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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
Correspondence Address	Anthony M. Keats, Esq. Keats, McFarland & Wilson LLP 9720 Wilshire Boulevard, Penthouse Suite Beverly Hills, CA 90212 UNITED STATES kgatien@kmwlaw.com, dorme@kmwlaw.com, akeats@kmwlaw.com
Submission	Testimony For Plaintiff
Filer's Name	Konrad K. Gatien
Filer's e-mail	kgatien@kmwlaw.com, mklafter@kmwlaw.com, mattklafter@gmail.com
Signature	/kkg/
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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.	)	
	)	
Charmaine V. Jones,	)	
	)	
Respondent.	)	
_____	)	

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

**OPPOSER'S NOTICE OF FILING TESTIMONY DEPOSITION**

**TRANSCRIPT OF JOAN SPITLER AND EXHIBITS THERETO**

Opposer Cake Divas hereby files the following testimony deposition transcript and exhibits:

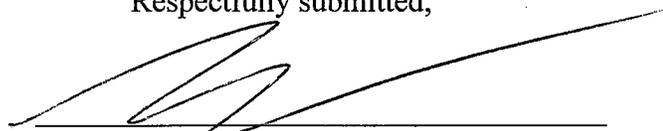
Joan Spitler

Exhibit 1

Date of Deposition: April 16, 2009

Respectfully submitted,

Dated: May 15, 2009



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

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

CAKE DIVAS, etc.,	)	
	)	
Opposer,	)	TTAB OPPOSITION NO.
	)	91177301
	)	
vs.	)	
	)	
CHARMAINE JONES, etc.,	)	
	)	
Applicant.	)	
	)	
	)	

THE TESTIMONY DEPOSITION OF JOAN SPITLER

April 16, 2009

Cheryl L. Marquis, CSR #, 6731  
⊗ 280391

<b>BARKLEY</b>
Court Reporters

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

CAKE DIVAS, etc.,	)	
	)	
Opposer,	)	TTAB OPPOSITION NO.
	)	91177301
	)	
vs.	)	
	)	
CHARMAINE JONES, etc.,	)	
	)	
Applicant.	)	
	)	

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THE TESTIMONY DEPOSITION OF JOAN SPITLER,  
taken on behalf of Opposer at 555 South Flower  
Street, Suite 3500, Los Angeles, California,  
commencing at 10:24 a.m., Thursday, April 16, 2009,  
before Cheryl L. Marquis, Certified Shorthand  
Reporter, No. 6731.

1 APPEARANCES OF COUNSEL:

2

For Opposer:

3

KEATS McFARLAND & WILSON LLP  
4 BY: KONRAD GATIEN, ESQ.  
MATTHEW KLAFTER, ESQ.  
5 9720 Wilshire Boulevard  
Penthouse Suite  
6 Beverly Hills, California 90212  
(310) 248-3830  
7 kgatien@kmwlaw.com  
mklafter@kmwlaw.com

8

9 For Applicant:

10

FOLEY & LARDNER LLP  
11 BY: JEFFREY A. KOBULNICK, ESQ.  
555 South Flower Street  
Suite 3500  
12 Los Angeles, California 90071-2411  
(213) 972-4500  
13 jkobulnick@foley.com

14

and

15

(Present via Videoconference)

16

FOLEY & LARDNER LLP  
17 BY: KARIN SEGALL, ESQ.  
DANA RUNDLOF, ESQ.  
90 Park Avenue  
New York, New York 10016  
18 (212) 682-7474  
ksegall@foley.com  
19 drundlof@foley.com

20

Also Present:

21

(Via Videoconference)

22

CHARMAINE JONES

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I N D E X

THE WITNESS: Joan Spitler

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Direct Examination by Mr. Gatien	6
Cross-Examination by Mr. Kobulnick	18
Redirect Examination by Mr. Gatien	59

EXHIBITS

NO.	DESCRIPTION	PAGE
1	7-page application for Fictitious Business Name Statement, Bates Nos. CD 00062-64, 00059-61 and 00066	17

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LOS ANGELES, CALIFORNIA, THURSDAY, APRIL 16, 2009

10:24 A.M.

-oOo-

(The witness, JOAN SPITLER, was placed under oath by the Deposition Officer as follows:

DEPOSITION OFFICER: Would you raise your right hand, please.

Do you solemnly state that the testimony you will give in this matter will be the truth, the whole truth and nothing but the truth, so help you God?

MS. SPITLER: Yes.

MR. GATIEN: We should probably state appearances. I am Konrad Gatien. That's K-o-n-r-a-d G-a-t-i-e-n. We're counsel for Cake Divas.

MR. GATIEN: Matt -- Matthew Klafter. That's M-a-t-t-h-e-w, K-l-a-f-t-e-r, counsel for Cake Divas.

MR. KOBULNICK: Jeffrey Kobulnick, K-o-b-u-l-n-i-c-k, counsel for the applicant, Miss Jones.

DEPOSITION OFFICER: Counsel

MR. KOBULNICK: In New York.

DEPOSITION OFFICER: In New York, and your address, please?

1 MS. SEGALL: Karin, K-a-r-i-n, Segall,  
2 S-e-g-a-l, 90 Park Avenue, New York, New York, 10016.  
3 Also is Dana

4 MS. RUNDLOF: Dana Rundlof, D-a-n-a,  
5 R-u-n-d-l-o-f.

6 MS. SEGALL: And we also have with us  
7 Charmaine Jones.

8

9

DIRECT EXAMINATION

10 BY MR. GATIEN:

11 Q Good morning, Joan. How are you?

12 A I'm fine. Thank you.

13 Q I just want to go through some preliminary  
14 matters, just letting you know a little bit about the  
15 process today.

16 The format here is that I will be asking you  
17 questions, and then opposing counsel, one of the  
18 attorneys who announced themselves today, will be  
19 asking you questions at the end of that

20 A Okay.

21 Q -- on cross-examination.

22 And I want you to wait until each question I  
23 have asked has been completely asked and finished  
24 before answering it.

25 Please answer each question to the best of

1 your knowledge and based on your personal knowledge,  
2 and if it's not on your personal knowledge, please  
3 state so.

4 If you don't know the answer to a particular  
5 question, please do not guess. Simply state, "I don't  
6 know."

7 If you don't understand a question or are  
8 confused by a particular question, please either let  
9 the person know, or let me know, or request that the  
10 question be clarified or repeated.

11 If you need to take a break for any reason,  
12 please feel free to request one. It's also important  
13 to remember to speak clearly and answer audibly.

14 If it's a "no" answer, don't shake your head.  
15 If it's a "yes" answer, don't nod or say "uh-huh" or  
16 yep , something like that. Please just say "yes" or  
17 "no."

18 Also, after the deposition, you will have the  
19 opportunity to review your transcript and make any  
20 changes, but I would like to let you know that any  
21 changes you make may affect the credibility of your  
22 testimony.

23 Do you recognize that you are under oath today  
24 and have been sworn to tell the truth?

25 A Yes.

1 Q Are you currently taking any medications that  
2 might impair your ability to testify accurately today?

3 A No.

4 Q Do you have any questions before we begin?

5 A No.

6 Q Okay. Thank you for coming today.

7 As you know, we're going to ask you a very  
8 limited set of questions that have to do with the  
9 business registration and your application for the name  
10 Cake Divas.

11 When did you first conceive of the idea to  
12 name your business Cake Divas?

13 A The first time we conceived of the business  
14 name Cake Divas was in August 1998, and it was during a  
15 brainstorming session with Leigh Grode and myself in  
16 our living room, and we were trying to come up with  
17 names for a business. So we were going back and forth  
18 with different ideas and we went through many different  
19 names, and we both said "Cake Divas" at the same time,  
20 and we said, "Well, that sounds like a good one."

21 Q Okay. And once you decided upon the name of  
22 Cake Divas as the name for your business, what steps,  
23 if any, did you take to obtain that name, a business  
24 license for that name?

25 A We immediately did a search on the Internet

1 for any names or similar names, and then I went to  
2 register for a business license beginning of September  
3 1998.

4 Q Okay. And where did you go to do that, to  
5 apply for the business license?

6 A The County Registrar

7 Q Okay, did

8 A -- Los Angeles County Registrar.

9 Q Okay. Did you go yourself?

10 A I went myself.

11 Q Did you go with anybody else?

12 A No, I did not.

13 Q Okay. I would like to show you a document  
14 it's actually two documents that are Bates numbered CD  
15 00062 and CD 00063.

16 What are those documents?

17 A These are the documents I filled out for our  
18 d.b.a.

19 Q Okay, and let me just make sure Jeff has a  
20 copy.

21 Did you fill out this document?

22 A Yes, I did.

23 Q What day did you fill that out?

24 A September 2nd, 1998.

25 Q In looking at the document, there is a number

1 6 on that. What does that state?

2 A That the type of business is cake decorating  
3 business.

4 Q Okay, and there is a number 8 on that  
5 document, and what are the names under number 8?

6 A It's my name, Joan L. Spitzer.

7 Q Okay. And is that a true and correct copy of  
8 the business application that you filed on September  
9 2nd?

10 A Yes, it is.

11 Q I would like to show you another document,  
12 CD 00064.

13 A Uh-huh.

14 Q Do you recognize that document?

15 A Yes.

16 Q What is it?

17 A It's a receipt for Clarion Publications, which  
18 is the newspaper we published our business name in, and  
19 also a receipt recording our application at the L.A.  
20 County Recorder's Office.

21 Q Is there a date on that document?

22 A September 2nd, 1998.

23 MS. SEGALL: Excuse me. Are you going to be  
24 entering these as exhibits?

25 MR. GATIEN: Yes.

1 MS. SEGALL: Okay.  
2 MR. GATIEN: I want to introduce all these  
3 documents as Exhibit 1.

4 MS. SEGALL: All of these together are  
5 Exhibit 1?

6 MR. GATIEN: Yes.

7 MS. SEGALL: Okay.

8 BY MR. GATIEN:

9 Q Okay. And I'm going to show you two more  
10 documents, CD 00059 and CD 00060.

11 Do you recognize those documents?

12 A Yes, I do.

13 Q And what are they?

14 A This is the newspaper with my address on it  
15 that I published our business name in.

16 Q Okay. Was this published in connection with  
17 the filing on September 2nd?

18 A Yes.

19 Q And why do they publish this?

20 A We had to publish our business name in the  
21 newspaper for a number of weeks in order to publicly  
22 announce our business and put it forth for any  
23 opposition.

24 Q Okay. I would like to show you another  
25 document, CD 00061.

1 Do you recognize that document?

2 A Yes. This is from the Clarion newspaper, and  
3 it's our fictitious business name statement.

4 Q Okay, and is that an actual -- is that a copy  
5 of an excerpt from the newspaper?

6 A This is a copy of an excerpt from the  
7 newspaper. It's one of the pages, and it states that  
8 the business that -- the d.b.a. is the Cake Divas.

9 Q Okay, and how often was that published, that  
10 notice?

11 A I believe it was four weeks. You are required  
12 to do it for a certain amount of time.

13 Q Are there dates in there that tell you when it  
14 was published?

15 A September 3rd, September 10th, September 17th,  
16 September 24th of 1998.

17 Q Okay, thank you.

18 I have one more document to show you. It's  
19 Bates numbered CD 00066.

20 A Okay.

21 Q Do you recognize that document?

22 A Yes. This is our General Partnership  
23 agreement for the Cake Divas, between Leigh Grode and  
24 myself.

25 Q Okay, thank you.

1           So I just want to sort of wrap up the day that  
2 you went down to apply for this business license.

3           A     Yes.

4           Q     Where did you go?

5           A     I went to the L.A. County Recorder's office.

6           Q     Okay, and what did you do when you arrived  
7 there?

8           A     When I arrived there, I waited in line, and  
9 when I got to the front of the line, I met with the  
10 clerk who I basically filled out the paperwork for,  
11 stating the d.b.a. is Cake Divas, and at that time, she  
12 told me I was required to do a County search for anyone  
13 who might have a name that is Cake Divas that is  
14 already in existence or a similar name.

15                   She also suggested that I research statewide  
16 and nationwide at that time. They have a computer lab  
17 there, so I went there and I spent three hours  
18 researching Los Angeles, State of California and  
19 nationwide for any names that were similar or exactly  
20 Cake Divas.

21           Q     Okay, so in this computer lab at this  
22 government office, you did a state search?

23           A     Yes.

24           Q     And you did a federal search -- a nationwide  
25 search?

1 A Yes, I did.

2 Q What were the results of that search -- of  
3 those searches? First start with the state search.

4 A There were no identical or similar names to  
5 Cake Divas in a statewide search. I researched Diva  
6 Cakes, Diva Bakery, any variation on this name. Cake  
7 Diva. I researched all of it and there was nothing.

8 Q And what were the results of your federal  
9 search? Please state the, from what you recall, the  
10 searches that you performed and the results, if any  
11 that you received?

12 A I researched multiple names that I felt would  
13 be related to Cake Divas -- Cake Divas, Cake Diva, Diva  
14 Bakery, Cakes by Diva, et cetera, and there were no  
15 results that came up similar or identical to Cake  
16 Divas.

17 Q So just to clarify, did you find any identical  
18 names?

19 A No, I did not find any identical names.

20 Q Did you find any similar names?

21 A I did not find any similar names.

22 Q Did you find the name Cake Diva?

23 A No.

24 Q Did you find the name Charmaine Jones?

25 A No.

1 Q Did you do any other searches that day at the  
2 government office?

3 A No.

4 Q What did you do, after you completed your  
5 searches?

6 A I went back to the clerk's window, filled out  
7 my paperwork and filed for my business name.

8 Q Okay, and what did your paperwork consist of?

9 A It was this exhibit.

10 Q Which one is that? Please tell me by Bates  
11 number, so that they are aware of which document you  
12 are looking at?

13 A Could you show me the Bates numbers, please?

14 Q Oh, it's at the bottom, sorry.

15 A Oh. CD -- CD 00062.

16 Q And actually there is

17 A And CD 00063.

18 Q And you filled those out after your search?

19 A I did.

20 Q Okay, and then what did you do?

21 A Then I paid for the filing, and then I  
22 immediately went to Clarion Publications to publish the  
23 name.

24 Q And what did you do at Clarion Publications?

25 A I basically presented them with the paperwork

1 that I had filed, and submitted the information for  
2 publication and paid them for that service.

3 Q And did you do anything else that day related  
4 to this application?

5 A I did speak with Leigh regarding the  
6 application throughout the process, because it did take  
7 a long time, so I wanted to let her know what was  
8 taking me so long to file the license, which I was  
9 researching.

10 Q And, again, you stated that how long did you  
11 conduct these searches at the government office when  
12 you were looking for similar or identical names?

13 A Three hours.

14 Q Three hours of searching?

15 A Uh-huh.

16 Q Oh, if you had found an identical or similar  
17 name that day, would you have obtained a license to  
18 conduct the business under the name Cake Divas?

19 A I never would have

20 MS. SEGALL: Objection

21 Objection to the form of the question.

22 THE WITNESS: Do I answer?

23 MR. GATIEN: Yes, you answer. The objection  
24 is noted.

25 THE WITNESS: You are not allowed to apply for

1 a business license if you find a name that is too  
2 similar or identical to the name that you are  
3 proposing, that's number one. Number two, we were  
4 establishing a business that we wanted to create for  
5 the long term, so we spent a lot of time trying to come  
6 up with a name and then making sure that there were no  
7 other businesses on a nationwide level with that name.

8 MR. GATIEN: I have no further questions in  
9 this regard, so I will turn it over to Jeff.

10 MR: KOBULNICK: Thank you.

11 MS. SEGALL: I don't believe you have  
12 introduced the exhibit.

13 MR. GATIEN: Oh, I'm sorry, thank you very  
14 much. I would like to introduce the following  
15 documents as Exhibit 1 to Miss Spittler's testimony.

16 (Exhibit No. 1 was marked by the Deposition  
17 Officer for identification and submission.)

18 MS. SEGALL: And we would like to take a short  
19 break

20 MR. GATIEN: Sure.

21 MS. SEGALL: -- before we conduct the cross.

22 MR. GATIEN: Okay.

23 MS. SEGALL: Thank you.

24 (Recess taken from 10:40 a.m. to  
25 10:51 a.m.)

CROSS-EXAMINATION

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BY MR: KOBULNICK:

Q Good morning.

A Good morning.

Q Again, thank you as well as for coming in. We have a few follow-up questions for you.

Before I start, can you tell me what did you do to prepare for today's deposition?

A I'm sorry?

Q Did you review any documents to prepare for today's documents?

A I reviewed some of the older documents, because it's been a really long time.

Q Which documents did you review?

A I reviewed the -- let's see. I reviewed the filing.

Q You mean the document number 62 and 63

A Yeah.

Q -- that we were just talking about?

A I reviewed that, yes.

Q Any other documents?

A Just some general business records.

Q What kind of records?

A Financial records.

Q For your company?

1 A Yeah -- yes.

2 Q Do you normally keep those records?

3 A Yes.

4 Q No one else keeps those records?

5 A Leigh Grode and I help keep those records for  
6 our business.

7 Q Together?

8 A Yes.

9 Q Okay. What type of financial records were you  
10 reviewing for today?

11 A Basic sales and advertising costs over the  
12 years.

13 Q Going back to 1998?

14 A Correct.

15 Q Did you do anything else to prepare for  
16 today's testimony?

17 A I meditated this morning. I mean...

18 Q Did you find that helpful?

19 A I found it helpful, yes, thank you.

20 Q Okay. Miss Spitler, you said that when you  
21 were at the L.A. County Recorder's office, that they  
22 required you to run searches before filing the  
23 application, right?

24 A Yes.

25 Q So you talked about several kinds of searches

1 that you ran in their computer lab. The first one I  
2 believe you said was the county search in Los Angeles,  
3 is that right?

4 A Yes.

5 Q So how did you run a search in L.A. County?

6 A I put the names, and they would come up, they  
7 would run up.

8 Q What

9 A So if I typed in Cake Divas, anything with  
10 that name or similar would come up. If I typed in Cake  
11 Diva or Diva Bakery or anything like that, they would  
12 come up.

13 Q And what database did you search in?

14 A It's in the computer lab within the Registrar  
15 and Recorder's office.

16 Q Do you know what database that was?

17 A I don't know the database. I do know that  
18 it's a requirement, before you file, to go there and do  
19 your searches.

20 Q Had you ever done that kind of a search for  
21 another business name before?

22 A I have not done a search for a business name  
23 prior to this.

24 Q So that was your first time running searches  
25 on their computers?

1 A Yes.

2 Q Did -- when you started the search, do you  
3 recall whether there was a screen that identified what  
4 you were searching, what records you were searching  
5 from?

6 A Yes.

7 Q What records did it say you were searching?

8 A Fictitious business names.

9 Q Only for Los Angeles County?

10 A For Los Angeles County and there was

11 Q Was that the first search, just the  
12 Los Angeles County fictitious business names, before  
13 you ran the state or nationwide searches, or was it all  
14 one search?

15 A It was all one search.

16 Q It was all one search?

17 A Yes.

18 Q Do you know what other databases besides the  
19 Los Angeles County Fictitious Business Statements were  
20 included in the database that you were searching?

21 A The National Register.

22 Q What is the National Register?

23 A The National Register is a listing of  
24 fictitious business names that exist nationally. In  
25 addition to that search, there were also Internet

1 searches.

2 Q Well, before we talk about

3 A That's separately.

4 Q Well, were the Internet searches performed at  
5 that computer lab

6 A No.

7 Q -- at the L.A. County office?

8 A No.

9 Q So you were only able to search the fictitious  
10 business names of Los Angeles County and a national  
11 registry of fictitious business names at the L.A.  
12 County's office?

13 A I researched names of businesses nationally  
14 that would be similar or the same as Cake Divas at the  
15 database at the L.A. County Recorder's office.

16 Q And that database was limited to fictitious  
17 business names that had been recorded across the  
18 country?

19 A Correct.

20 Q Okay. So that database did not include, for  
21 example, the United States Patent and Trademark  
22 databases?

23 A I don't know.

24 Q And do you know if that database included any  
25 state trademark databases?

1           A     I don't know.

2           Q     Tell me a little bit more about how you ran  
3 these searches. For example, did you enter -- for  
4 example, did you enter only the exact words, or did you  
5 use quotation marks around the terms when you searched  
6 them?

7           A     I searched names that were exactly as I had  
8 put on my forms. I searched names that were  
9 variations. I did The Cake Divas, Cake Divas, capital  
10 C D; all one word, CakeDiva CakeDivas, DivaCakes. I  
11 spent a lot of time searching, because I wanted to make  
12 sure that someone else didn't already own this name  
13 before I invested my entire business

14          Q     Did you use the -- were you able to use  
15 wildcards, asterisks?

16          A     Yes. I used quotations, dashes, asterisks,  
17 any variations I could possibly think of at the time.  
18 Different spellings, Cake Devas.

19          Q     Did anyone show you who how to use the  
20 databases?

21          A     Yes. They have clerks there that show you how  
22 to use the databases.

23          Q     Was that a different clerk than the one at the  
24 filing window that told you

25          A     Yes.

1 Q So what -- did you actually run the searches  
2 all yourself, or did the clerk run some of those for  
3 you?

4 A In the beginning, the clerk showed me how to  
5 use the system searching for the name, The Cake Diva  
6 and then I searched on my own.

7 Q Did the clerk only run one sample search for  
8 you?

9 A I don't recall.

10 Q Did the computer lab close for lunch?

11 A Not when I was there.

12 Q What time of day did you start your search?

13 A I was at the Recorder's in the morning.

14 Q What time?

15 A I don't know exactly.

16 Q Was it before nine?

17 A It was probably around -- well, you know, I  
18 don't want to say, because I don't know exactly, but it  
19 was in the morning, so.

20 Q Did you try to get there earlier in the  
21 morning

22 A I did.

23 Q -- closer to when they first opened?

24 A I did.

25 Q And you said you were waiting in a long line

1 to see the clerk at the window?

2 A I waited on a line. It wasn't excessively  
3 long.

4 Q An hour?

5 A No.

6 Q Less?

7 A Less than an hour.

8 Q Maybe half an hour?

9 A I don't know. 15 minutes to half an hour  
10 would be a good assessment of the wait.

11 Q Okay. And you were able to sit in the  
12 computer lab for three straight hours without  
13 interruption?

14 A Correct.

15 Q And they didn't tell you that they were  
16 closing the lab for lunch?

17 A No, I had no awareness that they would close  
18 the lab for lunch. I was there for three straight  
19 hours.

20 Q Were you able to use your cell phone in the  
21 computer lab and talk to Leigh?

22 A It was 1998, I didn't have a cell phone, but  
23

24 Q So you had to get up during your searches to  
25 go call Leigh?

1           A     I called her prior to the searches, and then I  
2 took a brief break for five minutes to call her during  
3 the searches and after the searches.

4           Q     That was the only break you took in three  
5 hours

6           A     Yes.

7           Q     -- just to make one phone call?

8           A     Yes.

9           Q     How many searches do you think you ran on the  
10 database?

11          A     I ran a total of about one legal page of names  
12 with three columns of names.

13          Q     Did you keep a list?

14          A     I don't know that I kept the list. I would  
15 have to look for that list.

16          Q     How do you know it fills up one legal page?

17          A     I'm giving you an estimate based on the  
18 questions you are asking me now, because at the time, I  
19 wasn't thinking I had to save such documents, so

20          Q     Were you able -- I'm sorry. Go ahead.

21          A     I was using that as a reference, because you  
22 have a legal pad in front of you, and I thought that  
23 would be a sufficient description.

24          Q     So is it safe to recap that what you are  
25 saying is that the total number of inquiries that you

1 ran would fit nicely on three columns on one legal-size  
2 paper? Is that what you mean?

3 A I'm saying that at the time I started my  
4 searches, I had written a number of variations on this  
5 thing before I started the search, which subsisted of  
6 about that amount of names. In addition, as I was  
7 searching, I did other names. Just as I would find  
8 something, I would look another way, you know, for  
9 something else.

10 Q So you took a list of variations with you?

11 A I created a list.

12 Q When?

13 A When I started the searches.

14 Q So not before you arrived at the L.A. County  
15 Recorder's office?

16 A I had a list prior to that of business names  
17 and variations and alternates in case someone did own  
18 the Cake Divas that we could apply for.

19 Q We will talk about the alternates in a minute.

20 How many hits did you get when you ran these  
21 searches?

22 A I don't recall.

23 Q Did you get a zero results or did you always  
24 get some references?

25 A I did get some references with the word Diva

1 in regard to furniture and clothing designs.

2 Q Okay. How many hits did you get with the  
3 search for the word cake?

4 A With the word cake, many more things would  
5 come up, such as "Cakes by Mary."

6 Q How many of these hits did you actually look  
7 at when you saw them on your search results?

8 A I looked at every single hit. I wasn't about  
9 to take a chance on naming my business on something  
10 that someone else already named their business.

11 Q Were you able to print out your results?

12 A No.

13 Q There was no printer attached?

14 A There was no printer.

15 Q Did you have to show those results on the  
16 computer screen to anyone working the L.A. County  
17 Recorder's office?

18 A No. It's a good-faith search.

19 Q Let me refer you back to what has been marked  
20 as part of Exhibit 1, a document Bates stamped 00062  
21 and 00063.

22 Were you aware that filing a fictitious  
23 business name statement did not necessarily confer any  
24 trademark rights on you?

25 MR. GATIEN: I'm going to object that calls

1 for a legal conclusion.

2 BY MR: KOBULNICK:

3 Q Let's try it a different way. Could you  
4 please read for me the bottom of document number 00062  
5 where it says "Notice" in the box?

6 A (Reading)

7 "This fictitious name statement expires five  
8 years from the date it was filed in the  
9 office of the County Clerk. A new fictitious  
10 business name statement must be filed prior  
11 to that date. The filing of this statement does  
12 not of itself authorize the use in this state of  
13 a fictitious business name in violation of rights  
14 of another under federal, state or common law."

15 Q And you signed this document?

16 A I did.

17 Q And you are familiar with it?

18 A I am.

19 Q And you understand it?

20 A Yes.

21 Q And, Ms. Spitzer, how long have you lived in  
22 Los Angeles?

23 A I have lived in Los Angeles since 1991.

24 Q Where else have you lived before you lived in  
25 Los Angeles?

1 A San Diego.

2 Q Anywhere else?

3 A No.

4 Q Didn't you spend time living in Europe?

5 A No.

6 Q That was Leigh?

7 A Yes.

8 Q Have you ever lived on the east coast for any  
9 period of time?

10 A No.

11 Q Have you ever spent any time in the New York  
12 metropolitan area?

13 A I have spent time in New York.

14 Q When?

15 A In 1991 and, I believe it was, 1994.

16 Q How long were you there in 1991?

17 A A week.

18 Q And in 1994?

19 A A week. Vacation.

20 Q Both were vacations?

21 A Yes.

22 Q Did you have any prior experience owning or  
23 running a business before Cake Divas?

24 A I did not own my business prior to Cake Divas  
25 -- own a business prior to Cake Divas. I did, however,

1 have positions of management and running other people's  
2 businesses.

3 Q Where did you work before starting Cake Divas  
4 with Leigh Grode?

5 A I worked at The Cake Collection in  
6 Los Angeles.

7 MR. GATIEN: I'm going to ask for a recess  
8 briefly, please.

9 MR: KOBULNICK: Okay. Can I finish this one  
10 line of questioning first?

11 MR. GATIEN: Let me ask you this. Where is  
12 this going? Because it's my understanding that the  
13 cross-examination would only be on the issues upon  
14 which she testified today, and it seems that you are  
15 getting well outside the scope of that.

16 MR: KOBULNICK: Well, as Ms. Spitzer is one of  
17 the co-owners of the opposer

18 MR. GATIEN: But she's not testifying on  
19 anything today, other than the limited issue of filing  
20 for the business license.

21 All these other questions about the history of  
22 the business and so forth

23 MS. SEGALL: I think she

24 MR. GATIEN: -- Ms. Grode is going to be  
25 testifying

1 MS. SEGALL: I think she also testified about  
2 the adoption of the mark and you how she came up with  
3 it, and these questions are relevant to that.

4 MR. GATIEN: Where she lived is relevant to  
5 that?

6 MS. SEGALL: Yes.

7 MR: KOBULNICK: Talking about the adoption of  
8 the trademark and starting the business under that name  
9 is relevant.

10 MR. GATIEN: Let's take a brief recess.

11 MR: KOBULNICK: Okay.

12 (Recess taken from 11:08 a.m. to  
13 11:32 a.m.)

14 BY MR: KOBULNICK:

15 Q You were saying, Miss Spittler, that you worked  
16 for The Cake Collection in Los Angeles before you  
17 formed Cake Divas, right?

18 A Correct.

19 Q What was your title or position with that  
20 company?

21 A Manager and head decorator.

22 Q And what dates were you working at that  
23 company?

24 A 1995 through 1998.

25 Q If I can go back for a moment to your search

1 of the database at the L.A. County Recorder's office,  
2 you said that you looked at -- I'm trying to understand  
3 your testimony correctly. You said you looked at every  
4 single hit when you ran these searches, right?

5 A Yes.

6 Q Because you wanted to be absolutely sure that  
7 you knew of anything else that could have been out  
8 there, right?

9 A Yes.

10 Q And you actually looked at every single hit  
11 that had the word "cake" by itself?

12 MR. GATIEN: She never said -- you are  
13 mischaracterizing her testimony. I don't believe she  
14 ever said that she ran the word "cake" by itself. If  
15 she did, you can ask her that, but...

16 BY MR. KOBULNICK:

17 Q Did you not say you ran the word "cake" by  
18 itself earlier?

19 A I don't -- I don't believe that I did. I  
20 the way that the database works, or at that time that  
21 it worked, is you punch in the name. Anything that has  
22 that word, those letters, anything comes up, and it's a  
23 listing of the name and what type of business it is.

24 Q Didn't you say earlier that you had found the  
25 word "cake" by itself as one of your search terms?

1 A I don't recall.

2 Q Did you run the word "cake" as a search word  
3 by itself?

4 A I don't know.

5 Q You mentioned that you reviewed financial  
6 records going back to 1998 in preparation for today's  
7 deposition, right?

8 A Yes.

9 Q Did you provide those financial records from  
10 1998 to your attorneys?

11 A I'm -- can you rephrase that?

12 Q The financial records that you reviewed went  
13 back to 1998, correct?

14 A Correct.

15 Q Did you provide any of those financial records  
16 going back to 1998 to your attorneys?

17 A Yes, in the interrogatory I gave, you know,  
18 basic estimates on our business finances.

19 Q Did you provide any documents to your  
20 attorneys?

21 A No, I did not.

22 Q Only information?

23 A Correct.

24 Q Based on your prior experience with The Cake  
25 Collection in Los Angeles, did you know what a

1 trademark was before you started Cake Divas?

2 A Yes.

3 Q And based on your own personal experience  
4 besides that, did you also know about intellectual  
5 property rights, not just from working at The Cake  
6 Collection?

7 A Can you rephrase that?

8 Q Were you generally familiar with intellectual  
9 property rights at the time you started Cake Divas'  
10 business?

11 A I was familiar with basic trademark rights.

12 Q Okay. So -- and as I understand your  
13 testimony, you realized that it was important to  
14 conduct some kind of a search to determine that the  
15 name Cake Divas was not already taken by someone else?

16 A Yes.

17 Q Okay. You thought it was important enough to  
18 conduct a thorough search at the fictitious -- at the  
19 County Recorder's, but did it ever occur to you to do a  
20 formal trademark search?

21 A At the time, it did not.

22 Q Okay. Let's go back for a minute to the  
23 August 1998 brainstorming session, as you called it, in  
24 your living room, I believe.

25 A Yes.

1 Q When you say that you and Ms. Grode  
2 simultaneously came up with the term Cake Divas, I just  
3 want to make sure I completely understand that.

4 The two of you looked at each other, and no  
5 one said it first; the two of you looked at each other  
6 and exclaimed, completely simultaneously, "Cake Divas."  
7 Is that your testimony?

8 A Yes.

9 Q And what led up to that?

10 A What led up to us saying Cake Divas at the  
11 same time is we were running through a variety of  
12 names, and just kind of what about this name, what  
13 about that name, what about this name, and Cake Divas  
14 came up.

15 Q What alternative names had you thought of?

16 A I can't say that I had a specific alternative  
17 name in terms of brainstorming. We went from Sweet  
18 Cakes, Diva Cakes -- I don't recall everything. It was  
19 really quite loose.

20 Q You said you immediately got on the Internet  
21 and searched for either the same or similar names to  
22 Cake Divas in August of '98 when you first had that  
23 idea?

24 A Yes.

25 Q What search engines did you use to conduct

1 those searches?

2 A Leigh actually ran the search on the computer,  
3 and I was with her at the time, and the search engine  
4 we used was AOL.

5 Q So you were logged on to the AOL e-mail and  
6 then used the search engine on AOL?

7 A Yes.

8 Q Did you have an AOL e-mail account at that  
9 time?

10 A I don't know.

11 Q But you had a subscription with AOL to use  
12 their search?

13 A I don't know. I don't know the date I exactly  
14 got my AOL e-mail. It was shortly after the time when  
15 everybody was on AOL. So I don't want to give you a  
16 date that I'm guessing, but in order to do an AOL  
17 search, I must have had an account.

18 Q Did you use any other search engines other  
19 than AOL?

20 A I personally did not. I believe that Leigh  
21 did.

22 Q Do you know what she used?

23 A I do not.

24 Q Were you standing next to her when she did the  
25 searches?

1 A Yes.

2 Q Were you paying attention to what she doing  
3 when she did the search?

4 A Yes.

5 Q What did she do?

6 A She put in the name Cake Divas and looked to  
7 see if there were any businesses in existence with that  
8 name.

9 Q Do you know if the AOL search was a business  
10 name search?

11 A When we made the search, it was intentionally  
12 for business names.

13 Q But the database that was used through AOL,  
14 you don't know if that was specifically

15 A I don't know.

16 Q -- a business name database, correct?

17 A I don't know.

18 Q In 1998, you also checked to see if certain  
19 domain names were available, is that right?

20 A Yes.

21 Q Did you check that on that same day that you  
22 had the brainstorming session in August of 1998?

23 A I believe so.

24 Q And you checked the domain names cakediva.com  
25 and cakedivas.com, among others, right?

1 A Yes.

2 Q And you saw that both those names were  
3 available on that day?

4 A Yes.

5 Q You decided not to purchase either of those  
6 domain names on that day?

7 A We did purchase cakedivas.com.

8 Q In August of 1998?

9 A I don't know the exact date.

10 Q When you first looked at the availability of  
11 domain names, you saw that cakediva.com was also  
12 available, right?

13 A Yes.

14 Q But you didn't purchase that one?

15 A No, at the time, we didn't think we needed to.  
16 In retrospect, I really wish we had.

17 Q Just so I have your understanding correct or  
18 my understanding correct of your testimony, are you  
19 saying that you purchased the cakedivas.com domain name  
20 in August of 1998?

21 A No.

22 Q When did you purchase the cakedivas.com domain  
23 name?

24 A I don't remember the exact date.

25 Q Was it that month?

1 A I don't know.

2 Q Was it a year later?

3 A I don't know. Leigh handles most of the  
4 computer and business side of the -- of Cake Divas. So  
5 I am the cake designer, so we kind of split our work  
6 that way. So you might want to ask her those  
7 questions.

8 Q Okay. So you never personally registered any  
9 domain names?

10 A No.

11 Q Have you ever registered any domain names?

12 A Myself personally?

13

14 Q Yes.

15 A No.

16 Q Did Leigh register the cakedivas.com domain  
17 name?

18 A Yes.

19 Q Do you know if that domain name was acquired  
20 from someone else?

21 A Network Solutions.

22 Q Were there any other domain names besides  
23 cakediva.com -- I'm sorry, cakedivas.com that you  
24 registered or that Leigh registered for your business?

25 A I don't know. I believe so, but, again, you

1 should ask her.

2 Q So you don't know the specific names, only  
3 Leigh knows that, if there were other domain names?

4 A I believe today we are in possession of  
5 several domain names.

6 Q Do you know if any other domain names were  
7 purchased in 1998 or 1999?

8 A I don't know.

9 Q Did you ever consult with anyone regarding the  
10 availability of Cake Divas as a trademark?

11 A In terms of the?

12 Q Any professional legal counsel?

13 A I actually did consult business owners, and I  
14 also did get a book regarding setting up your own  
15 business and got advice in those areas.

16 Q Which business owners did you talk to?

17 A Arnold Pomerant.

18 Q And who is he?

19 A He is Payless Shoes.

20 Q Anyone else?

21 A I spoke to other business professionals from  
22 my previous job.

23 Q From The Cake Collection?

24 A From The Cake Collection and from Lucky's  
25 grocery store, where I was also a manager.

1 Q What was the book that you read?

2 A I don't remember the name of the book, but I  
3 did do a bit of research about establishing a business  
4 and what that entails prior to taking on this endeavor.

5 Q Do you recall if that book made any mention  
6 about clearing a trademark before using it?

7 A No.

8 Q No, you don't recall or

9 A It was my understanding that if I had the  
10 business name and everything done from top to bottom  
11 with my business name, that that would establish a  
12 trademark, the first use.

13 Q It's your understanding that by applying to  
14 register a fictitious business name for that term as  
15 your business that you have started establishing  
16 trademark rights, is that correct?

17 A No. That's not correct. What I'm saying is  
18 that part of establishing a trademark, in my  
19 understanding, is being able to prove a first use,  
20 which is why I filed all these papers legally and did  
21 the searches that I did

22 Q Okay.

23 A -- in order to establish.

24 Q So is it your testimony that by filing the  
25 fictitious business name application that you were

1 using the mark in commerce by doing so?

2 A That question is a little confusing. Am I  
3 understanding that you are asking me if by filling out  
4 this paperwork, I was obtaining a trademark?

5 Q If I could just

6 MR. GATIEN: Let me just say this. If you  
7 don't understand the question

8 THE WITNESS: Yes.

9 MR. GATIEN: -- or it's confusing, just ask  
10 him to rephrase it.

11 THE WITNESS: Yes, could you rephrase that?

12 BY MR. KOBULNICK:

13 Q Sure. By filing an application for A  
14 fictitious business name, this document

15 A Yes.

16 Q -- that we have been talking about today, was  
17 it your understanding that that would establish your  
18 use of a trademark, to give you trademark to the term?

19 A No.

20 Q So filing the fictitious business name  
21 statement then had no bearing on your trademark rights?

22 A I believe it does have bearing on my  
23 trademark, but if I never sold anything, then I  
24 wouldn't be in trade. I could fill this out and not,  
25 you know, actually go forward with my business. So

1 it's my understanding that it's first use in commerce  
2 that would establish a trademark.

3 Q So I just want to make sure I'm clear on this.  
4 When you say that this was part of the process  
5 to start building your trademark rights, this filing of  
6 a fictitious business name statement, what did you mean  
7 by that?

8 A I mean that this was establishing our business  
9 name. And our first sale was on October 15th, 1998,  
10 which is what I stated is the date of first use. I  
11 could not have legally made that sale without this  
12 paperwork, so that's what I mean by the process.

13 Q I see. Did you ever -- strike that.  
14 So you never consulted with an attorney about  
15 trademark search?

16 A I did.

17 Q Who?

18 A Elizabeth Swanson.

19 Q When did you consult with Elizabeth Swanson?

20 A In 2000

21 (Cellular phone rings.)

22 MR. GATIEN: I'm sorry.

23 THE WITNESS: 2003.

24 BY MR. KOBULNICK:

25 Q Was there a trademark search ordered when you

1 met with Miss Swanson?

2 A Yes.

3 Q She ordered a trademark search?

4 A Yes.

5 Q Did she discuss those results with you?

6 A I was present at the time, as well as  
7 Ms. Grode.

8 Q So you had a meeting at Miss Swanson's office?

9 A Correct.

10 Q And you actually reviewed the search report  
11 that was conducted?

12 A Yes.

13 Q And was that search report provided by an  
14 outside vendor?

15 A It was on the USPTO search, and then I'm not  
16 sure what other searches she conducted in terms of  
17 names and all that, but she created a search for the  
18 trademark, which we were a witness to, and we also  
19 filed a trademark with Miss Swanson.

20 Q When you say you were witness to it, you  
21 didn't watch them perform the search, right?

22 A I watched her perform the search.

23 Q In her office she performed it?

24 A In the office for the trademark office search.

25 Q So Miss Swanson did all the searching herself

1 on her own computer at her own office?

2 A Yes.

3 Q So she didn't call an outside vendor and order  
4 a trademark search from a company?

5 A I don't know.

6 Q Okay.

7 A I believe she may have, but I can't say.

8 Q How long do you recall that search was  
9 conducted by Miss Swanson?

10 A I don't know.

11 Q Was the search report printed out?

12 A I don't know.

13 Q Did you ever review a printed report or only  
14 on the computer screen?

15 A I don't recall. I did see the computer screen  
16 and documents that were subsequently printed.

17 Q How many documents or hits did you review?

18 A I don't recall.

19 Q What was the inspiration for the name Cake  
20 Divas?

21 A The inspiration for the name Cake Divas would  
22 be that we wanted to make fabulous cakes and make our  
23 clients feel like divas.

24 Q Who were your targeted clients?

25 A In the beginning, our targeted clients were

1 hotels and corporations, as well as individuals.

2 Q And you wanted not only the individuals, but  
3 the corporate clients to feel like divas?

4 A Yeah. Yes.

5 Q How does a hotel feel like a diva?

6 A When I say feel like divas, I mean that we  
7 treat them with good service and respect and make them  
8 feel as special as we think they are.

9 Q So are you using the term divas to describe  
10 the clients or to describe you and Ms. Grode?

11 A Both. I'm using the business name Cake Divas  
12 to describe our business in whole.

13 (Inaudible comments.)

14 THE WITNESS: Oh good.

15 MR. KOBULNICK: Sorry.

16 BY MR. KOBULNICK:

17 Q What made you choose Cake Divas over some of  
18 those alternative marks that you thought of, like Sweet  
19 Cakes?

20 A Sweet Cakes, for one, was already in existence

21

22 Q How did you know that?

23 A -- from our searches. Internet search.

24 Q Was the Internet search the same day as your  
25 brainstorming session?

1 A Correct.

2 Q Okay.

3 A Cake Divas seemed like the natural choice for  
4 us, because we both liked it and came up with it at the  
5 same time.

6 Q Were there any other alternatives that were as  
7 much of an interest to you? Or was Cake Divas the only  
8 one?

9 A That was the name that was of the most  
10 interest to us.

11 Q No close second choice?

12 A No.

13 Q Have you ever used any prior business name or  
14 trademark in connection with this business?

15 A No.

16 Q It's always been Cake Divas?

17 A Correct.

18 Q Cake Divas is currently located at 9626 Venice  
19 Boulevard in Culver City, is that correct?

20 A Correct.

21 Q Is there a suite number?

22 A No.

23 Q Is that a store front?

24 A We have a salon situation at our business. We  
25 don't have a full walk-in bakery. We work by

1 appointments. However, we do have signage outside, and  
2 if anybody wants to come in and buy a cake, they are  
3 welcome.

4 MR. GATIEN: I'm going to object again just to  
5 the scope of this, because even if we're talking about  
6 the selection of the name, clearly like their present  
7 business and where it's located and anything that has  
8 to do with something other than with the selection of  
9 the name and the business registration is outside the  
10 scope of what we are discussing.

11 MR: KOBULNICK: Well, it's related to the time  
12 that the mark was created. Let me streamline it a  
13 little bit.

14 BY MR. KOBULNICK:

15 Q When you first came up with the Cake Divas  
16 mark, you were actually living at a different address,  
17 right, at 1027 Elkgrove Avenue, Unit 2?

18 A That was the -- a residence address for mail  
19 purposes.

20 Q Okay, who lived there?

21 A Myself and Leigh Grode.

22 Q Okay. That -- was there another business  
23 address in 1998 for your company? Or was that the only  
24 one?

25 A The original business address filed on our

1 CD 00062 was on Glencoe Avenue, which was the original  
2 kitchen we were going to rent for our business. We  
3 ended up renting the kitchen at 9626 Venice Boulevard.

4 Q When did you -- sorry. I want to make sure  
5 I'm clear on this.

6 Are you saying that in 1998, you had multiple  
7 business addresses when you first started Cake Divas?

8 A No.

9 Q Can you explain that again?

10 A When I filled out the paperwork for the  
11 Registrar Recorder's office, we were originally going  
12 to have our location of production on Glencoe Avenue in  
13 Marina Del Rey. The residence of 1027 Elkgrove Avenue  
14 was an additional way to contact us, but not a business  
15 address.

16 Q Did you end up using also the Glencoe facility  
17

18 A No, we did not. We ended up going to 9626  
19 Venice Boulevard.

20 Q When did you start using the address on Venice  
21 Boulevard?

22 A October 15th, 1998.

23 Q Were there any other addresses, besides the  
24 ones that we have talked about, that you have used with  
25 your business?

1 A No.

2 Q And that initial address on Elkgrove Avenue

3 A Yes.

4 Q -- was that owned by one of you?

5 A No. It was an apartment.

6 Q Who was renting it?

7 A I was.

8 Q Was there a signed lease?

9 A Yes.

10 Q Do you have a copy of that signed lease  
11 agreement?

12 A Yes.

13 Q Okay.

14 A The apartments are no longer in existence,  
15 however, just for your reference.

16 Q So if this was an apartment, then it wasn't a  
17 large baking kitchen?

18 A No, that's why we procured a professional

19 Q Space?

20 A -- health-coded, up-and-up space, to do our  
21 business.

22 Q Were any of the -- did any of the cakes get  
23 made at the Elkgrove address?

24 A No.

25 Q Was there any limitation about whether you

1 were allowed to operate a business out of that rented  
2 apartment?

3 A We did not operate our business out of that  
4 apartment, other than receiving mail in the beginning  
5 of our establishing of Cake Divas.

6 Q Do you know if there was such a restriction  
7 for operating a business from that apartment?

8 A I don't know. But as I stated, it was a  
9 mailing address.

10 Q So there was no name outside the apartment  
11 that said Cake Divas?

12 A No.

13 Q Your letterhead says by appointment only?

14 A Yes.

15 Q So how did customers find you when you first  
16 started your business?

17 MR. GATIEN: Again, I'm just going to object  
18 on the record that it's outside the scope of the  
19 selection of the name and the filing for the business  
20 license.

21 MR. KOBULNICK: I may come back to that, but  
22 let me move on to another topic.

23 MS. SEGALL: Jeff?

24 MR. KOBULNICK: Yes.

25 MS. SEGALL: It's Karin, why don't we take a

1 break.

2 MR: KOBULNICK: Okay. Let's take a break.

3 (Recess taken from 12:02 p.m. to

4 12:08 p.m.)

5 BY MR: KOBULNICK:

6 Q I just want to go back to a couple of points.  
7 One, let's go back for a moment. You said you reviewed  
8 certain financial records this morning, right, in  
9 preparation for the deposition? Or am I not  
10 characterizing that accurately?

11 A No.

12 Q When did you review those financial documents?

13 A This past week.

14 Q This past week, okay. What documents in  
15 particular did you look at?

16 A Accounting documents

17 Q What

18 A -- and statements.

19 Q What does that mean?

20 A That means personal business documents that  
21 state income and expenses.

22 Q You mean tax returns?

23 A No.

24 Q Do you mean financial statements?

25 A Yes.

1 Q Okay, so you are talking about the company's  
2 financial statements?

3 A Yes.

4 Q And those were prepared by a C.P.A.?

5 A No.

6 Q Who prepared them?

7 A They are the documents that are internal to  
8 our business.

9 Q So who prepared them?

10 A I prepared them.

11 Q Okay. What other documents besides financial  
12 statements did you review?

13 A The trademark application.

14 Q Okay. Anything else?

15 A No.

16 Q Were there any other financial documents?

17 A No.

18 Q Did you review any invoices from the company?

19 A No.

20 Q Did you review any proposals from clients?

21 A I only reviewed current projects that are  
22 ongoing at the time that I had to address with current  
23 clients.

24 Q So, not for this deposition; there was no  
25 other documents that you needed to review?

1 A No.

2 Q And then the other question is, you said you  
3 had some alternative names with you when you went to  
4 the County Recorder's office in case Cake Divas didn't  
5 work out, right?

6 A Yes.

7 Q Now, just so I'm clear, did you bring a  
8 written list of those alternatives with you?

9 A No.

10 Q So they are all in your head?

11 A No, I wrote them down before I started the  
12 search in the computer lab.

13 Q That's when you first wrote them down, in the  
14 computer lab?

15 A Yes.

16 Q And that was the list that I believe you said  
17 was about one page of a legal pad long?

18 A Yes.

19 Q And about three columns worth of alternatives  
20 on one sheet of paper?

21 A This was a list of variations on names that  
22 could be close to Cake Divas.

23 Q These

24 A There were no other names like that we had  
25 previously discussed in our brainstorming session.

1 Q So when you say close, do you mean that the  
2 letters were similar? Or are you talking about synonym  
3 words that had the same meaning as the word divas?

4 A I'm talking about words that would be similar  
5 to Cake Divas or cause some confusion if someone else  
6 owned that name.

7 Q And in your mind, what would cause that kind  
8 of confusion?

9 A A similar name to Cake Divas.

10 Q Any similar name?

11 A Specifically if there was the exact same name  
12 as Cake Divas, or A Cake Diva or A Diva of Cake. Any  
13 of those would have been absolutely similar.

14 Q So were all of the alternatives that you wrote  
15 down in the computer lab solely combinations of cake  
16 and diva in some form?

17 A No.

18 Q There were other terms as well?

19 A There were other terms as well that  
20 incorporated the names diva and cake.

21 Q So there were some terms that had both cake  
22 and diva, correct?

23 A Yes.

24 Q And there were some terms that had cake  
25 another term, correct?

1 A Yes.

2 Q And then there were some that had diva or  
3 divas and another term, correct?

4 A Yes.

5 Q And together, all of those filled  
6 approximately one full page of a legal size paper in  
7 three columns?

8 A Yes.

9 Q So that is more than a hundred names?

10 A Yes.

11 Q So you wrote down more than a hundred  
12 alternatives before you started searching on the  
13 database for Cake Divas?

14 A I wrote them down at the beginning of my  
15 search and during the search.

16 Q Because as you were running the search, you  
17 came up with more?

18 A Yes.

19 Q What did you do with that list after you left  
20 the Recorder's office?

21 A I put it in a file.

22 Q Do you still have that document?

23 A I don't know.

24 Q Did you ever -- when was the last time that  
25 you saw that document?

1 A Which document?

2 Q The list of the alternative marks that you had  
3 searched?

4 A Since the date of the search.

5 Q So you haven't looked at the list since August  
6 of 1998?

7 A I don't know.

8 Q And you have never provided a copy of that  
9 list to your attorney?

10 A No.

11 Q And in response to discovery, you didn't think  
12 that was relevant?

13 A I gave my attorney all the information that  
14 were in the files that I felt were relevant.

15 MR. GATIEN: I'm going to object, because I  
16 don't believe she said that document is in her  
17 possession or that it even still exists.

18 MR: KOBULNICK: I think she did.

19 MR. GATIEN: I'm sorry. Joan, did you say  
20 that?

21 THE WITNESS: No I didn't.

22 BY MR: KOBULNICK:

23 Q Is the document in a file?

24 A I put the document in a file.

25 Q Did you ever take the document out of the

1 file?

2 A No, but I don't know where the file is.

3 Q You don't know where your files are kept?

4 A Not that file. At the beginning of our  
5 business.

6 Q Did you ever destroy files since you started  
7 the business?

8 A No.

9 Q Was there any reason why you would have thrown  
10 out that file?

11 A No.

12 Q So is it probable that you still have that  
13 file or that document?

14 A I don't know.

15 MR: KOBULNICK: I think we're done.

16 Is there anything else from New York? Did you  
17 have any questions?

18 MS. SEGALL: No, we're good. Thanks.

19 MR. KOBULNICK: Sure.

20

21 REDIRECT EXAMINATION

22 BY MR. GATIEN:

23 Q Okay, just one quick clarification, Joan. We  
24 have been talking about a legal pad with three columns.

25 A Yes.

1 Q Did you have a legal pad when you were at the  
2 business name office?

3 A I don't know.

4 Q Did you write the names down?

5 A Yes.

6 Q What did you write them down on?

7 A On a pad of paper that was about the size of a  
8 legal pad.

9 Q Okay, and I believe counsel estimated for you  
10 one hundred names. Can you estimate how many names  
11 might have been on that pad?

12 A Estimating... No.

13 Q Do you believe it was more than a hundred?

14 A I don't know. I believe that it was  
15 definitely a hundred. It could have been more.

16 Q So you would say -- okay.

17 MR. GATIEN: I don't have any further  
18 questions, unless you have more.

19 MR: KOBULNICK: Nothing.

20 MR. GATIEN: Okay, thank you very much.

21 (At 12:17 p.m., this session the  
22 deposition adjourned.)

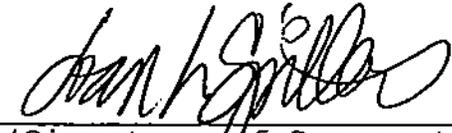
23 ///

24 ///

25 ///

1 I have read the foregoing deposition  
2 transcript and by signing hereafter, approve same.

3  
4 Dated 5/12/09.

5  
6   
7 \_\_\_\_\_  
8 (Signature of Deponent)

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25

1 STATE OF CALIFORNIA )  
2 COUNTY OF ~~ORANGE~~ <sup>San</sup> )  
3 Los Angeles

4 On May 12, 2009 before me, (here insert name and  
5 title of the officer), Grace Nassar, a notary public  
6 personally appeared Joan Spittler

7 \_\_\_\_\_  
8 \_\_\_\_\_

9 who proved to me on the basis of satisfactory evidence  
10 to be the person(s) whose name(s) is/are subscribed  
11 to the within instrument and acknowledged to me that  
12 he/she/they executed the same in his/her/their  
13 authorized capacity(ies), and that by his/her/their  
14 signature(s) on the instrument the person(s), or the  
15 entity upon behalf of which the person(s) acted,  
16 executed the instrument.

17 I certify under PENALTY OF PERJURY under the laws of the  
18 State of California that the foregoing paragraph is true  
19 and correct.

20  
21 WITNESS my hand and official seal.

22  
23 Signature Grace Nassar (Seal)



1 DEPOSITION OFFICER'S CERTIFICATE

2  
3 STATE OF CALIFORNIA )  
4 COUNTY OF LOS ANGELES ) ss.

5  
6 I CHERYL L. MARQUIS, hereby certify:

7 I am a duly qualified Certified Shorthand  
8 Reporter in the State of California, holder of  
9 Certificate Number CSR 6731 issued by the Court  
10 Reporters Board of California and which is in full  
11 force and effect. (Fed. R. Civ. P. 28 (a).)

12 I am authorized to administer oaths or  
13 affirmations pursuant to California Code of Civil  
14 Procedure, Section 2093(b) and prior to being examined,  
15 the witness was first duly sworn by me. (Fed. R. Civ.  
16 P. 28(a), 30(f)(1).)

17 I am not a relative or employee or attorney or  
18 counsel of any of the parties, nor am I a relative or  
19 employee of such attorney or counsel, nor am I  
20 financially interested in this action. (Fed. R. Civ.  
21 P. 28.)

22 I am the deposition officer that  
23 stenographically recorded the testimony in the  
24 foregoing deposition, and the foregoing transcript is a  
25 true record of the testimony given by the witness.

1 (Fed. R. Civ. P. 30(f)(1).)

2 The persons who appeared at the deposition are  
3 set forth on page 3 of the foregoing transcript.

4 The deposition was taken at 555 South Flower  
5 Street, Suite 3500, Los Angeles, California and began at  
6 1:04 p.m., Thursday, April 16, 2008.

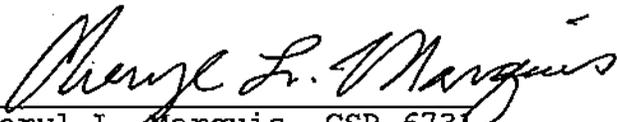
7 Before completion of the deposition, review of  
8 the transcript was requested. Any changes made by the  
9 witness (and provided to the reporter) during the  
10 period allowed, are appended hereto. (Fed. R. Civ. P.  
11 30(e).)

12

13 Dated April 30, 2009

14

15

  
Cheryl L. Marquis, CSR 6731

16

17

18

19

20

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23

24

25



Name: Joan Leslie Spitter  
 Address: 1027 Elk Grove Ave #2  
 City: Venice, CA 90291

98 1576228

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 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 Spitter  
 4A 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)  
Veigh B. Grode  
 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)  
 Residence Street Address City State Zip Code

5 This Business is conducted by: (check one only)  
 an individual  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): \_\_\_\_\_  
 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. Spitter SIGNATURE Joan L. Spitter 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)

REGISTRAR - RECORDER/COUNTY CLERK  
 BUSINESS FILING AND REGISTRATION  
 P.O. BOX 53582, LOS ANGELES, CA 90053-0582  
 PH: (562) 482-2177

FILING FEE: \$10.00 for 1 FBN and 2 registrants  
 plus \$2.00 for each additional FBN/registrant.

THIS FORM SHOULD BE TYPED  
 OR PRINTED "LEGIBLY" IN BLACK INK.  
 FORM # 78F288D-F029 (Rev. 8/94)

CD 00062

Address: 1027 Elk Grove Ave #2  
 City: Venice, CA 90291

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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 Spitzer (if corporation - incorporated in what state)

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:  
 Signature: Joan L. Spitzer Type or Print Name: Joan L. Spitzer  
 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)

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 PH: (562) 482-2177

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VOL.75, NO. 51

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

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

... Social 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, ABCNews 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.

one 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.

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).

ns/The Paramount Journal/Signal/Lakewood Clarion - 98

**BUSINESS NAME STATEMENT #98-1575286**  
(are) doing business as: DAMACULATE EVENTS, 11012 Hollywood Blvd., CA 91604 Registrar: J. CONNIE GERMANO 5020 Hollywood, CA 91601-4230, Nancy Dahl 10860 1/4 Camarillo 6022  
by a general partnership, Signed: J. CONNIE GERMANO

one 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.

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ns/The Paramount Journal/Signal/Lakewood Clarion - 98

**BUSINESS NAME STATEMENT #98-1575287**  
(are) doing business as: ELITE FINANCIAL SERVICES 2, 4545 Wilshire Blvd., # 600, Beverly Hills, CA 90212  
by an individual, Signed: RONALD K. JONES.

one 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.

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).

ns/The Paramount Journal/Signal/Lakewood Clarion - 98

**BUSINESS NAME STATEMENT #98-1575556**  
(are) doing business as: ERICKA BABY STORE, 13612 Tahoe 583 Registrar: ERICKA NAJARRO 13612 Tahoe St. West

by an individual, Signed: ERICKA NAJARRO.  
one 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.

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).

ns/The Paramount Journal/Signal/Lakewood Clarion - 98

**BUSINESS NAME STATEMENT #98-1575584**

(are) doing business as: A & D AUTOMOTIVE CENTER, 10226 So. Sepulveda Blvd., CA 90232 Registrar: ALONSO AVITIA 6417 California 10

by an individual, Signed: ALONSO AVITIA.  
one 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.

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).

ns/The Paramount Journal/Signal/Lakewood Clarion - 98

**BUSINESS NAME STATEMENT #98-1575585**  
(are) doing business as: EI CAFETERIA, 16991 Neegan Ave., 12012 Learning St. Lakewood,

by an individual, Signed: JOHNNIE M. GREENE I.  
one 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.

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).

ns/The Paramount Journal/Signal/Lakewood Clarion - 98

**BUSINESS NAME STATEMENT #98-1575590**  
(are) doing business as: I. BOROWITZ & CLARK, LLP 2, 15233 Ventura Blvd., Ste Ph-18, Sherman Oaks, CA 91402 Registrar: M. ERIK CLARK 4646 Los Feliz Blvd., # 225 Los Angeles, 4077 Tujaung Studio City, CA 91422

by a limited partnership, Signed: M. ERIK CLARK & Barry  
one 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.

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).

ns/The Paramount Journal/Signal/Lakewood Clarion - 98

**BUSINESS NAME STATEMENT #98-1575643**  
(are) doing business as: WILRICK DENTAL CERAMICS, 206 CA 90042 Registrar: WILSON P. GOMEZ 206 N. Ave. 51 Los Angeles, CA 90004 Registrar: WILSON P. GOMEZ & Ricardo E.

one 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.

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).

ns/The Paramount Journal/Signal/Lakewood Clarion - 98

**BUSINESS NAME STATEMENT #98-1575647**  
(are) doing business as: RED STARS MEDICAL SUPPLY,

one 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.

ns/The Paramount Journal/Signal/Lakewood Clarion - 98

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**FICTITIOUS BUSINESS NAME STATEMENT #98-1576151**  
The following person(s) is (are) doing business as: ZABAL ENTERTAINMENT GROUP, 4709 Buffalo Ave., Sherman Oaks, CA 91423 Registrar: PAUL ZABAL 4709 Buffalo Ave. Sherman Oaks, CA 91423  
This business is conducted by an individual, Signed: PAUL ZABAL.

one 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.

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).

ns/The Paramount Journal/Signal/Lakewood Clarion - 98

**FICTITIOUS BUSINESS NAME STATEMENT #98-1576158**  
The following person(s) is (are) doing business as: UP, UP AND AWAY, 9320 1/2 E. Stanton Ave., Pico Rivera, CA 90660 Registrar: LILLIANA VENESSA PUENTE CENTENO 8222 Hasty Ave. Pico Rivera, CA 90660  
This business is conducted by an individual, Signed: LILLIANA VENESSA PUENTE CENTENO.

one 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.

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).

ns/The Paramount Journal/Signal/Lakewood Clarion - 98

**FICTITIOUS BUSINESS NAME STATEMENT #98-1576161**  
The following person(s) is (are) doing business as: ADVANCED MEDICAL SERVICES, 5650 Windsor Way # 301, Culver City, CA 90230 Registrar: CATHERINE C DASH 5650 Windsor Way # 301 Culver City, CA 90230  
This business is conducted by an individual, Signed: CATHERINE C DASH.

one 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.

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).

ns/The Paramount Journal/Signal/Lakewood Clarion - 98

**FICTITIOUS BUSINESS NAME STATEMENT #98-1576228**  
The following person(s) is (are) doing business as: THE CAKE DIVAS, 4051 Glencoe Suite 7, Marina Del Rey, CA 90292 Registrar: JOAN LESLIE SPITTLER 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 SPITTLER & Leigh B. Grode.

one 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.

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).

ns/The Paramount Journal/Signal/Lakewood Clarion - 98

**FICTITIOUS BUSINESS NAME STATEMENT #98-1576230**  
The following person(s) is (are) doing business as: NEVERIA MAPLE, 3109 Maple Ave., Los Angeles, CA Registrar: 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 ESQUIVEL & Clemente Esquivel.

one 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.

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).

ns/The Paramount Journal/Signal/Lakewood Clarion - 98

**FICTITIOUS BUSINESS NAME STATEMENT #98-1576311**  
The following person(s) is (are) doing business as: EL SALVADOR, 1343 Glendale Blvd., Los Angeles, CA 90026 Registrar: DIOGENES QUINTANA 1341 1/2 Glendale Blvd. Los Angeles, CA 90026  
This business is conducted by an individual, Signed: DIOGENES QUINTANA.

one 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.

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).

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**FICTITIOUS BUSINESS NAME STATEMENT #98-1576396**  
The following person(s) is (are) doing business as: I. SPILSBURY PRECISION CO. 2, S.P.C. 12455 Bonford St., # 23, Arleta, CA 91331 Registrar: ALBERTO PABLO SPILSBURY 10904 Mesetas Dr. Shadow Hills, CA 91045  
This business is conducted by an individual, Signed: ALBERTO PABLO SPILSBURY.

one 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.

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).

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**FICTITIOUS BUSINESS NAME STATEMENT #98-1576396**  
The following person(s) is (are) doing business as: RIG PI AVE., Lakewood, CA 90713 Registrar: RICK GOSSETT 61 CA 90713  
This business is conducted by an individual, Signed: RICK GOSSETT.

one 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.

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).

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**FICTITIOUS BUSINESS NAME STATEMENT #98-1576396**  
The following person(s) is (are) doing business as: NEW / # 4, Santa Monica, CA 90405 Registrar: JONATHAN R. 4 Santa Monica, CA 90405  
This business is conducted by an individual, Signed: JONATHAN R. 4 Santa Monica, CA 90405.

one 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.

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).

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**FICTITIOUS BUSINESS NAME STATEMENT #98-1576396**  
The following person(s) is (are) doing business as: MAR SANTA MONICA, CA 90405 Registrar: SUSAN E. ROSSETT CA 90405  
This business is conducted by an individual, Signed: SUSAN E. ROSSETT.

one 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.

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).

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**FICTITIOUS BUSINESS NAME STATEMENT #98-1576396**  
The following person(s) is (are) doing business as: SPEAR BLVD., Suite 785, Los Angeles, CA 90028 Registrar: H. 785 Spear Blvd., Suite 785, Los Angeles, CA 90028  
This business is conducted by an individual, Signed: H. 785 Spear Blvd., Suite 785, Los Angeles, CA 90028.

one 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.

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**FICTITIOUS BUSINESS NAME STATEMENT #98-1576396**  
The following person(s) is (are) doing business as: THE TOR, 15533 Blooms Ave., Paramount, CA 90723 Registrar: J. 15533 Blooms Ave., Paramount, CA 90723  
This business is conducted by an individual, Signed: J. 15533 Blooms Ave., Paramount, CA 90723.

one 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.

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**FICTITIOUS BUSINESS NAME STATEMENT #98-1576396**  
The following person(s) is (are) doing business as: J.B. LOS ANGELES, CA 90061 Registrar: CARLOS VILLEGAS CA 90061  
This business is conducted by an individual, Signed: CARLOS VILLEGAS.

one 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.

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).

ns/The Paramount Journal/Signal/Lakewood Clarion - 98

**FICTITIOUS BUSINESS NAME STATEMENT #98-1576396**  
The following person(s) is (are) doing business as: TAI BEACH BLVD., Compton, CA 90221 Registrar: HUMBERTO 1003 S. I 1003 S. I Compton, CA 90221  
This business is conducted by co-partners, Signed: HUMBERTO & Ricardo E.

one 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.

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This business is conducted by co-partners, Signed: HUMBERTO & Ricardo E.

**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

1 STATE OF CALIFORNIA  
2 COUNTY OF LOS ANGELES

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I, Mary Badillo, hereby certify:

I am an employee of Barkley Court Reporters,  
duly authorized agent for the deposition officer that  
stenographically recorded the testimony in the foregoing  
proceeding and authorized to execute this copy  
certificate.

The foregoing is a true and correct copy of  
the original transcript of the stated proceeding.

Dated 4-30-09.

Mary Badillo

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2009, I served the following document(s) entitled:

**OPPOSER'S NOTICE OF FILING TESTIMONY DEPOSITION TRANSCRIPT  
OF JOAN SPITLER AND EXHIBITS THERETO; AND**

**THE TESTIMONY DEPOSITION OF JOAN SPITLER (APRIL 16, 2009),**

upon counsel for Applicant named below:

Karin Segall  
Foley & Lardner LLP  
90 Park Avenue  
New York, NY 10016  
E-mail: [ksegall@foley.com](mailto:ksegall@foley.com)  
Facsimile: (212) 687-2329

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 May 15, 2009, at Beverly Hills, California.

  
Darrell V. Orme Mann