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

Proceeding	91177301
Party	Plaintiff Cake Divas
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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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

DEPOSITION OF LISA FELDMAN

May 1, 2009

Cheryl L. Marquis, CSR # 6731  
⊗ 281545

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	)	
CHARMAINE JONES, etc.,	)	
	)	
Applicant.	)	
	)	
	)	

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THE TESTIMONY DEPOSITION OF LISA FELDMAN,  
taken on behalf of Opposer at 9720 Wilshire Boulevard  
Penthouse Suite, Beverly Hills, California, commencing  
at 1:16 p.m., Friday, May 1, 2009, before Cheryl L.  
Marquis, Certified Shorthand Reporter, No. 6731.

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I N D E X

THE WITNESS: Lisa Feldman

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EXHIBITS

NO.	DESCRIPTION	PAGE
	(None offered.)	

1 BEVERLY HILLS, CALIFORNIA, FRIDAY, MAY 1, 2009

2 1:16 P.M.

3 -o0o-

4 (The witness, LISA FELDMAN, was  
5 placed under oath by the Deposition  
6 Officer as follows:

7 DEPOSITION OFFICER: Would you raise your  
8 right hand, please?

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

12 MS. FELDMAN: Yes.

13

14 DIRECT EXAMINATION

15 BY MR. KLAFTER:

16 Q Hi Lisa.

17 A Hi.

18 A I'm going to go ahead and do some introductory  
19 things, and then we'll go ahead and get into the  
20 questioning.

21 A Sure.

22 Q So have you ever had your deposition taken  
23 before?

24 A Have I ever had a deposition taken?

25 Q Taken before?

1 A No.

2 Q No. Okay. So the format here today is that I  
3 will be asking you questions, and then either Jeff or  
4 Dana will have a chance to ask you questions regarding  
5 the same matters that you answer to my questioning.

6 And please wait until each question has been  
7 completely finished before providing an answer.

8 A Uh-huh.

9 Q And please answer the question to the best of  
10 your knowledge.

11 A Uh-huh.

12 Q If you don't know the answer to a particular  
13 question, please do not guess and just say "I don't  
14 know" or "I don't remember."

15 If you don't understand or are confused by a  
16 particular question, please either let the person know  
17 or request that the question to be clarified if you do.

18 If you need to take a break for any reason at  
19 any time, please say so.

20 It is also important that you remember to  
21 answer clearly and answer audibly. Please don't shake  
22 your head, yes, up or down; please answer just yes and  
23 no. And please no "uh-huhs" or "huh-uhs".

24 After the deposition, you will have a chance  
25 to review the transcript and make any changes, but I

1 must warn you that any changes that you do make could  
2 affect your credibility of your testimony.

3           So you recognize that you are under oath today  
4 and are sworn to tell the truth?

5           A     Yes, I do.

6           Q     Okay. Have you currently taken any  
7 medications which might impair your ability to give  
8 testimony accurately here today?

9           A     No.

10          Q     Okay, good. Do you have any questions for me  
11 before we begin?

12          A     No.

13          Q     Okay. So, are you aware of any events for  
14 which the Cake Divas have provided services?

15          A     Yes.

16          Q     What is the earliest event that you can  
17 recall?

18          A     The earliest event that I recall is around  
19 1999 in Sebastian, Florida.

20          Q     Do you remember the month?

21          A     May.

22          Q     And do you remember the event that that was?

23          A     The event was a birthday celebration and  
24 humanitarian award celebration at Kashi Ashram.

25          Q     Do you remember the name? Did the event have

1 a name?

2 A It was Ma Jaya's birthday celebration.

3 Q And you said the event took place in a  
4 Sebastian, Florida?

5 A Sebastian, Florida.

6 Q Do you remember the date in May 1999?

7 A Not the exact date, but it would have been  
8 around her birthday, the 26th of May. Usually the  
9 event usually takes place -- it's a yearly event, and  
10 it takes place around Memorial Day weekend.

11 Q And what do you remember about that event?

12 A The biggest thing about the event is there is  
13 a huge dinner, usually around 500 people, people from  
14 the community, people from the city, and they usually  
15 celebrate the birthday, they have a dinner, they have  
16 an awards ceremony, they give a humanitarian award to  
17 some person who works -- who does service in the  
18 community or spiritual communities, and that's the  
19 event.

20 Q Would it be fair to say there were  
21 approximately 500 people at the event in 1999?

22 A It would be fair to say there were  
23 approximately 500 people, yes.

24 Q Do you remember any specific people that were  
25 there that day?

1 A Yeah.

2 Q Do you remember the names of those people?

3 A Some of the people, sure. I can give you  
4 their names.

5 Q Were Leigh Grode and Joan Spitler there?

6 A Leigh Grode and Joan Spitler were there. They  
7 were commissioned to -- they were there actually days  
8 before the event. They were commissioned to bake the  
9 birthday cake and cookies and sweets that were served  
10 at the event.

11 Q Did anybody refer to Leigh and/or Joan as the  
12 Cake Divas?

13 A Yes they did.

14 MR. KOBULNICK: Objection. Leading.

15 BY MR. KLAFTER:

16 Q Do you remember if the Cake Divas were there?

17 A Yes, I do.

18 Q How do you know that Cake Divas were there?

19 A I saw them in the kitchen baking, and also  
20 during the event, at the event when it comes time to  
21 present the birthday cake in front of the community,  
22 it's formally announced. There is a stage, and all of  
23 that, and it's formally announced, now presenting Ma  
24 Jaya's birthday cake will be the Cake Divas, <sup>they came all the way</sup> especially  
25 from Los Angeles, and they announce the Cake Divas, and

1 they roll out this cake, a big huge cake, and that's  
2 all I remember.

3 Q And approximately how long about did the event  
4 last?

5 A The event lasts approximately three to four  
6 hours.

7 Q The event lasted approximately three to four  
8 hours. You said it was on a weekend. Is that per day  
9 or --

10 A It was on a Saturday, I believe, and it starts  
11 in the afternoon, early afternoon around 3:00 or 4:00,  
12 and it lasts until about 6:00, 6:30.

13 Q And were you there on that Saturday?

14 A Yes, I was. I was a guest.

15 Q You were a guest?

16 A Yes.

17 Q Were you there the entire time that the Cake  
18 Divas were there?

19 A Yes, I was.

20 Q Did the Cake Divas provide any other -- okay.  
21 You said they presented a cake. Did they  
22 provide any other baked goods besides a cake that you  
23 are aware of?

24 A They presented a cake that was made  
25 specifically for Ma Jaya's birthday. They made a

1 special cake that was served the day before the event.  
2 They made cookies and sweets that were provided for a  
3 tea that preceded the event with special guests, and  
4 they provided cookies and other sweets that were  
5 provided at the event.

6 Q And who did they provide the cookies and  
7 sweets for?

8 A The guests that were at the event.

9 Q Okay.

10 A I mean, of those 500 people that were invited  
11 there, there was the large cake for Ma Jaya, but they  
12 also made sheet cakes to provide to the guests.

13 MR. KLAFTER: (To Mr. Gatien) Okay, do you  
14 have any other questions off the top of your head?

15 I think I'm done right now, if you want to go  
16 ahead, Jeff.

17 MR. KOBULNICK: Do you want me to start?

18 THE WITNESS: If you like.

19

20 CROSS-EXAMINATION

21 BY MR. KOBULNICK:

22 Q Miss Feldman, I introduced myself earlier  
23 before we went on the record. I'm Jeff Kobulnick. I  
24 represent Charmaine Jones in this proceeding. I'm  
25 going to ask you a few questions about the testimony

1 that you have just given.

2 (To opposing counsel:) Before I do that,  
3 though, I do need to put something on the record.

4 Because this witness was not identified  
5 initially in discovery, I do want to reserve the right  
6 to object, just to the extent she should have been  
7 identified, as it hasn't really been made clear yet in  
8 testimony, the relationship that she has with the  
9 opposer and whether she should have been identified in  
10 response to discovery. So I would like to reserve that  
11 right, if necessary, to enforce the objection later. I  
12 want to put that on the record first.

13 BY MR. KOBULNICK:

14 Q Okay, so that said, Miss Feldman, can you tell  
15 me what you do for a living?

16 A I'm a psychotherapist.

17 Q And do you have your own practice? Or are you  
18 a partner with another practice?

19 A I have my own practice. I'm also part of a  
20 practice called the Akasha Center for Integrative  
21 Medicine.

22 Q I'm sorry, Akasha Center.

23 A Akasha, A-k-a-s-h-a, Center for Integrative  
24 Medicine.

25 Q How long have you been in practice?

1 A At Akasha Center, seven years.

2 Q And before that?

3 A I worked for Prototypes Women's Link.

4 Q I'm sorry, Prototype...

5 A Prototypes Women's Link.

6 Q Okay. Where are they located?

7 A They were located in Inglewood, California.

8 Q And how long did you work with Prototypes  
9 Women's Link?

10 A Seven years.

11 Q So you have been a psychotherapist for 14  
12 years then?

13 A 14. I was an intern for several years prior  
14 to that, yes.

15 Q Where were you employed in May of 1999?

16 A May 1999, I was at Women's Link.

17 Q And where did you live in May of 1999, what  
18 city?

19 A West Hollywood.

20 Q Have you ever been employed by Cake Divas?

21 A Never. No.

22 Q How long have you known Leigh Grode?

23 A I have known Leigh -- she worked at Women's  
24 Link when I was there.

25 Q And when did you first meet her?

1 A I don't know the exact date --

2 Q Do you recall the year?

3 A -- but... The year would be, let's see. Off  
4 the top of my head, no, but it would be about the first  
5 year that I was at Women's Link.

6 Q So is it correct, then, to say that you have  
7 known Leigh Grode for approximately seven years?

8 A No, I have known her about 14 years, 15 years.

9 Q Oh, right, because you were at Prototypes  
10 Women's Link first.

11 A Right.

12 Q Is it correct, then, to say you have known  
13 Leigh Grode for approximately 14 years?

14 A Approximately.

15 Q When did you first meet Joan Spitler?

16 A I met Joan around the same time. Shortly  
17 afterward.

18 Q And you met them because Leigh worked with you  
19 at Women's Link?

20 A Yes.

21 Q Are you close friends with them?

22 A Not too close.

23 Q What does that mean?

24 A It means I'm friendly with them. I don't hang  
25 out with them. I have ordered cakes from them. We

1 have the same spiritual teacher.

2 Q Do you get together with them at spiritual  
3 trainings or events here in Los Angeles?

4 A I attend the annual birthday event with Kashi.

5 Q Have you ever attended any other spiritual  
6 events with Leigh Grode or Joan Spitler here in  
7 California?

8 A I have, in Los Angeles.

9 Q And when was the first time you started doing  
10 that?

11 A I would say around the first time I met --  
12 when she came to work at Women's Link, I invited her.

13 Q Were you working at Women's Link before Leigh  
14 was?

15 A Yes.

16 Q And were you already part of -- I'm not sure  
17 what to call this...

18 A Spiritual practice?

19 Q Yes.

20 A Yes, I was.

21 Q And you invited Leigh to join you at a meeting  
22 in the spiritual practice?

23 A Not a meeting. This teacher came to  
24 Los Angeles.

25 Q The leader, is that Ma Jaya?

1 A Yes.

2 Q When did Ma Jaya come to Los Angeles?

3 A What do you mean, in what year or...

4 Q Yes.

5 A She's been coming to Los Angeles since the  
6 seventies, but this particular time, since 1990.

7 Q And when was the first time that you went and  
8 saw Ma Jaya in person in Los Angeles?

9 A 1990.

10 Q How often do you go to these spiritual events  
11 here in L.A.?

12 A When she comes out.

13 Q Do you only go when Ma Jaya comes to L.A.?

14 A Uh-huh.

15 Q So you don't go to meetings, only when Ma Jaya  
16 is here?

17 A When Ma Jaya is here. We have phone calls  
18 sometimes from Ma Jaya.

19 Q And do Leigh and Joan participate on those  
20 telephone calls?

21 A On occasion I have invited them.

22 Q How often does Ma Jaya come to Los Angeles?

23 A In what years?

24 Q In 1999, for example, how often had she been  
25 in Los Angeles?

1           A     In '99, yes, she was in Los Angeles about four  
2 times a year I think.

3           Q     Let's switch gears for a moment.

4           A     Uh-huh.

5           Q     What did you do to prepare for today's  
6 deposition?

7           A     Nothing.

8           Q     Did you read any documents?

9           A     No.

10          Q     Did you talk to anybody about the events in  
11 May of 1999?

12          A     Did I talk to anybody, meaning?

13          Q     Did you have any conversations with anybody  
14 about the events of May 1999 in Sebastian, Florida?

15          A     No.

16          Q     When was the last time you discussed that May  
17 1999 spiritual birthday event with anybody, prior to  
18 today?

19          A     Talk about it once a year when the birthday  
20 rolls around.

21          Q     Have you read any documents relating to this  
22 legal matter that is at issue?

23          A     No, I have not.

24          Q     Do you know that Leigh Grode also gave a  
25 deposition in this case recently?

1 A No.

2 Q Did you know that Joan Spitler also gave a  
3 deposition recently?

4 A No.

5 Q Who asked you to give a deposition today?

6 A Leigh Grode.

7 Q When did she ask you that?

8 A Several weeks ago. I'm not sure of the date.

9 Q And what did Leigh tell you about this case?

10 A She asked me if I would -- did I remember that  
11 year. I said of course. And would I give a  
12 deposition, and I did.

13 Q What did Leigh ask you to testify about?

14 A That I was there, that I -- she asked me, did  
15 I remember; I said yes. And she said would you testify  
16 that you remember that you were there.

17 Q Did you discuss this case with Joan Spitler as  
18 well?

19 A No, I did not.

20 Q So do you regularly talk to Joan Spitler?

21 A No.

22 Q Do you regularly talk to Leigh Grode?

23 A On occasion.

24 Q Did you discuss this case with anybody else  
25 besides Leigh Grode?

1 A No.

2 Q Did you meet with the attorneys in this room  
3 in preparation for today's deposition?

4 A I did not meet with them.

5 Q Did you have any phone conversations with them  
6 about today's deposition?

7 A I had a phone conversation.

8 Q With who?

9 A Matt.

10 Q And what did Matt tell you about this case?

11 A That I would be giving a deposition, yes or  
12 no; what it -- it was about that year and whether I  
13 remembered being there, and whether I would testify to  
14 that.

15 Q What was your personal connection to the  
16 spiritual birthday event in Florida in 1999?

17 A Could you state that again?

18 Q Sure. What was your personal connection?  
19 What was your reason for attending that event in May of  
20 1999?

21 A I attended every year since I met this  
22 spiritual teacher, in celebration of her birthday.

23 Q When you were there in May of 1999, did you  
24 visit anybody else in the Florida area?

25 A No, I did not.

1 Q Did you pay for your own travel expenses to  
2 get to the birthday celebration in May of 1999?

3 A Yes, I did.

4 Q Did you have any kind of formal role at the  
5 event?

6 A I was a guest.

7 Q So you had no duties to perform while you were  
8 there? You were simply a guest?

9 A A guest.

10 Q Was there a printed program at this event?

11 A Yes.

12 Q Do you have a copy?

13 A I don't usually save -- I have an invitation  
14 that I have saved.

15 Q Do you still have the invitation from the May  
16 1999 event?

17 A Uh-huh.

18 Q I see that you don't have that with you.

19 A No, I don't. But I saved all the years'  
20 invitations.

21 Q Did you advise Matt that you had an  
22 invitation?

23 A No.

24 MR. KOBULNICK: So this is the first you have  
25 heard of it?

1 (No audible response.)

2 MR. GATIEN: That is a yes.

3 MR. KLAFTER: That's the first I have heard of  
4 it.

5 BY MR. KOBULNICK:

6 Q What was on the invitation?

7 A There is a picture of Amortee <sup>Murti</sup> (phonetic).

8 It's says come celebrate Ma Jaya's 59th birthday.

9 Q Do you remember this invitation vividly?

10 A I just looked at it.

11 Q When did you look at it?

12 A This morning.

13 Q So when I asked you a moment ago if you had  
14 reviewed any documents in preparation for today's  
15 testimony, you didn't think that was relevant?

16 A No.

17 Q Okay. That is relevant.

18 A Okay. I was just looking through photographs  
19 and things and the invitation.

20 Q What other photographs did you review this  
21 morning?

22 A Personal photographs.

23 Q Taken at that event?

24 A Pardon? No. No.

25 Q Okay. What else was on that invitation in May

1 of 1999?

2 A Don't remember. I remember -- I was going  
3 through a box of photographs, and in it were all the  
4 invitations that -- whatever I had. Not in preparation  
5 for this, but in searching for something else.

6 Q I see. Do the invitations usually look about  
7 the same every year?

8 A No.

9 Q Besides a photograph of Ma Jaya and the date  
10 and location of the birthday celebration, was there any  
11 other information on that invitation that you recall?

12 A It would be the date.

13 Q You are shaking your head, so...

14 A Best I can remember is just seeing the little  
15 invitation. I didn't really look through it or read  
16 it. The picture on it was not of Ma Jaya it was of a  
17 *Murti*  
Amortee (phonetic).

18 Q And is it correct to assume that the  
19 invitation was not -- that the event was not sponsored  
20 by anyone, that this was purely an invitation for a  
21 celebration of her birthday?

22 A What do you mean by sponsored?

23 Q Did the invitation indicate that any person or  
24 any entity --

25 A Kashi --

1 Q -- was sponsoring the event?

2 A Kashi Ashram.

3 Q Only Kashi Ashram?

4 A Uh-huh.

5 Q Is that a yes?

6 A That's a yes. To the best of my recollection.

7 Q Would it be possible to produce a copy of that  
8 invitation from the May 1999 event and provide it to  
9 the attorneys after your deposition?

10 A Yes.

11 MR. KOBULNICK: (To counsel) Of course, we  
12 would like copy if you get a copy.

13 MR. GATIEN: As you know, she's not our  
14 client. If she will produce it, I will happily produce  
15 it to you.

16 MR. KOBULNICK: That's all I ask.

17 MR. GATIEN: And if you will stipulate, we  
18 will introduce it into evidence.

19 MR. KOBULNICK: Well, we can't stipulate to  
20 enter it into evidence, because it hasn't been properly  
21 authenticated, because it isn't before her. So I can't  
22 really stipulate to that at this point.

23 MR. GATIEN: Well, you could stipulate to  
24 authentication, assuming that she has just mentioned  
25 that she has it and that she received it. If she has

1 it, I believe you could.

2 MR. KOBULNICK: Typically, you would introduce  
3 it and refer to the actual document, you know.

4 MR. GATIEN: I understand.

5 MR. KOBULNICK: Why don't we discuss that more  
6 at the break.

7 MR. GATIEN: Okay.

8 BY MR. KOBULNICK:

9 Q Were there any other printed materials  
10 distributed in connection with this May 1999 spiritual  
11 event?

12 A Yes, there would have been. But whether I  
13 have them, I don't know.

14 Q What other types of printed materials might  
15 there have been?

16 A A program of events.

17 Q But you don't have a copy of that?

18 A I may not have kept that, no. Not that I --  
19 I'm not aware that I have it.

20 Q Okay. You said that Leigh and Joan were, I  
21 believe your word was commissioned, is that right?

22 A Uh-huh.

23 Q To provide desserts and sweets for this event?

24 A (Nods head)

25 Q What do you mean by commissioned?

1           A       They were asked by Kashi Ashram Church  
2 Foundation to come to Florida and make the cakes and  
3 sweets for the event, specifically for the event.

4           Q       Do you know if Miss Grode and Miss Spitler  
5 were paid for those desserts and cakes?

6           A       I have no idea, no. Don't know.

7           Q       Were you involved in any way in an order that  
8 may have been placed with Leigh and Joan for any  
9 desserts to be provided at that event?

10          A       No. That comes from Florida.

11          Q       At that event in May of 1999, were the  
12 desserts that we have discussed passed out on trays, or  
13 were they set out on the tables?

14          A       Passed out on trays.

15          Q       So people were walking around with desserts on  
16 trays?

17          A       Yes.

18          Q       Were any desserts also on tables?

19          A       No.

20          Q       And were any of the desserts that were passed  
21 out in any individual packaging or wrapping, as opposed  
22 to being simply out on a tray, cut up so that you could  
23 remove a piece from the tray and take some?

24          A       I'm not sure what you mean.

25          Q       For example, were any of these desserts in a

1 plastic packaging like you would get individual wrapped  
2 snacks at a grocery store?

3 A No.

4 Q So all of these were fresh baked on a tray --

5 A Yes.

6 Q -- without any individual packaging?

7 A Yes.

8 Q Were there any -- was there anything in  
9 written form given to people with these desserts? Or  
10 was it just desserts on a tray?

11 A In written form? What do you mean by that?

12 Q Is there anything that advertised Cake Divas  
13 on the desserts when they were passed out?

14 A Don't recall.

15 Q Was there anything -- let me re-ask that.

16 Was the Cake Divas' mark on anything that was  
17 posted or displayed at the event?

18 A Yes.

19 Q What was it on?

20 A There was a -- there were cards.

21 Q What cards?

22 A Their business cards at the event.

23 Q Was that the first time you had seen a  
24 business card that said Cake Divas on it?

25 A No.

1 Q When Leigh and Joan presented the cake, it's  
2 my understanding that was a special cake that was made  
3 just for Ma Jaya?

4 A Right.

5 Q And you said that this was a formal  
6 presentation on a stage?

7 A Yes.

8 Q And Leigh and Joan were introduced on the  
9 stage?

10 A Leigh and Joan, from the stage, were  
11 introduced as flying all the way from Los Angeles, the  
12 Cake Divas from Los Angeles, presenting Ma Jaya her  
13 birthday cake. Also --

14 Q That would be --

15 A Paraphrasing, but also providing all the  
16 desserts and cookies and everything you have had here  
17 this day, you know, today.

18 Q So they were referring to the individuals as  
19 the Cake Divas --

20 A Yes.

21 Q -- flying in from Los Angeles?

22 A Yes.

23 Q Did you have to pay any money in order to have  
24 any of the desserts provided at that event?

25 A No.

1 Q Everything was provided free?

2 A Yes.

3 Q Are you personally aware of any documents that  
4 show that an order was placed formally from the ashram  
5 to Cake Divas?

6 A No.

7 Q Do you have any personal knowledge of  
8 documents that would show that there was an invoice  
9 that went from Cake Divas to the ashram for whatever  
10 desserts were provided?

11 A No.

12 Q And do you have any personal knowledge that  
13 payment was made from the ashram to Cake Divas for any  
14 of the services provided?

15 A No.

16 Q Did you have to pay money to attend the  
17 spiritual teacher's birthday event?

18 A No.

19 Q Were donations encouraged voluntarily?

20 A No.

21 Q You said you saw Leigh and Joan in the kitchen  
22 baking the cake?

23 A Yes.

24 Q Who else was helping them bake the cake?

25 A They had some volunteers that lived down there

1 help them, but it was most -- most of the time it was  
2 Joan and Leigh. They used the kitchen down there; they  
3 brought their equipment.

4 Q And that was a communal kitchen at the ashram?

5 A Correct.

6 Q Were a lot of volunteers helping them?

7 A I can't remember how many.

8 Q Was it sort of a group project, where  
9 different people attending this event were encouraged  
10 to help participate?

11 A No.

12 MR. KOBULNICK: I think I would like to take a  
13 short break.

14 THE WITNESS: Sure. All right.

15 (Recess taken from 2:49 p.m. to  
16 3:17 p.m.)

17 MR. KLAFTER: Just reminding you, you are  
18 still under oath.

19 THE WITNESS: Yes.

20 MR. KLAFTER: And you need to testify  
21 truthfully.

22 THE WITNESS: Yes.

23 BY MR. KOBULNICK:

24 Q So, Miss Feldman, I just have a few follow-up  
25 questions for you.

1 A Uh-huh.

2 Q You indicated that Leigh and Joan were there  
3 at this spiritual event in 1999, right?

4 A Right.

5 Q Were they there before 1999?

6 A I don't recall.

7 Q And they are members of the same spiritual  
8 community that you are that we were talking about?

9 A Yes.

10 Q What is the formal name of that spiritual  
11 community?

12 A That's what it is, spiritual community. It's  
13 -- there is no formal -- it's an interfaith community.

14 Q Okay. And so Leigh and Joan are both members  
15 of this interfaith spiritual community with you,  
16 correct?

17 A Correct.

18 Q Okay. And they attend this birthday  
19 celebration as guests as well every year?

20 A I can't answer that they attended -- they are  
21 guests, but they attend as the bakers for the event.

22 Q But they are also -- I guess my question is,  
23 if they are part of the same spiritual community and if  
24 this is a celebration event, it sounds like a long  
25 weekend retreat for members of that spiritual

1 community, aren't they also sharing in that spiritual  
2 rejuvenation as part of attending this?

3 A It is not a retreat. It is -- the event is  
4 just an event.

5 Q It just happens to be over a whole weekend?

6 A It happens to be on -- they come -- it is over  
7 a weekend only because the event itself is on a  
8 Saturday, and we come -- I come a day or two, because  
9 it is flying across the country, and they came, as I  
10 know, that they come a day or two ahead of time in  
11 preparation to bake and make the cakes. They are  
12 serving a lot of people.

13 Q Okay.

14 A The event, just so you know, is not people  
15 from the community. It's not people from the spiritual  
16 community, it is the wide community of a city and  
17 people outside the city.

18 Q Celebrating this one birthday?

19 A Yes.

20 Q You indicated before that business cards were  
21 passed out at this event in May of 1999?

22 A Yes.

23 Q Did you get a business card at that event in  
24 May of 1999?

25 A Yes.

1 Q Do you have a copy of that business card?

2 A I don't know if I kept that.

3 Q Did you have to ask for a business card at  
4 that event?

5 A No.

6 Q Did they hand out business cards to everyone  
7 at the event?

8 A I don't recall.

9 Q Were they handed out at the same time that  
10 desserts were handed out?

11 A I don't recall.

12 Q Were they stacked on a table?

13 A Don't recall.

14 Q So all you recall is that there were business  
15 cards handed out at that event, specifically in May of  
16 1999?

17 A Yes.

18 Q But you don't recall any manner in which they  
19 were handed out, correct?

20 A Correct.

21 Q Would it surprise you if I told you that  
22 another witness testified earlier today that there was  
23 nothing handed out that had the Cake Divas' name on it  
24 in May of 1999?

25 A It wouldn't surprise me. They may not have

1 gotten it.

2 Q And do you personally know Majbritt Almskou?

3 A Who?

4 Q Majbritt Almskou, A-l-m-s-k-o-u. She goes by  
5 Majbritt Almskou?

6 A Maya?

7 Q Yes.

8 A Yes, I do know her.

9 Q How long have you known Maya?

10 A How long have I known Maya? I don't know how  
11 long I have known her. Years, but not as long as I  
12 have known Leigh.

13 Q And your first time attending this spiritual  
14 birthday was what year?

15 A 1985.

16 Q And was that before or after you first met  
17 Leigh Grode?

18 A Way before.

19 Q But the first time that Leigh Grode attended  
20 the event with Joan was in 1999, is that correct?

21 A The first time they attended? I said I didn't  
22 know prior to that year. I know that year they did  
23 attend.

24 Q I see. And that's the first year that you are  
25 aware of that they attended the event?

1 A Yes.

2 Q How did you know Maya Almskou?

3 A Almskou.

4 Q Almskou.

5 A I know Maya through her partner, her life  
6 partner.

7 Q You mean Janice Engel?

8 A Yes.

9 Q And how do you know them? How did you first  
10 come to meet them?

11 A I know Janice Engel through a casting  
12 director. Gail Melnick introduced me to her.

13 Q And when was that?

14 A Don't recall the date.

15 Q Was it before or after you knew Leigh Grode?

16 A Before.

17 Q So you have known Maya Almskou, and I know I'm  
18 mispronouncing is that, since before you have known  
19 Leigh Grode?

20 MR. GATIEN: No, I believe her testimony was  
21 she met Janice.

22 THE WITNESS: I met Janice.

23 MR. KOBULNICK: Oh, I see, I see.

24 THE WITNESS: I met Maya after I met Janice.

25 MR. KOBULNICK: I think that may be all the

1 questions I have for now.

2 Dana, did you have any additional questions?

3 MS. RUNDLOF: I don't.

4 MR. KOBULNICK: Okay. Matt?

5 MR. KLAFTER: I just have a couple really  
6 quick ones.

7

8 REDIRECT EXAMINATION

9 BY MR. KLAFTER:

10 Q In response to one of Jeff's questions, you  
11 said that people that attend this spiritual birthday  
12 celebration are people from the city and outside the  
13 city?

14 A Yes. They come from all over the country.

15 Q All over the country?

16 A All over the country, and they are the  
17 community that they live in and outside that community.

18 Q And that would that include the May 1999 event  
19 as well?

20 A Yes. It's like the mayor of Sebastian,  
21 Councilmen, political people. I didn't want you to  
22 confuse community meaning the spiritual community. It  
23 is the community itself that they reside in.

24 MR. KLAFTER: I don't have anything further.

25 MR. GATIEN: I have nothing.

1 MR. KOBULNICK: I don't have anything further.  
2 I think we are finished.

3 MR. KLAFTER: Okay.

4 MR. GATIEN: Thank you very much for taking  
5 the time to come in today.

6 (At 3:26 p.m. the deposition was  
7 adjourned.)

8 //

9 //

10

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12

13 I have read the foregoing deposition  
14 transcript and by signing hereafter, approve same.

15

16 Dated May 28, 2009

17

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(Signature of Deponent)

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25

1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES)

3  
4 On May 28, 2009 before me, *Grace Nassar, a notary public*  
5 title of the officer),

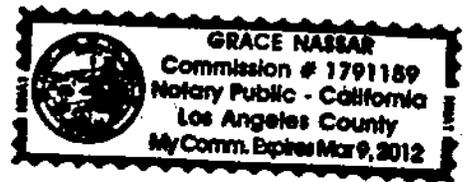
6 personally appeared Lisa Ann Feldman-Shinavier

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)

24  
25

1 DEPOSITION OFFICER'S CERTIFICATE

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STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

I CHERYL L. MARQUIS, hereby certify:

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

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

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

I am the deposition officer that stenographically recorded the testimony in the foregoing deposition, and the foregoing transcript is a true record of the testimony given by the witness. (Fed. R.

1 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 9720 Wilshire  
5 Boulevard, Penthouse Suite, Beverly Hills, California and  
6 began at 1:16 p.m., Friday, May 1, 2009.

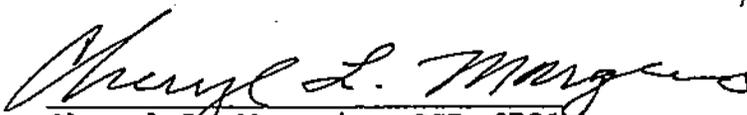
7 Before completion of the deposition, review of  
8 the transcript was requested. Any changes made by the  
9 witness (and provided to the reporter) during the period  
10 allowed, are appended hereto. (Fed. R. Civ. P. 30(e).)

11

12 Dated May 18, 2009

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Cheryl E. Marquis, CSR 6731

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1 STATE OF CALIFORNIA  
2 COUNTY OF LOS ANGELES

}  
SS.

3  
4 I, Mary Badillo, hereby certify:

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

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

12  
13 Dated 5-18-09.

14  
15 Mary Badillo  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 28, 2009, I served the following document(s) entitled:

- 1) **OPPOSER'S NOTICE OF ERRATA; AND**
- 2) **DEPOSITION OF LISA FELDMAN (MAY 1, 2009),**

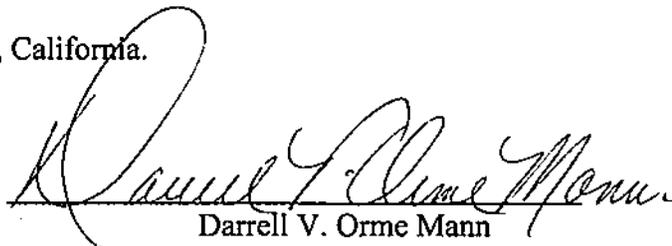
upon counsel for Applicant named below:

Karin Segall  
Foley & Lardner LLP  
90 Park Avenue  
New York, NY 10016  
E-mail: 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 28, 2009, at Beverly Hills, California.

  
Darrell V. Orme Mann

**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 ERRATA**

Opposer, Cake Divas (“Opposer”), hereby gives notice of the errata (“Notice”), and corrections thereto which have been made by Lisa Feldman, to the transcript of her deposition testimony taken on May 1, 2009. This Notice is attached to, and is being filed concurrently with, a certified copy of Ms. Feldman’s deposition transcript.

**ERRATA**

1. Page 9, line 24:
  - a. Currently states: “Jaya’s birthday cake will be the Cake Divas, especially”
  - b. As corrected: “Jaya’s birthday cake will be the Cake Divas, they came all the way”

- c. Correction handwritten on transcript by deponent Lisa Feldman.
- 2. Page 21, line 7:
  - a. Currently states: "There is a picture of Amortee (phonetic)."
  - b. As corrected: "There is a picture of Murti."
  - c. Correction handwritten on transcript by deponent Lisa Feldman.
- 3. Page 22, lines 16-17:
  - a. Currently states: "it. The picture on it was not of Ma Jaya it was of Amortee (phonetic)."
  - b. As corrected: "it. The picture on it was not of Ma Jaya it was of a Murti."
  - c. Correction handwritten on transcript by deponent Lisa Feldman.

Respectfully submitted,



Dated: May 28, 2009

---

Konrad K. Gatien  
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