Pyramids, haunted houses with edible windows with lights, realistic sugar flowers, draped sugar lace, duplications of fabric in icing... These are just a few of your dreams realized with "Isn't that Special - Outrageous cakes."

Stacked cakes and theme cakes are all the rage and Charmaine Jones, affectionately known as the "cake diva" is leading the nation into very unique cake styles. Her company prides itself on everything being edible on the cake. From peppermint flowers to caramel buttercream. The flavours are endless. Cake tasting parties take place in the Cake Art Gallery. There you

will be able to taste the flavour you have selected for your wedding. Although there are many portfolios and videos of work, there is nothing like seeing the cakes 3 dimensionally upon entering the Cake Art Gallery. Breathtaking flowers and displays



all in sugar. Amazing works of True Art
Over 100 delicious flavours.



WEDDING DRESSES 1996

Flavours

Cake layers and fillings

** YELLOW CAKE:*

*Raspberry preserve
Banana strawberry cream*

** PINK CHAMPAGNE CAKE:*

*Champagne cream
Raspberry champagne cream*

** SUNKISS LEMON CAKE:*

Lemon custard

** CHOCOLATE CAKE:*

*Chocolate mousse
Fresh banana cream
German chocolate
Hazelnut cream
Raspberry truffle
Creme de mintbo*

** CARROT CAKE:*

Pineapple cream

** CAKES WITH LIQUORS:*

*Sour cream chocolate/
brandied cherries
Bailey's Irish Cream/
Vanilla or Chocolate*

** JAMAICAN BLACK CAKE*

"Now over 100 flavours available"

Isn't that Special-Outrageous Cakes *presents :*



<http://www.foodstop.com/cakediva.html>



Photos by Dennis Wolford

email address : [cakediva @ foodstop.com](mailto:cakediva@foodstop.com)

(212) 722-0678

call for appointment

(201) 216-0123

WEDDING
DRESSES
1997

Isn't that Special-**Outrageous** Cakes *presents :*



<http://www.foodstop.com> (click on The Cakediva)



Photos by Dennis Wolford

email address : cakediva @ aol.com

Wedding Dresses
1997

(212) 722-0678

call for appointment

(201) 216-0123



Enter Web Address: <http://>

All

[Take Me Back](#)

[Adv. Search](#) [Compare Archive Pages](#)

169 Results

Searched for <http://www.cakediva.com>

Note some duplicates are not shown. See all.

* denotes when site was updated.

Material typically becomes available here 6 months after collection. See FAQ.

Search Results for Jan 01, 1996 - May 11, 2008

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
0 pages	0 pages	0 pages	1 pages	6 pages	13 pages	15 pages	27 pages	25 pages	19 pages	22 pages	24 pages
			Nov 28, 1999	* Mar 03, 2000 Mar 03, 2000 May 11, 2000 Sep 29, 2000 Oct 18, 2000 Dec 04, 2000	* Feb 01, 2001 * Feb 05, 2001 Feb 10, 2001 Mar 01, 2001 Apr 01, 2001 * Apr 05, 2001 Apr 14, 2001 Jun 01, 2001 * Jul 22, 2001 * Aug 02, 2001 Sep 26, 2001 Nov 28, 2001 Dec 14, 2001	Jan 18, 2002 Feb 05, 2002 * May 28, 2002 Jun 03, 2002 Jun 06, 2002 Jul 20, 2002 * Jul 25, 2002 Aug 06, 2002 * Sep 24, 2002 Sep 28, 2002 Oct 11, 2002 * Nov 21, 2002 * Nov 30, 2002 Dec 06, 2002	* Feb 03, 2003 Feb 06, 2003 * Feb 14, 2003 Feb 18, 2003 * Mar 28, 2003 Mar 30, 2003 Apr 12, 2003 Apr 19, 2003 Apr 22, 2003 Jun 03, 2003 Jun 05, 2003 Jun 07, 2003 * Jun 08, 2003 Jun 09, 2003 Jun 23, 2003 Aug 04, 2003 Aug 05, 2003 Aug 10, 2003 Sep 27, 2003 Sep 30, 2003 Oct 09, 2003 Oct 18, 2003 Oct 22, 2003 * Nov 24, 2003 Dec 04, 2003 Dec 12, 2003 Dec 20, 2003	* Jan 25, 2004 Feb 01, 2004 * Apr 04, 2004 Apr 05, 2004 * Apr 07, 2004 May 19, 2004 * May 23, 2004 Jun 02, 2004 Jun 10, 2004 Jun 12, 2004 Jun 13, 2004 Jun 29, 2004 Jun 19, 2004 Jun 22, 2004 Jul 29, 2004 * Aug 03, 2004 Aug 25, 2004 Sep 02, 2004 Sep 21, 2004 Sep 24, 2004 Sep 29, 2004 Oct 12, 2004 Oct 26, 2004 Nov 26, 2004 * Nov 27, 2004 Dec 04, 2004	Jan 21, 2005 Jan 24, 2005 * Feb 04, 2005 Feb 06, 2005 * Feb 07, 2005 Feb 08, 2005 Mar 08, 2005 * Apr 05, 2005 Jun 01, 2005 * Jun 09, 2005 Jun 29, 2005 Aug 25, 2005 * Aug 28, 2005 Oct 29, 2005 * Nov 02, 2005 Nov 05, 2005 * Nov 07, 2005 Dec 08, 2005 Dec 29, 2005	Jan 18, 2006 Feb 02, 2006 * Feb 13, 2006 May 20, 2006 * Jun 10, 2006 * Jun 12, 2006 Jun 13, 2006 * Jun 30, 2006 Jul 13, 2006 * Aug 03, 2006 Aug 07, 2006 Aug 08, 2006 * Aug 28, 2006 * Aug 29, 2006 Oct 04, 2006 * Oct 09, 2006 Nov 02, 2006 * Nov 10, 2006 Nov 18, 2006 * Nov 19, 2006 Dec 05, 2006 * Dec 08, 2006	Jan 19, 2007 * Jan 19, 2007 * Jan 25, 2007 * Feb 02, 2007 * Feb 03, 2007 * Feb 11, 2007 Apr 01, 2007 * Apr 02, 2007 May 02, 2007 May 04, 2007 * Jun 18, 2007 * Jul 13, 2007 Aug 04, 2007 * Aug 04, 2007 * Aug 06, 2007 Aug 07, 2007 * Aug 17, 2007 Sep 19, 2007 Oct 18, 2007 * Oct 18, 2007 * Nov 05, 2007 Nov 07, 2007 * Dec 08, 2007 Dec 10, 2007 Dec 30, 2007

CD000123



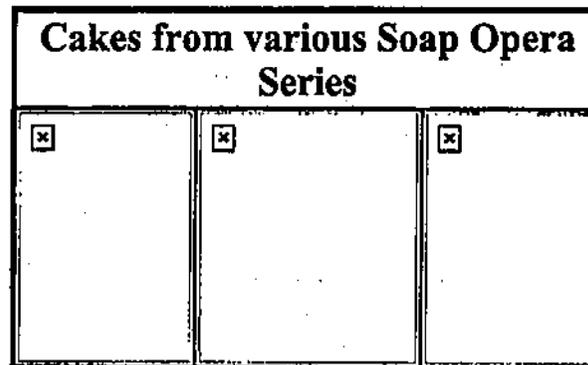
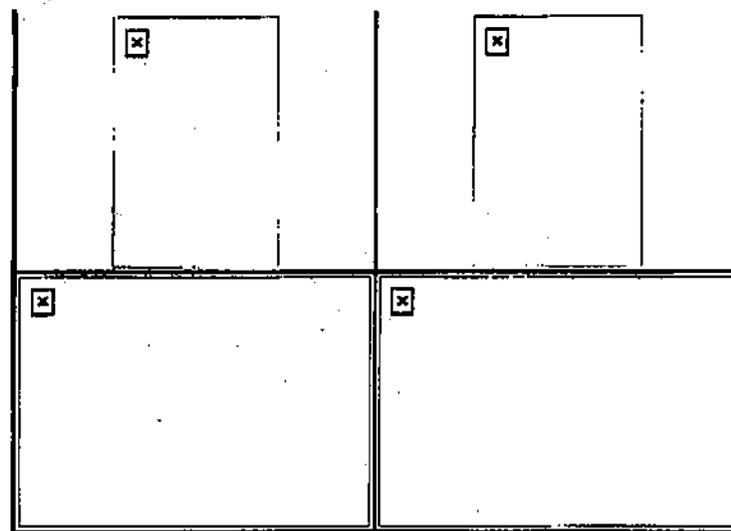
Browse through our
Cake Gallery.

Indulge in the variety
of styles for your
function and needs.

© 1999 - 2000 Cakediva.com
All Rights Reserved

CD000125

CD000127



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All Rights Reserved

APPLICANT'S CHARMAINE V. JONES' PRIVILEGE LOG

* = Redacted document

BATES NO.	DATE	AUTHOR	RECIPIENT	CC	DOCUMENT TYPE	SUBJECT	PRIVILEGE ASSERTED
*CD000013	1/2007	Charmaine v. Jones	Lori D. Greendorfer		Handwritten Notes	Attorney-Client communications concerning document	Attorney-Client Privilege ("AC")
*CD000016	1/2007	Charmaine v. Jones	Lori D. Greendorfer		Handwritten Notes	Attorney-Client communications concerning document	AC
*CD000028	1/2007	Charmaine v. Jones	Lori D. Greendorfer		Handwritten Notes	Attorney-Client communications concerning document	AC
*CD000029	1/2007	Charmaine v. Jones	Lori D. Greendorfer		Handwritten Notes	Attorney-Client communications concerning document	AC
*CD000037	1/2007	Charmaine v. Jones	Lori D. Greendorfer		Handwritten Notes	Attorney-Client communications concerning document	AC
*CD000039	1/2007	Charmaine v. Jones	Lori D. Greendorfer		Handwritten Notes	Attorney-Client communications concerning document	AC
*CD000120	10/6/2008	Charmaine v. Jones	Lori D. Greendorfer		Email	Attorney-Client communications referring to attached email	AC

(*) = Redacted Document

Exhibit 12

KEATS McFARLAND & WILSON LLP

ATTORNEYS AT LAW

TEL (310) 248-3830
FAX (310) 860-0363

9720 WILSHIRE BOULEVARD
PENTHOUSE SUITE
BEVERLY HILLS, CALIFORNIA 90212

www.kmwlaw.com

WRITER'S DIRECT DIAL
(310) 777-3736

WRITER'S EMAIL
mklafter@kmwlaw.com

November 24, 2008

VIA FIRST CLASS MAIL

Lori D. Greendorfer
Schiff Hardin, LLP
900 Third Avenue
New York, NY 10022

Re: *Cake Divas v. Jones, T.T.A.B. Opp. No. 91177301*

Dear Ms. Greendorfer:

Thank you for providing on November 18, 2008, your client's verified supplemental responses to our client's Interrogatories, and for producing additional documents and a privilege log in response to our client's Requests for Production. Please confirm that there are no additional documents that are responsive to our clients' discovery requests, or upon which your client intends to rely in support of her claims.

Sincerely yours,



Matthew D. Klafter, for
KEATS McFARLAND & WILSON LLP

MDK:dvo
cc: Cake Divas

Exhibit 13

Matthew Klafter

From: Greendorfer, Lori D. [LGreendorfer@schiffhardin.com]
Sent: Monday, December 01, 2008 8:50 AM
To: Matthew Klafter
Cc: Konrad Gatien
Subject: Your November 24 Letter; Cake Divas v. Jones, Opp. No. 91177301

Dear Matthew,

Thank you for your November 24 letter. In response to your letter, we have provided all the documents and information we currently have in our possession, custody or control that we believe are responsive to your discovery requests (and without waiver of our objections to such requests). In accordance with TTAB rules and the Federal Rules of Civil Procedure, we reserve our right to supplement those responses as additional information becomes available or is located, as set forth in our responses and supplemental responses (and incorporated in this e-mail by reference). Thus, in response to your inquiry, there may be additional documents or information that are responsive to the discovery requests or upon which we will rely in support of our claims, and there may be modifications or supplementation of responses to such requests for the same reasons.

Please let me know if you would like to discuss settlement of this matter.

Regards,
Lori

Lori D. Greendorfer | Schiff Hardin LLP
900 Third Avenue, 24th Floor
New York, New York 10022

Direct: 212.745.0814
Fax: 212.753.5044
Email: Lgreendorfer@schiffhardin.com

Tax Matters: To the extent this message or any attachment concerns tax matters, it is not intended or written to be used, and cannot be used by a taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under law.

This message and any attachments may contain confidential information protected by the attorney-client or other privilege. If you believe that it has been sent to you in error, please reply to the sender that you received the message in error. Then delete it. Thank you.

CERTIFICATE OF SERVICE
In the Matter of Application Serial No. 76/529,077
Cake Divas v. Charmaine V. Jones
Opposition No. 91177301

I hereby certify that on January 15, 2008, I served the following document(s)

1. **Opposer's Memorandum of Points and Authorities in Support of Opposer's Motion for Summary Judgment;**
2. **Declaration of Leigh Grode; and**
3. **Declaration of Matthew Klafter**

upon Applicant Charmaine V. Jones at:

1309 5th Avenue, Suite 27F
New York, New York 10029

and counsel for Applicant named below:

Lori D. Greendorfer
Schiff Hardin LLP
6600 Sears Tower
Chicago, Illinois 60606

by placing a true and correct copy thereof in a sealed envelope, postage prepaid, in First Class U.S. mail, for collection and mailing with the United States Postal Service on the same date.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 15, 2008, at Beverly Hills, California.


Matthew Klafter