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

Proceeding	91185103
Party	Plaintiff Cherokee Nation, a federally recognized Indian Tribe
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**CHEROKEE NATION, a federally recognized
Indian tribe,**

Opposers,

v.

TIFFANY ADAMS,

Applicant.

Opposition No. 91185103

OPPOSER'S REPLY IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT

Opposer, Cherokee Nation, respectfully submits this brief in further support of its Motion for Summary Judgment (the "Motion") and in reply to Applicant's "Motion to Strike; Request for Issue of Evidence Preclusion Sanctions and Request to Deny Opposer's Motion for Summary Judgment Pursuant to FRCP 56(f)" (the "Response"). As shown in Opposer's Motion and as amplified here, Applicant has not and cannot demonstrate the existence of any material fact for trial to preclude summary judgment. Thus, Opposer is entitled to judgment as a matter of law.

INTRODUCTION

Opposer moved the Trademark Trial and Appeal Board (the "Board"), pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 2.127 of the Trademark Rules of Practice, for summary judgment in its favor and sustaining Opposition No. 91185103. Opposer's Motion was made on the grounds that: (i) the undisputed material facts establish that there exists a likelihood of confusion between Applicant's proposed mark, **CHEROKEE**, and Opposer's marks, **CHEROKEE** and **CHEROKEE NATION**; (ii) Applicant's proposed mark falsely suggests a connection to Opposer; and (iii) consists of matter, *i.e.*, pornographic adult entertainment services which may disparage Opposer and/or its citizens or bring them into contempt or disrepute.

In her Response, Applicant failed to offer any evidence demonstrating the existence of any genuine issue of material fact precluding summary judgment for Opposer on any of its grounds for relief

as mandated by Rule 56. As a result of her own dilatory discovery conduct, Applicant is estopped from offering any such evidence even if it existed and has admitted facts which clearly entitle Opposer to judgment as a matter of law. Applicant's belated and improper request for relief under Fed. R. Civ. P. 56(f) does not preclude the Board from granting summary judgment to Opposer in this proceeding.

Similarly, Applicant's peculiar request that the Board either strike Opposer's Motion or exclude Opposer's evidence, as a sanction for some perceived bad faith conduct is entitled to no deference. Opposer timely served its initial disclosures and thereafter filed its Motion. Under the circumstances, there exists no factual or legal basis for the imposition of sanctions. Thus, for the reasons set forth in Opposer's Motion and this Reply, Opposer respectfully requests the Board to enter judgment in Opposer's favor, against Applicant, as a matter of law.

ARGUMENTS AND AUTHORITIES

I. SUMMARY JUDGMENT IS PROPER WHERE, AS HERE, APPLICANT HAS FAILED TO DEMONSTRATE THE EXISTENCE OF ANY GENUINE ISSUE OF MATERIAL FACT FOR TRIAL

A. Applicant Has Failed to Offer Any Evidence Precluding Summary Judgment For Opposer

Opposer filed and served its Motion on counsel for Applicant on March 16, 2009. See Opposer's Motion for Summary Judgment, on file herein. As required by Fed. R. Civ. P. 56, Opposer's Motion is accompanied by supporting affidavits and other evidentiary materials establishing that there is no genuine issue as to any material fact and that Opposer is entitled to judgment as a matter of law. Id. at 1-11.

Pursuant to T.B.M.P. §§ 113.05, 528.02 and Trademark Rule 2.119(c), Applicant was required to file a brief in response to Opposer's Motion, or a motion under Fed. R. Civ. P. 56(f), on or before April 20, 2009. On March 24, 2009, Applicant sought and was granted an extension of time until June 19, 2009, by which to file her Response. Applicant did not seek an extension of time by which to file a motion seeking additional discovery under Fed. R. Civ. P. 56(f). Id.

Under Fed. R. Civ. P. 56, a party opposing a motion for summary judgment must show, by affidavit, deposition testimony or otherwise, that a genuine issue of material fact remains for trial. See

Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 257 (1986). If the opposing party fails to demonstrate the existence of genuine issues of material fact, or the nonexistence of evidence to support the movant's claims, the Board may enter judgment for the movant. See T.B.M.P. § 528.01; Sweats Fashions, Inc. v. Pannill Knitting Co., 833 F.2d 1560, 4 U.S.P.Q.2d 1793 (Fed. Cir. 1987) (no relevant evidence to raise genuine issue of material fact); Levi Strauss & Co. v. Genesco, Inc., 742 F.2d 1401, 222 U.S.P.Q. 939 (Fed. Cir. 1984) (response contained only unsupported arguments and conclusions).

Applicant filed her Response on May 11, 2009. See Response at 7. In her Response, Applicant offers no evidence, by affidavit, or as otherwise provided in Fed. R. Civ. P. 56, demonstrating the existence of a genuine factual dispute for trial. Id. Rather, Applicant's Response consists entirely of conclusory, self-serving statements regarding the perceived merit of Opposer's arguments. Id. at 1.¹

It is axiomatic that general denials and conclusory allegations are insufficient to avoid summary judgment. See Fed. R. Civ. P. 56(e); First Nat. Bank of Ariz. v. Cities Serv. Co., 391 U.S. 253, 289 (1968); Berkeley Inv. Group, Ltd. v. Colkitt, 455 F.3d 195, 201 (3d Cir. 2006); Octocom Sys., Inc. v. Houston Computer Servs., Inc., 918 F.2d 937, 16 U.S.P.Q.2d 1783 (Fed. Cir. 1990); Sweats, 4 U.S.P.Q.2d at 1797. Because Applicant has failed to respond to Opposer's Motion as required by Fed. R. Civ. P. 56 or offer any evidence demonstrating the existence of a genuine issue for trial, Opposer is entitled to judgment as a matter of law. See also Trademark Rule 2.127(a) ("When a party fails to file a brief in response to a motion, the Board may treat the motion as conceded.").

B. Applicant is Estopped From Offering Any Evidence to Attempt to Create an Issue of Fact for Trial in this Proceeding

Even were evidence available to controvert Opposer's undisputed material facts (which Opposer denies), Applicant is estopped from offering such evidence in this proceeding. Specifically, on March 16,

¹ Applicant's conclusory allegations to the contrary notwithstanding, Applicant clearly recognizes the merit of Opposer's opposition. In fact, since Opposer filed its Motion for Summary Judgment, Applicant has removed certain content from her website in which she describes herself as the "Pocahontas of Porn." Compare Exhibit 34 to Opposer's Brief in Support of Motion for Summary Judgment with Cherokee XXX - Pornstar, <http://www.cherokeexxx.com/home.html> (dated May 26, 2009), Ex. 1. By removing this content, Applicant tacitly admits that her proposed mark falsely suggests a connection with Opposer and/or its members and may disparage Opposer and/or its citizens.

2009, Opposer served the following written discovery on counsel for Applicant: (i) Opposer's First Set of Interrogatories to Applicant; (ii) Opposer's First Set of Requests for Production to Applicant; and (iii) Opposer's First Set of Requests for Admission to Applicant.² Pursuant to T.B.M.P. §§ 403.03, 405.04(a), 406.04(a), 406.03(a), 113.05, Applicant's responses were due on or before April 20, 2009.

Applicant did not serve her responses to Opposer's discovery requests until May 11, 2009, three (3) weeks after those responses were due.³ Applicant's responses to Opposer's Interrogatories and Requests for Production consist entirely of boilerplate objections and contain none of the information or documents sought by Opposer which are relevant to the claims and defenses.⁴

By failing to timely respond to the discovery requests, Applicant waived her objections to Opposer's Interrogatories and Requests for Production. See T.B.M.P. §§ 405.04(a), 406.04(a), 527.01(c). Moreover, pursuant to T.B.M.P. § 527.01(e), Applicant is estopped by her failure to timely respond, and her failure to provide the requested information and documents, from offering any evidence which was the subject of Opposer's discovery requests as part of her evidence on the case. Consequently, even if there existed evidence sufficient to demonstrate the existence of a genuine issue of material fact for trial (which Opposer denies), Applicant is estopped from offering any such evidence in this proceeding.

C. Applicant Has Admitted Facts Establishing Conclusively That Opposer is Entitled to Judgment as a Matter of Law

Applicant was required to respond to Opposer's written discovery requests, including requests for admissions, on or before April 20, 2009. However, Applicant served her response three weeks late on May 11, 2009. By failing to timely respond, Applicant has admitted each of Opposer's Requests for Admission. See Fed. R. Civ. P. 36; Trademark Rule 2.120(h), Trademark Rule 2.120(j)(3)(i), T.B.M.P.

² See Opposer's First Interrogatories to Applicant, Ex. 2; Opposer's First Requests for Production to Applicant, Ex. 3; Opposer's First Requests for Admission to Applicant, Ex. 4.

³ See Applicant's Responses to Opposer's First Interrogatories, Ex. 5; Applicant's Responses to Opposer's First Requests for Production, Ex. 6; Applicant's Responses to Opposer's First Requests for Admission, Ex. 7.

⁴ See Applicant's Responses to Opposer's First Interrogatories, Ex. 5; Applicant's Responses to Opposer's First Requests for Production, Ex. 6.

§§ 407.03(a), 407.04, 527.01(d).

Among other things, Applicant admits that: (i) there is a likelihood of confusion between Opposer's marks and Applicant's proposed mark; (ii) Applicant's proposed mark is misrepresentative of some affiliation, connection, sponsorship, and/or association with Opposer and Opposer's marks; and (iii) Opposer and a substantial composite of Opposer's members would find Applicant's proposed mark disparaging. See Applicant's Responses to Opposer's First Set of Requests for Admission to Applicant, ¶¶ 12-13, 25, Ex. 7. Applicant's admissions clearly demonstrate that Opposer is entitled to judgment.

II. APPLICANT'S REQUESTS TO EXCLUDE EVIDENCE AS A DISCOVERY SANCTION AND/OR TO HAVE OPPOSER'S MOTION STRICKEN ARE BASELESS

Notwithstanding her obligation to show that a genuine issue of material fact remains for trial, Applicant devotes the majority of her Response brief to a colorful, but empty, discussion of Opposer's supposed bad faith discovery conduct in a transparent attempt to divert the Board's attention away from the fact that she cannot refute the merits of Opposer's Motion. See Response at 2-4. Therein, Applicant requests the Board to strike Opposer's Motion or exclude Opposer's evidence based upon the erroneous assertion that Opposer did not timely serve its initial disclosures. Id. Applicant's arguments lack merit.

A. Opposer Timely Served Its Initial Disclosures

Trademark Rule 2.127(e)(1) provides that initial disclosures must be made prior to the filing of a motion for summary judgment. For this reason, Opposer served its Initial Disclosures upon counsel for Applicant on March 16, 2009, prior to filing its Motion. See Declaration of Anthony J. Jorgenson, ¶¶ 4-6, Ex. 8. It is of no consequence that Opposer's Initial Disclosures were served on the same day Opposer filed its Motion.⁵ The Trademark Rules simply mandate that Opposer's Initial Disclosures be made prior

⁵ In her Response, Applicant suggests, without citation to authority, that Opposer was required to serve its initial disclosures at least one day prior to filing its Motion, or on March 15, 2009. See Response at 4. However, nothing in Trademark Rule 2.127(e)(1) requires that initial disclosures be served a day or days before a motion for summary judgment is filed. Indeed, where the Rules require that some action be taken within a specified number of days, the Rules clearly state. See, e.g., Trademark Rule 2.127(e)(1) ("A motion under Rule 56(f) of the Federal Rules of Civil Procedure, if filed in response to a motion for summary judgment, shall be filed within thirty days from the date of service of the summary judgment motion.") (emphasis added). Trademark Rule 2.127(e)(1) requires only that initial disclosures be made

to the filing of Opposer's Motion. See Trademark Rule 2.127(e)(1). Because Opposer served its Initial Disclosures prior to filing and service of its Motion, Applicant's claim that the Initial Disclosures and/or the Motion were untimely lacks merit.

Applicant has concocted an elaborate, but completely unsupported, theory whereby she surmises that the timing of Opposer's Motion and Initial Disclosures was part of a "procedural trick" designed to punish Applicant and deprive her of an opportunity to conduct discovery. See Response at 1-5. However, the simple fact of the matter is that prior to the filing of Opposer's Motion, Applicant expressed no interest whatsoever in conducting a Fed. R. Civ. P. 26(f) conference or exchanging initial disclosures. See Declaration of Anthony J. Jorgenson, ¶¶ 3, 7, Ex. 8; Declaration of Brandon Rule, ¶¶ 3-8, Ex. 9. Pursuant to the Board's July 9, 2008 Order, discovery closed on March 16, 2009. Opposer approached Applicant to determine whether she was interested in pursuing settlement discussions well before the close of discovery. Id. ¶ 3. Applicant made it clear that she had no real interest in discussing settlement and that she believed she would be prejudiced by an extension of the discovery period to pursue those discussions. Id. ¶¶ 4-5. Given Applicant's obvious disinterest in discovery or settlement discussions, and the strength of Opposer's position on the merits, Opposer perceived no benefit to attempting to continue to persuade Applicant's counsel otherwise and proceeded to prepare its Motion which was due prior to the opening of the first testimony period. Id. ¶ 6. Because Opposer's Initial Disclosures were to be made before the Motion was filed, Opposer also served its Initial Disclosures prior to the close of discovery. Id. ¶ 6; Declaration of Anthony J. Jorgenson, ¶¶ 4-6, Ex. 8.

Applicant's statements to the contrary notwithstanding, Opposer had no interest in punishing Applicant, engaging in procedural trickery, or precluding Applicant from pursuing whatever actions she deemed necessary to defend against Opposer's claims. Id. ¶ 8; Declaration of Brandon Rule, ¶ 7, Ex. 9. After discussions with Applicant's counsel, Opposer simply undertook the course of action that most efficiently resolved this matter in its favor. Id. No bad faith can be inferred under the circumstances.

prior to the filing of a motion for summary judgment.

Furthermore, with regard to Applicant's suggestion that Opposer sought to deprive her of an opportunity to conduct discovery or challenge Opposer's Initial Disclosures, Applicant omits to inform the Board that she took absolutely no effort to obtain Opposer's Initial Disclosures prior to the close of discovery. Applicant made no substantive response to Opposer's early attempts to conduct the Fed. R. Civ. P. 26(f) conference and exchange initial disclosures, has never produced initial disclosures, and never requested any discovery from Opposer while this action has been pending. See Declaration of Anthony Jorgenson, ¶¶ 3, 7, Ex. 8.⁶

Applicant also grossly exaggerates the prejudice she claims to have incurred by receiving Opposer's Initial Disclosures at or near the same time Opposer's Motion was filed. Applicant would have the Board believe that she was deprived of any opportunity to challenge or test the evidence disclosed in Opposer's Initial Disclosures. See Response at 3. However, this argument rings hollow considering that Applicant made no effort to conduct any discovery during the discovery period and that the vast majority of Opposer's evidence was derived from publicly available sources and Applicant's own marketing materials and website. See Opposer's Motion, on file herein.

Applicant's suggestion that she was somehow prejudiced by the timing of Opposer's Initial Disclosures is, at best, disingenuous. Applicant has not and cannot identify any action she would have taken had the Initial Disclosures been made on March 15, 2009, as she contends was required, instead of March 16, 2009. The simple fact that Applicant made no effort to conduct any discovery belies any suggestion that Applicant was prejudiced by Opposer's production of its disclosures.

B. Opposer Timely Filed Its Motion for Summary Judgment

Pursuant to Trademark Rule 2.127(e)(1) and T.B.M.P. § 528.02, Opposer's Motion was required to be filed prior to the opening of the first testimony period. In this proceeding, the first testimony period

⁶ Trademark Rule 2.120(e)(1) states that if a party fails to produce initial disclosures, the other party may move for an order compelling disclosure. Consistent with her strategy of not conducting any discovery in this proceeding, Applicant never sought to compel production of Opposer's Initial Disclosures and cannot now complain that Opposer elected to produce its Initial Disclosures when it did because she declined to cooperate with Opposer to facilitate the exchange of disclosures. Id. ("A motion to compel initial disclosures...must be filed prior to the close of the discovery period.").

opened on March 17, 2009. See July 9, 2008 Scheduling Order. Because Opposer's Motion was filed and served on March 16, 2009, prior to the opening of the first testimony period and after Opposer served its Initial Disclosures, it was timely.

C. Applicant Has Failed to Proffer Any Facts or Authority Warranting the Imposition of Sanctions Against Opposer.

Opposer timely served its Initial Disclosures and filed its Motion. Nonetheless, Applicant requests that the Board enter an order sanctioning Opposer and precluding Opposer from offering evidence in this proceeding and/or striking Opposer's Motion on the ground that Applicant was deprived of "any ability whatsoever to test, challenge and contradict [Opposer's] so-called 'evidence.'" See Response at 6. Applicant's request for sanctions is factually baseless because Applicant had ample opportunity, but elected not to conduct any discovery in the case. Moreover, there exists no legal authority for the imposition of sanctions against Opposer.

Trademark Rule 2.120(g)(1) governs motions for sanctions. Trademark Rule 2.120(g)(1) states that: "If a party fails to comply with an order of the Trademark Trial and Appeal Board relating to discovery, including a protective order, the Board may make any appropriate order, including any of the orders provided in Rule 37(b)(2) of the Federal Rules of Civil Procedure...." "The motion for sanctions for failure to comply with an order of the Board lies only when the Board has entered an order relating to discovery (i.e., an order compelling discovery or a protective order) and the order has been violated." See T.B.M.P. § 527.01(a) (emphasis added).

The Board has never issued an order relating to discovery in this proceeding. Thus, no order relating to discovery has been violated. See, e.g., Nobelle.com, LLC v. Quest Communications Int'l, Inc., 66 U.S.P.Q.2d 1300, 1303 (TTAB 2003). In addition, any perceived violation of the Trademark Rules by Opposer's having served its Initial Disclosures on March 16, 2009, instead of March 15, 2009, was substantially justified and harmless thereby precluding exclusion of Opposer's evidence. See Fed. R. Civ. P. 37(c)(1) (authorizing the imposition of evidence preclusion as a sanction for failure to produce Rule 26(a) disclosures "unless the failure was substantially justified or harmless.") (emphasis added).

III. APPLICANT'S REQUEST FOR RELIEF UNDER FED. R. CIV. P. 56(f) IS UNTIMELY AND UNSUPPORTED

Finally, Applicant requests that the Board deny Opposer's Motion pursuant to Fed. R. Civ. P. 56(f). See Response at 5. Apparently, Applicant misunderstands the scope of relief which may be granted under Rule 56(f), and the showing necessary to obtain such relief.

Rule 56(f) permits a non-moving party to request a continuance to permit discovery to be had in order to respond to a motion for summary judgment. See Fed. R. Civ. P. 56(f). Pursuant to Trademark Rule 2.127(e)(1) Applicant was required to file a request under Rule 56(f) within 30 days of service of Opposer's Motion. Because Applicant did not file a motion under Rule 56(f) on or before April 20, 2009, her request should be summarily denied as time-barred.⁷

Even were the Board to deem Applicant's Rule 56(f) request timely filed, Applicant has failed to demonstrate need for the relief contemplated by Rule 56(f).⁸ Applicant's Rule 56(f) request is accompanied by the "affidavit" of her attorney, Anna M. Vradenburgh.⁹ However, that "affidavit" does

⁷ That the parties previously stipulated that Applicant shall have until June 19, 2009 to respond to Opposer's Motion is of no consequence. Pursuant to Trademark Rule 2.127(e)(1) and T.B.M.P. § 528.06, the Board cannot and will not extend a party's time to file a request for discovery under Fed. R. Civ. P. 56(f). Accordingly, the fact that Applicant was allowed additional time to file and serve her Response brief does not operate to extend her time to seek additional discovery under Rule 56(f).

⁸ Under Rule 56(f), a party seeking additional time for discovery must: "(i) make an authoritative and timely proffer; (ii) show good cause for the failure to have discovered these essential facts sooner; (iii) present a plausible basis for the belief that there are discoverable facts sufficient to raise a genuine and material issue; and (iv) show that the facts are discoverable within a reasonable amount of time." Vivid Technologies, Inc. v. American Science & Engineering, Inc., 200 F.3d 795, 809 (Fed. Cir. 1999) (citing Morrissey v. Boston Five Cents Savings Bank, 54 F.3d 27, 35 (1st Cir. 1995)). "It is not sufficient that a nonmoving party simply state in an affidavit supporting its motion under Fed. R. Civ. P. 56(f) that it needs discovery in order to respond to the motion for summary judgment; rather, the party must state therein the reasons why it is unable, without discovery, to present by affidavit facts sufficient to show the existence of a genuine issue of material act for trial." See T.B.M.P. § 528.06; Dyneer Corp. v. Automotive Prods., PLC, 37 U.S.P.Q.2d 1251, 1253 (TTAB 1995) (Rule 56(f) motion denied where applicant failed to show need for discovery as to specific issues, not merely a showing it deferred taking discovery it otherwise would have taken had it known a motion for summary judgment would be filed).

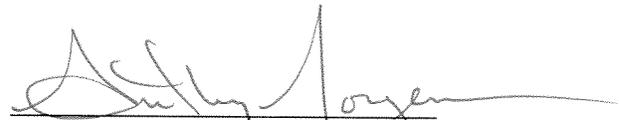
⁹ Although her Motion to Strike states that the "Affidavit of Anna Vradenburgh" is attached thereto, no affidavit was provided to counsel for Opposer. Rather, the "Declaration of Anna M. Vradenburgh" was attached to the Motion to Strike. See Motion to Strike, Declaration of Anna M. Vradenburgh, on file herein. That Declaration is not "sworn" and is deficient under 28 U.S.C. § 1746 because it fails to include

not: (i) identify any discovery Applicant might claim to need to respond to Opposer's Motion; (ii) state why Applicant is unable to respond to Opposer's Motion without such discovery; (iii) state what steps Applicant has undertaken to obtain the necessary discovery; or (iv) identify how such discovery will enable Applicant to demonstrate the existence of a genuine issue of fact. Thus, Applicant's Rule 56(f) request, if timely, does not preclude summary judgment for Opposer. See Morrissey, 54 F.3d at 35.¹⁰

CONCLUSION

For these additional reasons, Opposer respectfully requests the Board enter an order granting judgment for Opposer and against Applicant as a matter of law.

Respectfully submitted,



Anthony J. Jorgenson, OBA #17074
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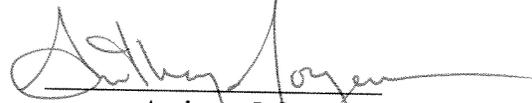
**ATTORNEYS FOR OPPOSER,
CHEROKEE NATION**

the operative language, "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct." Thus, the Declaration of Anna M. Vradenburgh should be stricken and not considered in conjunction with the Response.

¹⁰ "[Rule 56(f)] will not be applied to aid a party who has been lazy or dilatory...a request for relief under Rule 56(f) is extremely unlikely to succeed when the party seeking the delay has failed to take advantage of discovery." Exigent Tech., Inc. v. Atrana Solutions, Inc., 442 F.3d 1301, 1311 (Fed. Cir. 2006) (quoting 10B Charles A. Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice & Procedure, Civil, § 2741 at 429-31 (3d ed. 1998)). Although this Opposition has been pending for nearly a year, Applicant has never produced Rule 26(a)(1) initial disclosures, served Opposer with any written discovery, or requested that Opposer produce anyone for deposition. Because Applicant made the conscious decision not to pursue discovery in this proceeding, Applicant is not entitled to additional discovery to respond to Opposer's Motion under Rule 56(f). See Exigent, 442 F.3d at 1311 (affirming district court's denial of Rule 56(f) motion).

CERTIFICATE OF FILING

I, Anthony J. Jorgenson, hereby certify that a copy of the foregoing Opposer's Reply in Support of Its Motion for Summary Judgment is being filed with the Electronic System for Trademark Trial and Appeals ("ETTS") of the U.S. Patent and Trademark Office on this 29th day of May, 2009.


Anthony J. Jorgenson

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 29th day of May, 2009, a true and correct copy of the above and foregoing Opposer's Reply in Support of Its Motion for Summary Judgment was served upon Applicant by first class mail, proper postage prepaid, at the following address:

Anna M. Vradenburgh
Piccionelli & Sarno
2801 Townsgate Rd., Suite 200
Westlake Village, CA 91361


Anthony J. Jorgenson

987889.2:231629:02060

Exhibit 1

www.Cherc

CherokeeXXX



Hi guys! Welcome to my official home in cyberspace. This site is run entirely by me. That's right, no more webmasters. I'm the boss now! You have seen me on **The Playboy Channel, The Spice Channel, HBO, Showime, & Cinemax** or maybe in one of the **400 adult films** I have starred in. Well, don't keep me waiting *cum inside!*

Cherokee

CONTINUE MY FR



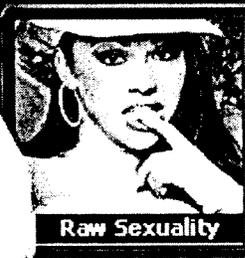
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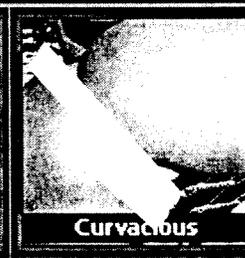
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Come inside and experience my r



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Curvaceous



Gorgeous



Exxtre



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Exhibit 2

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

**CHEROKEE NATION, a Federally
Recognized Indian Tribe,**

Opposer,

v.

Opposition No. 91185103

TIFFANY ADAMS,

Applicant.

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Trademark Rules 2.116(a) and 2.120(d)(1), and Rule 405.01 of the Trademark Trial and Appeal Board Manual of Procedure, Opposer, Cherokee Nation, directs the Applicant, Tiffany Adams, to provide answers to each of the following interrogatories separately and fully in writing under oath within thirty (30) days of the service hereof.

DEFINITIONS AND INSTRUCTIONS

1. To the extent permitted by the Federal Rules of Civil Procedure, these interrogatories are continuing in nature up to and during the course of trial. Information sought by these interrogatories that you obtain after you serve your answers must be disclosed to counsel for Opposer by supplementary answer or answers.

2. If you avail yourself of the option to produce business records in response to any interrogatory, the documents should be produced for inspection and copying by Opposer within thirty (30) days after service of these interrogatories at the offices of Anthony J. Jorgenson, 320 South Boston Avenue, Suite 200, Tulsa OK 74103.

3. “*Concerning*” means relating to, referring to, describing, evidencing or constituting.

4. “*Document*” means the complete original or a true, correct and complete copy and any non-identical copies of any writing or graphic matter, no matter how produced, recorded, stored or reproduced, including, but not limited to, any writing, letter, telegram, meeting minute, memorandum, statement, book, record, survey, map, study, handwritten note, working paper, chart, tabulation, graph, index, tape, data sheet, data processing card, printout, microfilm, diary entry, note of interview or communication, or any other data compilation in your actual or constructive possession, custody or control, including all drafts of such documents. The phrase “other data compilation” includes, without limitation, any material stored or accessible through a computer or other information or retrieval system, including videotapes, DVDs, CDs, CD-ROMS, websites, and tape recordings.

5. “*Communication*” means the transmittal of information by any means.

6. “*Identify*,” when referring to a person, means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

7. “*Identify*,” when referring to documents, means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s).

8. The terms “*person*” and “*persons*” refer to all individuals and entities, including corporations, divisions, partnerships, joint ventures, trusts, associations, organizations and any other business, governmental or legal entity, including all trade names of these.

9. “*Applicant*,” “*you*” and “*your*” refer to Tiffany Adams, an individual, and every agent, employee or person purporting to work or act on behalf of the Applicant.

10. “*Opposer*” refers to the Cherokee Nation, a federally recognized Indian Tribe, the Opposer herein, and all of its predecessors, successors, assigns, subsidiaries, parent, affiliates, divisions and groups.

11. “*Opposer’s Marks*” means and refers to Opposer’s common law trademarks **CHEROKEE** and **CHEROKEE NATION**.

12. “*Applicant’s Mark*” and “*Mark*” mean and refer to Applicant’s alleged trademark, the subject of U.S. Application No. 78748323.

13. “*Tribe*” means tribe, nation, or band.

14. Whenever the term “and” or “or” is used, it is to be construed both disjunctively and conjunctively as necessary to bring within the scope of the discovery requests responses that might otherwise be construed to be outside the scope.

15. For all of these interrogatories, the singular includes the plural and the plural includes the singular. References to the masculine gender shall apply equally to the feminine gender, and vice-versa.

16. For the convenience of the Board and the parties, each interrogatory should be quoted in full immediately preceding the response. You are also requested to order and label the materials produced in accordance with the final paragraph of Fed. R. Civ. P. 34(b).

CLAIM OF PRIVILEGE

To the extent that the Applicant has any objection to answering any of the interrogatories on the basis that the requested information or document is privileged or otherwise protected by the attorney-client privilege or work-product immunity, Applicant is requested to identify the information or document; identify the subject matter to which the information or document pertains; identify the person who authored the information or document; identify each person who ever received or had access to the information or

document, or a copy thereof; identify the person or persons who presently have custody of the information or document; and state the basis for the alleged privilege or work-product immunity.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each person(s) to have supplied any information for, or participated in, answering the Interrogatories or Opposer's First Requests for Admissions to Applicant or Opposer's First Set of Requests for Production of Documents to Applicant, served contemporaneously herewith, or any information on which responses to any Interrogatory, Request for Admission, or Request for Production of Documents was based, and as to each such person identify the Interrogatory, Request for Admission, or Request for Production of Documents to which he or she contributed information.

INTERROGATORY NO. 2: Identify whether the Applicant is organized, chartered, or a member of an Indian tribe and, if so, the date such organization, charter, or membership occurred.

INTERROGATORY NO. 3: Identify each predecessor and affiliated organization of the Applicant, including but not limited to all companies or entities through which you claim any trademark interest, right, ownership, or management.

INTERROGATORY NO. 4: State whether Applicant is eligible for membership in the Cherokee Nation, a federally recognized Indian Tribe.

INTERROGATORY NO. 5: State the address of each location at which the Applicant maintains a physical location for promotion of Applicant's Mark.

INTERROGATORY NO. 6: Identify all other trademarks owned or claimed by Applicant, including the date of registration, the serial number for the filing of the mark, and the current status of the filing for each such mark.

INTERROGATORY NO. 7: State the alleged date (month, day and year) of the Applicant's first use anywhere of the Mark and the manner and extent of first use.

INTERROGATORY NO. 8: State the alleged date (month, day and year) or the Applicant's first use of the Mark in interstate commerce (if any) and the manner and extent of such first use.

INTERROGATORY NO. 9: State whether any alternatives to the Mark were considered. If so, list such alternative marks or forms of the Mark.

INTERROGATORY NO. 10: State whether any such alternative marks have been publicized. If so, identify all documents concerning any such publicity.

INTERROGATORY NO. 11: Identify the person(s) who considered any of said alternative marks and was responsible for the ultimate selection of the Mark.

INTERROGATORY NO. 12: How and when was the Mark in any form selected?

INTERROGATORY NO. 13: Identify the person(s) who conceived, developed, or participated in conception or development of the Mark for use by the Applicant.

INTERROGATORY NO. 14: Has the form of the Mark ever changed?

INTERROGATORY NO. 15: State whether any searches or investigations were conducted by the Applicant or any person on her behalf (including her attorneys) to determine whether the Mark was available for use in association with the goods and

services specified in U.S. Application No. 78748323 and, if so, identify each such search or investigation and the results thereof.

INTERROGATORY NO. 16: Describe with particularity the results of any study, formal or informal, which Applicant has performed or commissioned to assess the likelihood of confusion between Applicant's Mark and any other mark or marks, and identify the person(s) who performed the study.

INTERROGATORY NO. 17: Describe with particularity the results of any study, formal or informal, which Applicant has performed or commissioned to assess the relation of Applicant's Mark to the culture, morals, and beliefs of Opposer and/or Opposer's members, and identify the person(s) who performed the study.

INTERROGATORY NO. 18: Identify all federal and state trademark applications filed by or on behalf of the Applicant, including the Mark and any variants thereof.

INTERROGATORY NO. 19: Describe with particularity all services offered, marketed, and sold, or to be offered, marketed, and sold, by the Applicant under Applicant's Mark, and identify all documents concerning those services.

INTERROGATORY NO. 20: Describe with particularity all goods offered, marketed, and sold, or to be offered, marketed, and sold, by the Applicant under Applicant's Mark, and identify all documents concerning those goods.

INTERROGATORY NO. 21: Describe with particularity all actions taken or to be taken to promote or advertise the existence of Applicant's Mark and related goods and services, and identify all documents concerning that promotion or advertisement.

INTERROGATORY NO. 22: Identify the specific channels of trade in which Applicant's goods and services bearing Applicant's Mark are to be sold or have been sold.

INTERROGATORY NO. 23: State the Applicant's expenditures to date for promoting Applicant's goods and services under the Mark or any variation thereof.

INTERROGATORY NO. 24: Identify the media through which the Applicant has advertised or promoted her goods and services under the Mark or any variation thereof.

INTERROGATORY NO. 25: Identify any websites associated with, affiliated with, sponsored by, or controlled by the Applicant.

INTERROGATORY NO. 26: Identify any documents, including videotapes or films, through which the Applicant has advertised or promoted her goods and services under the Mark or any variation thereof.

INTERROGATORY NO. 27: Describe with particularity the manner in which the Applicant intends to use or is using the Mark in interstate commerce.

INTERROGATORY NO. 28: Describe with particularity all uses of the Mark since its first use, and identify all documents concerning that use.

INTERROGATORY NO. 29: Identify all documents concerning the Applicant's bona fide intent to use the Mark in interstate commerce.

INTERROGATORY NO. 30: State with particularity the sources of all funding for the Applicant, and identify all documents concerning that funding.

INTERROGATORY NO. 31: State the first date on which and the manner in which the Applicant became aware of Opposer's use of its trademark(s), and identify each person connected or associated with the Applicant who first learned of such use.

INTERROGATORY NO. 32: Identify each individual the Applicant intends to call as an expert at trial and, for each expert so identified, state all opinions to be expressed by that expert and the basis and reasons therefor; the data or other information considered by that expert in forming such opinions; the identity of any exhibits to be used as a summary of or support for the opinions; the qualifications of the expert, including a list of all publications authored by the expert within the preceding ten (10) years; the compensation to be paid for any reports or testimony; and a listing of any other cases in which the expert has testified as an expert at trial or by deposition within the preceding four (4) years.

INTERROGATORY NO. 33: If any of your responses to Opposer's First Set of Requests for Admissions to Applicant was anything other than a full and unqualified admission, identify the factual basis(es) for the response given.

INTERROGATORY NO. 34: State with particularity how you contend that the Mark is distinctive, and identify all documents evidencing or supporting the Applicant's assertion that the Mark is distinctive.

INTERROGATORY NO. 35: Describe with particularity all actions taken by the Applicant to distinguish the Mark from Opposer's Marks.

INTERROGATORY NO. 36: Describe with particularity all instances of actual use of the Mark by Applicant and identify all documents concerning such use.

INTERROGATORY NO. 37: State whether the Applicant exercises control over the use of the Mark and identify any documents concerning such control.

INTERROGATORY NO. 38: Identify the full legal name of the individual, entity, or organization that controls the use of the Mark and identify all documents concerning the formation of any referenced entity or organization.

INTERROGATORY NO. 39: Identify the full legal name of the individual, entity, or organization that owns the Mark and identify all documents concerning the formation of any referenced entity or organization.

INTERROGATORY NO. 40: State whether the individual, entity, or organization that owns the Mark is capable of being sued in a court of law.

INTERROGATORY NO. 41: Describe with particularity any occurrences in which the Applicant has received any written, verbal, or electronic communications intended for the Opposer or any party related to or affiliated therewith and identify any documents concerning said communications.

INTERROGATORY NO. 42: State whether the Applicant has ever been involved in any litigation or other contested proceeding involving the Mark or variations thereof and identify all parties, dates, commencement and termination, tribunals and citations to any reported decisions, the specific marks or terms and goods and services involved; the disposition of the proceedings, and if not disposed of, the present status, including, but not limited to, any known future court dates.

INTERROGATORY NO. 43: Identify all assignments, licenses, or other transfers of rights in the Mark for any third-party use.

INTERROGATORY NO. 44: Describe with particularity your reasons for, and identify all facts which support your denial of Paragraph 9 of the Notice of Opposition.

INTERROGATORY NO. 45: Describe with particularity your reasons for, and identify all facts which support your denial of Paragraph 10 of the Notice of Opposition.

INTERROGATORY NO. 46: Describe with particularity your reasons for, and identify all facts which support your denial of Paragraph 11 of the Notice of Opposition.

INTERROGATORY NO. 47: If you contend that there is no likelihood of confusion between Applicant's Mark and Opposer's Marks, state the full and complete factual basis(es) for such contention.

INTERROGATORY NO. 48: If you contend there is no false association between Applicant's Mark and Opposer, Opposer's members and/or Opposer's Marks, state the full and complete factual basis(es) for such contention.

INTERROGATORY NO. 49: If you contend that Applicant's Mark would not be considered disparaging by Opposer and/or a substantial composite of Opposer's members, state the full and complete factual basis(es) for such contention.

INTERROGATORY NO. 50: Describe with particularity your signature "Indian style" position.

Respectfully submitted,



Anthony J. Jorgenson, OBA #17074
**HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.**

320 South Boston Avenue, Suite 400

Tulsa, OK 74103-3708

Telephone (918) 594-0400

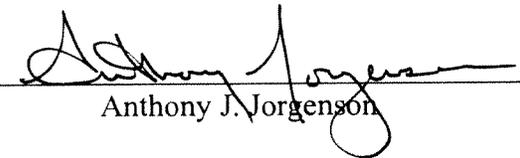
Facsimile (918) 594-0505

**ATTORNEYS FOR OPPOSER,
CHEROKEE NATION.**

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 16th day of March, 2009, a true and correct copy of the above and foregoing instrument was served by first class mail, proper postage prepaid, upon Applicant at the following address:

Anna M. Vradenburgh
Piccionelli & Sarno
2801 Townsgate Road, Suite 200
Westlake Village, CA 91361



Anthony J. Jorgenson

Exhibit 3

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

**CHEROKEE NATION, a Federally
Recognized Indian Tribe,**

Opposer,

v.

Opposition No. 91185103

TIFFANY ADAMS,

Applicant.

**OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS TO APPLICANT**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Trademark Rules 2.116(a) and 2.120(h), and Rule 407.01 of the Trademark Trial and Appeal Board Manual of Procedure, Opposer, Cherokee Nation, a federally recognized Indian Tribe, directs the Applicant, Tiffany Adams, to produce and permit Opposer to inspect and copy each of the following documents within thirty (30) days of the service of these requests at the offices of Anthony Jorgenson at Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., 320 South Boston Avenue, Suite 200, Tulsa, OK 74103.

Applicant is further requested to permit inspection and copying, by counsel for Opposer, of each document and/or tangible thing described below that is in the possession, custody, or control of Applicant's attorneys or, in lieu thereof, to send a copy of each document to counsel for Opposer at the address set forth above.

DEFINITIONS AND INSTRUCTIONS

1. To the extent permitted by the Federal Rules of Civil Procedure, these requests are continuing in nature up to and during the course of trial. Information or documents sought by these requests that you obtain after you serve your answers must be disclosed to counsel for Opposer by supplementary response or responses.

2. “*Concerning*” means relating to, referring to, describing, evidencing or constituting.

3. “*Document*” means the complete original or a true, correct and complete copy and any non-identical copies of any writing or graphic matter, no matter how produced, recorded, stored or reproduced, including, but not limited to, any writing, letter, telegram, meeting minute, memorandum, statement, book, record, survey, map, study, handwritten note, working paper, chart, tabulation, graph, index, tape, data sheet, data processing card, printout, microfilm, diary entry, note of interview or communication, or any other data compilation in your actual or constructive possession, custody or control, including all drafts of such documents. The phrase “other data compilation” includes, without limitation, any material stored or accessible through a computer or other information or retrieval system, including videotapes, DVDs, CDs, CD-ROMS, websites, and tape recordings.

4. “*Communication*” means the transmittal of information by any means.

5. “*Identify*,” when referring to a person, means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

6. “*Identify*,” when referring to documents, means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s).

7. The terms “*person*” and “*persons*” refer to all individuals and entities, including corporations, divisions, partnerships, joint ventures, trusts, associations, organizations and any other business, governmental or legal entity, including all trade names of these.

8. “*Applicant*,” “*you*” and “*your*” refer to Tiffany Adams, an individual, and every agent, employee or person purporting to work or act on behalf of the Applicant.

9. “*Opposer*” refers to the Cherokee Nation, a federally recognized Indian Tribe, the Opposer herein, and all of its predecessors, successors, assigns, subsidiaries, parent, affiliates, divisions and groups.

10. “*Opposer’s Marks*” means and refers to Opposer’s common law trademarks **CHEROKEE** and **CHEROKEE NATION**.

11. “*Applicant’s Mark*” and “*Mark*” mean and refer to Applicant’s alleged trademark, the subject of U.S. Application No. 78748323.

12. “*Tribe*” means tribe, nation, or band.

13. Whenever the term “and” or “or” is used, it is to be construed both disjunctively and conjunctively as necessary to bring within the scope of the discovery requests responses that might otherwise be construed to be outside the scope.

14. For all of these requests for production, the singular includes the plural and the plural includes the singular. References to the masculine gender shall apply equally to the feminine gender, and vice-versa.

15. For the convenience of the Board and the parties, each request for production should be quoted in full immediately preceding the response. You are also requested to order and label the materials produced in accordance with the final paragraph of Fed. R. Civ. P. 34(b).

CLAIM OF PRIVILEGE

To the extent that the Applicant has any objection to answering any of the requests for production on the basis that the requested information or document is

privileged or otherwise protected by the attorney-client privilege or work-product immunity, Applicant is requested to identify the information or document; identify the subject matter to which the information or document pertains; identify the person who authored the information or document; identify each person who ever received or had access to the information or document, or a copy thereof; identify the person or persons who presently have custody of the information or document; and state the basis for the alleged privilege or work-product immunity.

DOCUMENTS AND THINGS REQUESTED

REQUEST FOR PRODUCTION NO. 1: If any of your responses to the Opposer's First Requests for Admissions to Applicant was anything other than a full and unqualified admission, produce all documents concerning the factual basis(es) for each response given.

REQUEST FOR PRODUCTION NO. 2: All documents identified (or requested to be identified) in your answers to Opposer's First Set of Interrogatories to Applicant.

REQUEST FOR PRODUCTION NO. 3: All documents referenced or relied upon in answering Opposer's First Set of Interrogatories to Applicant.

REQUEST FOR PRODUCTION NO. 4: All documents concerning the publication of any alternative marks that were considered by the Applicant.

REQUEST FOR PRODUCTION NO. 5: All documents concerning the publication of any alternative forms of the Mark.

REQUEST FOR PRODUCTION NO. 6: All documents concerning the Applicant's eligibility for membership with the Opposer.

REQUEST FOR PRODUCTION NO. 7: All documents concerning the Applicant's membership, association, or affiliation with Opposer.

REQUEST FOR PRODUCTION NO. 8: All documents concerning the Applicant's bona fide intent to use the Mark in commerce.

REQUEST FOR PRODUCTION NO. 9: All documents concerning the Applicant's organization or qualification to do business and any of her related business, referring or relating to the use of the Mark.

REQUEST FOR PRODUCTION NO. 10: All documents concerning all actions taken or planned to be taken to promote or advertise the existence of the Applicant's goods or services in association with the Mark.

REQUEST FOR PRODUCTION NO. 11: All documents concerning all goods or services offered by the Applicant or planned to be offered by the Applicant to consumers.

REQUEST FOR PRODUCTION NO. 12: All documents concerning all sources of funding for the Applicant's business in relation to the sale of goods or services under the Mark.

REQUEST FOR PRODUCTION NO. 13: All documents concerning the creation, selection, searching, adoption, earliest use and registration, if any, of Applicant's Mark, including any report referring or relating to any search, whether formal or informal, to determine whether Applicant's Mark could potentially violate any mark or trade name.

REQUEST FOR PRODUCTION NO. 14: All documents concerning the first use of the Mark.

REQUEST FOR PRODUCTION NO. 15: All documents concerning all uses of the Mark since its first use.

REQUEST FOR PRODUCTION NO. 16: All documents concerning the Applicant's acquisition of title or acquisition of every right in and to Applicant's Mark.

REQUEST FOR PRODUCTION NO. 17: All documents concerning the distinctiveness of the Mark.

REQUEST FOR PRODUCTION NO. 18: Representative samples of each label, container, trade dress, wrapper, packaging, photograph, advertisement, videotape, film, or other data compilation Applicant uses, has used or plans to use to advertise, market, or sell Applicant's goods or services.

REQUEST FOR PRODUCTION NO. 19: All documents concerning any transfer of ownership of Applicant's Mark to or from Applicant.

REQUEST FOR PRODUCTION NO. 20: All documents concerning any effort by Applicant to reserve the term "CHEROKEE," alone or in connection with other words or designs, or any term similar thereto, or to exclude others from using the term "CHEROKEE" alone or in connection with other words or designs, or any term similar thereto, in connection with any goods or services.

REQUEST FOR PRODUCTION NO. 21: All documents concerning the use of the term "CHEROKEE" by Applicant.

REQUEST FOR PRODUCTION NO. 22: All documents concerning the licensing of Applicant's Mark or the authorization to third parties to use Applicant's Mark on or in connection with any product or service.

REQUEST FOR PRODUCTION NO. 23: All documents concerning any objection, challenge or inquiry, based on Applicant's Mark, made by Applicant to any other person concerning that person's use of any mark.

REQUEST FOR PRODUCTION NO. 24: All documents concerning the Applicant's date of first use in commerce of Applicant's Mark.

REQUEST FOR PRODUCTION NO. 25: All documents concerning the territorial areas where Applicant offers her services or products under Applicant's Mark or intends to offer her services or products under Applicant's Mark, and the length of time during which each has been offered in said areas.

REQUEST FOR PRODUCTION NO. 26: All documents which disclose the channels of trade through which the Applicant offers or plans to offer her goods or services for sale under Applicant's Mark.

REQUEST FOR PRODUCTION NO. 27: All documents concerning representative outlets through which the Applicant's products or services have been marketed or sold, or intend to be marketed or sold, under Applicant's Mark.

REQUEST FOR PRODUCTION NO. 28: All documents concerning planned, existing or former advertising campaigns or advertising or marketing strategies for the sale of goods or services under Applicant's Mark.

REQUEST FOR PRODUCTION NO. 29: All documents identifying any and all television, radio, or Internet advertising campaigns or advertising or marketing strategies the Applicant plans to conduct, has conducted, is conducting and/or has planned to conduct to promote, market, or advertise any goods or services sold under Applicant's Mark.

REQUEST FOR PRODUCTION NO. 30: All documents concerning the types of persons to whom the Applicant has sold or plans to sell goods or services under Applicant's Mark.

REQUEST FOR PRODUCTION NO. 31: All documents concerning tribal association of persons selling or marketing, or planning to sell or market, the Applicant's goods or services under Applicant's Mark.

REQUEST FOR PRODUCTION NO. 32: Representative specimens of materials which Applicant has used or plans to use in connection with the promotion, marketing or advertising of Applicant's Mark.

REQUEST FOR PRODUCTION NO. 33: All documents, not already produced, which relate and/or refer to any formal or informal trademark searches or investigations regarding the Applicant's use, intended use, application for registration or registration of Applicant's Mark.

REQUEST FOR PRODUCTION NO. 34: All documents concerning any formal or informal studies, including, but not limited to genealogy, surveys, or other similar studies, with respect to Applicant's Mark.

REQUEST FOR PRODUCTION NO. 35: All documents concerning any present or former third party use of any name, mark, or term of which Applicant has knowledge and which Applicant considers confusingly similar to or identical to Applicant's Mark.

REQUEST FOR PRODUCTION NO. 36: All documents concerning publications or other media in which Applicant has advertised, is advertising, and/or has plans to advertise Applicant's Mark.

REQUEST FOR PRODUCTION NO. 37: All documents concerning published articles by Applicant or a representative thereof, or any print, broadcast, or Internet media reports in which Applicant or representative thereof was quoted or referenced in connection with Applicant's Mark or the present opposition proceeding.

REQUEST FOR PRODUCTION NO. 38: All documents concerning Applicant's reasons for adopting the term "CHEROKEE" in connection with Applicant's goods and services.

REQUEST FOR PRODUCTION NO. 39: All documents, not already produced, which the Applicant intends to use or rely upon in this opposition proceeding.

REQUEST FOR PRODUCTION NO. 40: Representative samples of each use or planned use of Applicant's Mark by the Applicant.

REQUEST FOR PRODUCTION NO. 41: All documents concerning statements, inquiries, comments or other communications evidencing confusion, suspicion, belief, or doubt on the part of said third parties as to the relationship between either or both of the Applicant and Opposer or their respective membership, products, or services associated with their respective Marks, including any misdirected complaints or inquiries.

REQUEST FOR PRODUCTION NO. 42: All documents concerning any communication, oral, written or electronic, received by the Applicant from any person which suggests, implies or infers any connection with Opposer or which inquires as to whether there is or may be such a connection or association.

REQUEST FOR PRODUCTION NO. 43: All documents concerning any instances of actual confusion, mistake, deception or association between Applicant's use of Applicant's Mark and Opposer's goods or services or services offered under Opposer's Marks.

REQUEST FOR PRODUCTION NO. 44: All documents concerning the relation of Applicant's Mark to the culture, morals, and beliefs of Opposer and/or Opposer's

members, including any surveys, studies, and/or polls, formal or informal, conducted by Applicant or a representative thereof.

REQUEST FOR PRODUCTION NO. 45: All documents concerning the circumstances under which the Applicant first became aware of Opposer or Opposer's Marks.

REQUEST FOR PRODUCTION NO. 46: All documents concerning any meeting or conversation concerning Opposer's use of Opposer's Marks.

REQUEST FOR PRODUCTION NO. 47: All documents concerning any objection, litigation, proceeding or dispute concerning or involving Applicant's Mark.

REQUEST FOR PRODUCTION NO. 48: A price list showing the planned or current wholesale and retail price of each service or good bearing Applicant's Mark.

REQUEST FOR PRODUCTION NO. 49: All documents concerning the Applicant's expansion or planned expansion of her services or products marketed or sold in connection with Applicant's Mark.

REQUEST FOR PRODUCTION NO. 50: Documents, including financial, accounting, and organization records, sufficient to establish the total annual revenue, in dollars, generated or anticipated in connection with Applicant's Mark.

REQUEST FOR PRODUCTION NO. 51: All documents concerning the intended, perceived, and actual meaning(s) of Applicant's Mark.

REQUEST FOR PRODUCTION NO. 52: All documents concerning analysis of the possibility of confusion between Applicant's Mark and Opposer's Marks, or goods and/or services under Opposer's Marks and those identified in the trademark application for federal registration of Applicant's Mark.

REQUEST FOR PRODUCTION NO. 53: All documents which support the Applicant's denial of Paragraph 9 of the Notice of Opposition.

REQUEST FOR PRODUCTION NO. 54: All documents which support the Applicant's denial of Paragraph 10 of the Notice of Opposition.

REQUEST FOR PRODUCTION NO. 55: All documents which support the Applicant's denial of Paragraph 11 of the Notice of Opposition.

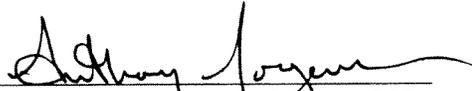
REQUEST FOR PRODUCTION NO. 56: If you contend that there is no likelihood of confusion between Applicant's Mark and Opposer's Marks, produce all documents which in any way support such contention.

REQUEST FOR PRODUCTION NO. 57: If you contend that there is no false association between Applicant's Mark and Opposer, Opposer's members and/or Opposer's Marks, produce all documents which in any way support such contention.

REQUEST FOR PRODUCTION NO. 58: If you contend that Applicant's Mark would not be considered disparaging by Opposer and/or a substantial composite of Opposer's members, produce all documents which in any way support such contention.

REQUEST FOR PRODUCTION NO. 59: All documents concerning Applicant's signature "Indian style" position.

Respectfully submitted,



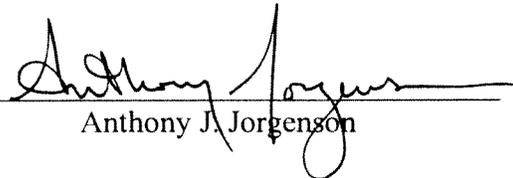
Anthony J. Jorgenson, OBA #17074
**HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.**
320 South Boston Avenue, Suite 400
Tulsa, OK 74103-3708
Telephone (918) 594-0400
Facsimile (918) 594-0505

**ATTORNEYS FOR OPPOSER,
CHEROKEE NATION.**

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 16th day of March, 2009, a true and correct copy of the above and foregoing instrument was served by first class mail, proper postage prepaid, upon Applicant at the following address:

Anna M. Vradenburgh
Piccionelli & Sarno
2801 Townsgate Road, Suite 200
Westlake Village, CA 91361



Anthony J. Jorgenson

Exhibit 4

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

**CHEROKEE NATION, a Federally
Recognized Indian Tribe,**

Opposer,

v.

Opposition No. 91185103

TIFFANY ADAMS,

Applicant.

OPPOSER'S FIRST REQUESTS FOR ADMISSIONS TO APPLICANT

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Trademark Rules 2.116(a) and 2.120(d)(1), and Rule 407.01 of the Trademark Trial and Appeal Board Manual of Procedure, Opposer, Cherokee Nation, a federally recognized Indian Tribe, respectfully requests that the Applicant, Tiffany Adams, within thirty (30) days of service hereof, admit or deny the following facts:

REQUEST FOR ADMISSION NO. 1: Admit that the Applicant is not a member of nor affiliated with a federally recognized Indian Tribe.

REQUEST FOR ADMISSION NO. 2: Admit that the Applicant is not a member or nor affiliate with Opposer.

REQUEST FOR ADMISSION NO. 3: Admit that Applicant's Mark consists of the word "CHEROKEE."

REQUEST FOR ADMISSION NO. 4: Admit that Applicant's Mark is not used in connection with and/or by Cherokee descendants.

REQUEST FOR ADMISSION NO. 5: Admit that U.S. Application No. 78748323 is an in-use trademark application for federal registration of Applicant's Mark.

REQUEST FOR ADMISSION NO. 6: Admit that Applicant is unable to legally assert a priority date earlier than August 2002, in connection with Applicant's Mark.

REQUEST FOR ADMISSION NO. 7: Admit that use of Applicant's Mark has been insufficient so as to have acquired the requisite sufficient distinctiveness under Section 2(f) of the Trademark Act of 1946 (15 U.S.C. § 1052(f)) and thus Applicant's Mark is not eligible for federal registration.

REQUEST FOR ADMISSION NO. 8: Admit that Opposer has priority in Opposer's Marks over Applicant's priority in Applicant's Mark.

REQUEST FOR ADMISSION NO. 9: Admit that the Cherokee Nation is a federally recognized Indian Tribe.

REQUEST FOR ADMISSION NO. 10: Admit that the word "CHEROKEE" is commonly recognized to refer to the American Indian Tribe.

REQUEST FOR ADMISSION NO. 11: Admit that the wording contained in Applicant's Mark closely resembles Opposer's Marks.

REQUEST FOR ADMISSION NO. 12: Admit that there is a likelihood of confusion between Opposer's Marks and Applicant's Mark.

REQUEST FOR ADMISSION NO. 13: Admit that Applicant's Mark is misrepresentative of some affiliation, connection, sponsorship, and/or association with Opposer and Opposer's Marks.

REQUEST FOR ADMISSION NO. 14: Admit that all of the documents produced in response to Opposer's First Set of Requests for Production of Documents to Applicant are genuine.

REQUEST FOR ADMISSION NO. 15: Admit that all of the documents produced in response to Opposer's First Set of Requests for Production of Documents to Applicant are original documents and/or true and correct copies of original documents.

REQUEST FOR ADMISSION NO. 16: Admit that Opposer is not connected with Applicant's Mark.

REQUEST FOR ADMISSION NO. 17: Admit that the fame or reputation of the Opposer is of such nature that a connection with such Tribe may be presumed when Applicant's Mark is used in connection with the intended goods and services.

REQUEST FOR ADMISSION NO. 18: Admit that Applicant's mark consists of or comprises matter which falsely suggests a connection with Opposer.

REQUEST FOR ADMISSION NO. 19: Admit that the Cherokee are so famous that consumers would presume a connection between Applicant's Mark and Opposer's Marks.

REQUEST FOR ADMISSION NO. 20: Admit that it is likely that persons would infer that Applicant and/or Applicant's organization is associated with Opposer.

REQUEST FOR ADMISSION NO. 21: Admit that Applicant's Mark associates or falsely suggests an association by Opposer and/or its citizens with explicit, sexually-oriented adult services.

REQUEST FOR ADMISSION NO. 22: Admit that Applicant's Mark is intended to associate the Applicant with the image of, or portray the Applicant as, an "Indian Princess."

REQUEST FOR ADMISSION NO. 23: Admit that the likely meaning of Applicant's Mark disparages Opposer, Opposer's members, and/or Opposer's Marks.

REQUEST FOR ADMISSION NO. 24: Admit that Applicant's Mark associates Opposer, Opposer's members, and/or Opposer's Marks with explicit, sexually-oriented adult entertainment services.

REQUEST FOR ADMISSION NO. 25: Admit that Opposer and a substantial composite of Opposer's members would find Applicant's Mark disparaging.

REQUEST FOR ADMISSION NO. 26: Admit that the term "CHEROKEE" as used in Applicant's Mark is used to fetishize Opposer and/or Opposer's members.

REQUEST FOR ADMISSION NO. 27: Admit that the term "CHEROKEE" as used in Applicant's Mark is used to hold out Opposer and/or Opposer's Members as objects of sexual fantasy.

REQUEST FOR ADMISSION NO. 28: Admit that Applicant's Mark is contrary to the culture and beliefs of Opposer and/or Opposer's members.

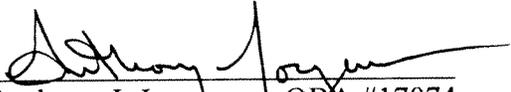
REQUEST FOR ADMISSION NO. 29: Admit that Applicant's Mark exposes Opposer and/or Opposer's members to contempt, embarrassment and ridicule.

REQUEST FOR ADMISSION NO. 30: Admit that the Applicant has no evidence which supports your denial of Paragraph 9 of the Notice of Opposition.

REQUEST FOR ADMISSION NO. 31: Admit that the Applicant has no evidence which supports your denial of Paragraph 10 of the Notice of Opposition.

REQUEST FOR ADMISSION NO. 32: Admit that the Applicant has no evidence which supports your denial of Paragraph 11 of the Notice of Opposition.

Respectfully submitted,



Anthony J. Jorgenson, OBA #17074
**HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.**
320 South Boston Avenue, Suite 400
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Telephone (918) 594-0400
Facsimile (918) 594-0505

**ATTORNEYS FOR OPPOSER,
CHEROKEE NATION.**

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 16th day of March, 2009, a true and correct copy of the above and foregoing instrument was served by first class mail, proper postage prepaid, upon Applicant at the following address:

Anna M. Vradenburgh
Piccionelli & Sarno
2801 Townsgate Road, Suite 200
Westlake Village, CA 91361

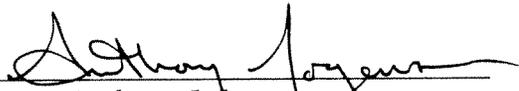

Anthony J. Jorgenson

Exhibit 5

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

Cherokee Nation,)	
)	
Opposer)	Opposition No. 91,185,103
v.)	
)	[Serial Nos. 78/748,323]
Tiffany Adams)	
)	
Applicant)	

**APPLICANT’S RESPONSES TO OPPOSER’S
FIRST SET OF INTERROGATORIES**

Applicant, Tiffany Adams, pursuant to Rule 34 of the Federal Rules of Civil Procedure and Section 2.210 of the Rules of Practice in Trademark cases, hereby responds and objects to the Opposer’s First Set of Interrogatories propounded by Opposer, Cherokee Nation. as follows:

Preliminary Statement

Applicant’s responses are based on documents and information presently available to Applicant. There may be documents, the existence or significance of which, Applicant is currently unaware. Applicant’s responses herein are made without prejudice to Applicant’s use in this opposition, or for any other legal purpose, of documents and information the existence or significance of which subsequently becomes known to Applicant. Applicant further reserves the right to supplement these responses as required by law.

INTERROGATORY NO. 1: Identify each person(s) to have supplied any information for, or participated in, answering the Interrogatories or Opposer's First Requests for Admissions to Applicant or Opposer's First Set of Requests for Production of Documents to Applicant, served contemporaneously herewith, or any information on which responses to any

Opposition No. 91,185,103

Interrogatory, Request for Admission, or Request for Production of Documents was based, and as to each such person identify the Interrogatory, Request for Admission, or Request for Production of Documents to which he or she contributed in formation.

RESPONSE TO INTERROGATORY NO. 1: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 2: Identify whether the Applicant is organized, chartered, or a member of an Indian tribe and, if so, the date such organization, charter, or membership occurred.

RESPONSE TO INTERROGATORY NO. 2: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 3: Identify each predecessor and affiliated organization of the Applicant, including but not limited to all companies or entities through which you claim any trademark interest, right, ownership, or management.

RESPONSE TO INTERROGATORY NO. 3: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 4: State whether Applicant is eligible for membership in the Cherokee Nation, a federally recognized Indian Tribe.

RESPONSE TO INTERROGATORY NO. 4: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 5: State the address of each location at which the Applicant maintains a physical location for promotion of Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 5: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 6: Identify all other trademarks owned or claimed by Applicant, including the date of registration, the serial number for the filing of the mark, and the current status of the filing for each such mark.

RESPONSE TO INTERROGATORY NO. 6: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 7: State the alleged date (month, day and year) of the Applicant's first use anywhere of the Mark and the manner and extent of first use.

RESPONSE TO INTERROGATORY NO. 7: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 8: State the alleged date (month, day and year) or the Applicant's first use of the Mark in interstate commerce (if any) and the manner and extent of such first use.

RESPONSE TO INTERROGATORY NO. 8: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 9: State whether any alternatives to the Mark were considered. If so, list such alternative marks or forms of the Mark.

RESPONSE TO INTERROGATORY NO. 9: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 10: State whether any such alternative marks have been publicized. If so, identify all documents concerning any such publicity.

RESPONSE TO INTERROGATORY NO. 10: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

Opposition No. 91,185,103

INTERROGATORY NO. 11: Identify the person(s) who considered any of said alternative marks and was responsible for the ultimate selection of the Mark.

RESPONSE TO INTERROGATORY NO. 11: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 12: How and when was the Mark in any form selected?

RESPONSE TO INTERROGATORY NO. 12: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 13: Identify the person(s) who conceived, developed, or participated in conception or development of the Mark for use by the Applicant.

Opposition No. 91,185,103

RESPONSE TO INTERROGATORY NO. 13: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 14: Has the form of the Mark ever changed?

RESPONSE TO INTERROGATORY NO. 14: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 15: State whether any searches or investigations were conducted by the Applicant or any person on her behalf (including her attorneys) to determine whether the Mark was available for use in association with the goods and services specified in

Opposition No. 91,185,103

U.S. Application No. 78748323 and, if so, identify each such search or investigation and the results thereof.

RESPONSE TO INTERROGATORY NO. 15: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 16: Describe with particularity the results of any study, formal or informal, which Applicant has performed or commissioned to assess the likelihood of confusion between Applicant's Mark and any other mark or marks, and identify the person(s) who performed the study.

RESPONSE TO INTERROGATORY NO. 16: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 17: Describe with particularity the results of any study, formal or informal, which Applicant has performed or commissioned to assess the relation of Applicant's Mark to the culture, morals, and beliefs of Opposer and/or Opposer's members, and identify the person(s) who performed the study.

RESPONSE TO INTERROGATORY NO. 17: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 18: Identify all federal and state trademark applications filed by or on behalf of the Applicant, including the Mark and any variants thereof.

RESPONSE TO INTERROGATORY NO. 18: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall

Opposition No. 91,185,103

not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 19: Describe with particularity all services offered, marketed, and sold, or to be offered, marketed, and sold, by the Applicant under Applicant's Mark, and identify all documents concerning those services.

RESPONSE TO INTERROGATORY NO. 19: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 20: Describe with particularity all goods offered, marketed, and sold, or to be offered, marketed, and sold, by the Applicant under Applicant's Mark, and identify all documents concerning those goods.

RESPONSE TO INTERROGATORY NO. 20: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside

Opposition No. 91,185,103

the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 21: Describe with particularity all actions taken or to be taken to promote or advertise the existence of Applicant's Mark and related goods and services, and identify all documents concerning that promotion or advertisement.

RESPONSE TO INTERROGATORY NO. 21: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 22: Identify the specific channels of trade in which Applicant's goods and services bearing Applicant's Mark are to be sold or have been sold.

RESPONSE TO INTERROGATORY NO. 22: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside

Opposition No. 91,185,103

the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 23: State the Applicant's expenditures to date for promoting Applicant's goods and services under the Mark or any variation thereof.

RESPONSE TO INTERROGATORY NO. 23: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 24: Identify the media through which the Applicant has advertised or promoted her goods and services under the Mark or any variation thereof.

RESPONSE TO INTERROGATORY NO. 24: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall

Opposition No. 91,185,103

not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 25: Identify any websites associated with, affiliated with, sponsored by, or controlled by the Applicant.

RESPONSE TO INTERROGATORY NO. 25: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 26: Identify any documents, including videotapes or films, through which the Applicant has advertised or promoted her goods and services under the Mark or any variation thereof.

RESPONSE TO INTERROGATORY NO. 26: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall

Opposition No. 91,185,103

not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 27: Describe with particularity the manner in which the Applicant intends to use or is using the Mark in interstate commerce.

RESPONSE TO INTERROGATORY NO. 27: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 28: Describe with particularity all uses of the Mark since its first use, and identify all documents concerning that use.

RESPONSE TO INTERROGATORY NO. 28: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall

Opposition No. 91,185,103

not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 29: Identify all documents concerning the Applicant's bona fide intent to use the Mark in interstate commerce.

RESPONSE TO INTERROGATORY NO. 29: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 30: State with particularity the sources of all funding for the Applicant, and identify all documents concerning that funding.

RESPONSE TO INTERROGATORY NO. 30: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall

Opposition No. 91,185,103

not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 31: State the first date on which and the manner in which the Applicant became aware of Opposer's use of its trademark(s), and identify each person connected or associated with the Applicant who first learned of such use.

RESPONSE TO INTERROGATORY NO. 31: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 32: Identify each individual the Applicant intends to call as an expert at trial and, for each expert so identified, state all opinions to be expressed by that expert and the basis and reasons therefor; the data or other information considered by that expert in forming such opinions; the identity of any exhibits to be used as a summary of or support for the opinions; the qualifications of the expert, including a list of all publications authored by the expert within the preceding ten (10) years; the compensation to be paid for any reports or testimony; and a listing of any other cases in which the expert has testified as an expert at trial or by deposition within the preceding four (4) years.

RESPONSE TO INTERROGATORY NO. 32: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents.

Opposition No. 91,185,103

Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 33: If any of your responses to Opposer's First Set of Requests for Admissions to Applicant was anything other than a hill and unqualified admission, identify the factual basis(es) for the response given.

RESPONSE TO INTERROGATORY NO. 33: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 34: State with particularity how you contend that the Mark is distinctive, and identify all documents evidencing or supporting the Applicant's assertion that the Mark is distinctive.

RESPONSE TO INTERROGATORY NO. 34: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks

Opposition No. 91,185,103

information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 35: Describe with particularity all actions taken by the Applicant to distinguish the Mark from Opposer's Marks.

RESPONSE TO INTERROGATORY NO. 35: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 36: Describe with particularity all instances of actual use of the Mark by Applicant and identify all documents concerning such use.

RESPONSE TO INTERROGATORY NO. 36: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents.

Opposition No. 91,185,103

Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 37: State whether the Applicant exercises control over the use of the Mark and identify any documents concerning such control.

RESPONSE TO INTERROGATORY NO. 37: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 38: Identify the full legal name of the individual, entity, or organization that controls the use of the Mark and identify all documents concerning the formation of any referenced entity or organization.

RESPONSE TO INTERROGATORY NO. 38: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents.

Opposition No. 91,185,103

Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 39: Identify the full legal name of the individual, entity, or organization that owns the Mark and identify all documents concerning the formation of any referenced entity or organization.

RESPONSE TO INTERROGATORY NO. 39: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 40: State whether the individual, entity, or organization that owns the Mark is capable of being sued in a court of law.

RESPONSE TO INTERROGATORY NO. 40: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents.

Opposition No. 91,185,103

Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 41: Describe with particularity any occurrences in which the Applicant has received any written, verbal, or electronic communications intended for the Opposer or any party related to or affiliated therewith and identify any documents concerning said communications.

RESPONSE TO INTERROGATORY NO. 41: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 42: State whether the Applicant has ever been involved in any litigation or other contested proceeding involving the Mark or variations thereof and identify all parties, dates, commencement and termination, tribunals and citations to any reported decisions, the specific marks or terms and goods and services involved; the disposition of the

Opposition No. 91,185,103

proceedings, and if not disposed of, the present status, including, but not limited to, any known future court dates.

RESPONSE TO INTERROGATORY NO. 42: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 43: Identify all assignments, licenses, or other transfers of rights in the Mark for any third-party use.

RESPONSE TO INTERROGATORY NO. 43: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

Opposition No. 91,185,103

INTERROGATORY NO. 44: Describe with particularity your reasons for, and identify all facts which support your denial of Paragraph 9 of the Notice of Opposition.

RESPONSE TO INTERROGATORY NO. 44: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 45: Describe with particularity your reasons for, and identify all facts which support your denial of Paragraph 10 of the Notice of Opposition.

RESPONSE TO INTERROGATORY NO. 45: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

Opposition No. 91,185,103

INTERROGATORY NO. 46: Describe with particularity your reasons for, and identify all facts which support your denial of Paragraph 11 of the Notice of Opposition.

RESPONSE TO INTERROGATORY NO. 46: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 47: If you contend that there is no likelihood of confusion between Applicant's Mark and Opposer's Marks, state the full and complete factual basis(es) for such contention.

RESPONSE TO INTERROGATORY NO. 47: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

Opposition No. 91,185,103

INTERROGATORY NO. 48: If you contend there is no false association between Applicant's Mark and Opposer, Opposer's members and/or Opposer's Marks, state the full and complete factual basis(es) for such contention.

RESPONSE TO INTERROGATORY NO. 48: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

INTERROGATORY NO. 49: If you contend that Applicant's Mark would not be considered disparaging by Opposer and/or a substantial composite of Opposer's members, state the full and complete factual basis(es) for such contention.

RESPONSE TO INTERROGATORY NO. 49: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

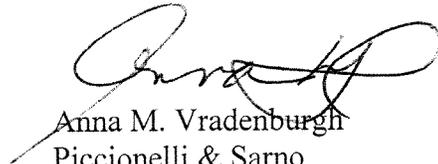
Opposition No. 91,185,103

INTERROGATORY NO. 50: Describe with particularity your signature "Indian style" position.

RESPONSE TO INTERROGATORY NO. 50: Applicant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this interrogatory as being untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the interrogatory calls for production of materials or information that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not respond or produce said material unless and until an appropriate protective order is entered by the Board.

Respectfully submitted,

Date: May 11, 2009


Anna M. Vradenburgh
Piccionelli & Sarno
2801 Townsgate Road, Suite 200
Westlake Village, California 91361
Telephone: (805) 497-5886
Facsimile: (805) 497-7046
Attorneys for Applicant

AMV/

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF VENTURA

I am employed in the County of Ventura, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 2801 Townsgate Road, Suite 200, Westlake Village, California 91361.

On May 11, 2009, I served the following document(s) described as APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES on the interested parties in this action by placing the original a true copy thereof enclosed in a sealed envelope addressed as follows:

Anthony J. Jorgenson
Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.
320 South Boston Avenue, Suite 400
Tulsa, OK 74103

- BY MAIL: I caused such envelope to be deposited in the mail at Westlake Village, California. I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.
- BY PERSONAL SERVICE: I delivered such envelope by hand to the offices of the addressee(s) listed above.
- BY FACSIMILE: I caused the above document(s) to be transmitted to the office of the addressee(s) listed above.
- BY EXPRESS MAIL: I caused the document(s) to be delivered by overnight Express Mail via the United States Postal Service "Express Mail Post Office to Addressee" to the addressee(s) listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 11, 2009, at Westlake Village, California.

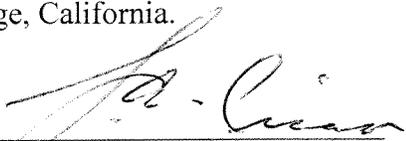

Lori A. Ciccio

Exhibit 6

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

Cherokee Nation,)	
)	
Opposer)	Opposition No. 91,185,103
v.)	
)	[Serial Nos. 78/748,323]
Tiffany Adams)	
)	
Applicant)	

**APPLICANT’S RESPONSES TO OPPOSER’S FIRST REQUESTS
FOR PRODUCTION OF DOCUMENTS**

Applicant, Tiffany Adams, pursuant to Rule 34 of the Federal Rules of Civil Procedure and Section 2.210 of the Rules of Practice in Trademark cases, hereby responds and objects to the Opposer’s First Requests for Production of Documents propounded by Opposer, Cherokee Nation as follows:

Preliminary Statement

Applicant’s responses are based on documents and information presently available to Applicant. There may be documents, the existence or significance of which Applicant is currently unaware. Applicant’s responses herein are made without prejudice to Applicant’s use in this opposition, or for any other legal purpose, of documents and information the existence or significance of which subsequently becomes known to Applicant. Applicant further reserves the right to supplement these responses as required by law.

REQUEST FOR PRODUCTION NO. 1: If any of your responses to the Opposer's First Requests for Admissions to Applicant was anything other than a full and unqualified admission, produce all documents concerning the factual basis(es) for each response given.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 2: All documents identified (or requested to be identified) in your answers to Opposer's First Set of Interrogatories to Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and

Opposition No. 91,185,103

without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 3: All documents referenced or relied upon in answering Opposer's First Set of Interrogatories to Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 4: All documents concerning the publication of any alternative marks that were considered by the Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material

Opposition No. 91,185,103

unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 5: All documents concerning the publication of any alternative forms of the Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 6: All documents concerning the Applicant's eligibility for membership with the Opposer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard

Opposition No. 91,185,103

protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 7: All documents concerning the Applicant's membership, association, or affiliation with Opposer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 8: All documents concerning the Applicant's bona fide intent to use the Mark in commerce.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade

Opposition No. 91,185,103

secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 9: All documents concerning the Applicant's organization or qualification to do business and any of her related business, referring or relating to the use of the Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 10: All documents concerning all actions taken or planned to be taken to promote or advertise the existence of the Applicant's goods or services in association with the Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents

Opposition No. 91,185,103

are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 11: All documents concerning all goods or services offered by the Applicant or planned to be offered by the Applicant to consumers.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 12: All documents concerning all sources of funding for the Applicant's business in relation to the sale of goods or services under the Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents.

Opposition No. 91,185,103

Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 13: All documents concerning the creation, selection, searching, adoption, earliest use and registration, if any, of Applicant's Mark, including any report referring or relating to any search, whether formal or informal, to determine whether Applicant's Mark could potentially violate any mark or trade name.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 14: All documents concerning the first use of the Mark.

Opposition No. 91,185,103

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 15: All documents concerning all uses of the Mark since its first use.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

Opposition No. 91,185,103

REQUEST FOR PRODUCTION NO. 16: All documents concerning the Applicant's acquisition of title or acquisition of every right in and to Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 17: All documents concerning the distinctiveness of the Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 18: Representative samples of each label, container, trade dress, wrapper, packaging, photograph, advertisement, videotape, film, or other data compilation Applicant uses, has used or plans to use to advertise, market, or sell Applicant's goods or services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 19: All documents concerning any transfer of ownership of Applicant's Mark to or from Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material

Opposition No. 91,185,103

unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 20: All documents concerning any effort by Applicant to reserve the term "CHEROKEE," alone or in connection with other words or designs, or any term similar thereto, or to exclude others from using the term" CHEROKEE" alone or in connection with other words or designs, or any term similar thereto, in connection with any goods or services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 21: All documents concerning the use of the term "CHEROKEE" by Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant

Opposition No. 91,185,103

objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 22: All documents concerning the licensing of Applicant's Mark or the authorization to third parties to use Applicant's Mark on or in connection with any product or service.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 23: All documents concerning any objection, challenge or inquiry, based on Applicant's Mark, made by Applicant to any other person concerning that person's use of any mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks

Opposition No. 91,185,103

information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 24: All documents concerning the Applicant's date of first use in commerce of Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 25: All documents concerning the territorial areas where Applicant offers her services or products under Applicant's Mark or intends to offer her services or products under Applicant's Mark, and the length of time during which each has been offered in said areas.

Opposition No. 91,185,103

RESPONSE TO REQUEST FOR PRODUCTION NO. 25: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 26: All documents which disclose the channels of trade through which the Applicant offers or plans to offer her goods or services for sale under Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

Opposition No. 91,185,103

REQUEST FOR PRODUCTION NO. 27: All documents concerning representative outlets through which the Applicant's products or services have been marketed or sold, or intend to be marketed or sold, under Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

REQUEST FOR PRODUCTION NO. 28: All documents concerning planned, existing or former advertising campaigns or advertising or marketing strategies for the sale of goods or services under Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 29: All documents identifying any and all television, radio, or Internet advertising campaigns or advertising or marketing strategies the Applicant plans to conduct, has conducted, is conducting and/or has planned to conduct to promote, market, or advertise any goods or services sold under Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents

Opposition No. 91,185,103

are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 30: All documents concerning the types of persons to whom the Applicant has sold or plans to sell goods or services under Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 31: All documents concerning tribal association of persons selling or marketing, or planning to sell or market, the Applicant's goods or services under Applicant's Mark.

Opposition No. 91,185,103

RESPONSE TO REQUEST FOR PRODUCTION NO. 31: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 32: Representative specimens of materials which Applicant has used or plans to use in connection with the promotion, marketing or advertising of Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

Opposition No. 91,185,103

REQUEST FOR PRODUCTION NO. 33: All documents, not already produced, which relate and/or refer to any formal or informal trademark searches or investigations regarding the Applicant's use, intended use, application for registration or registration of Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 34: All documents concerning any formal or informal studies, including, but not limited to genealogy, surveys, or other similar studies, with respect to Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material

Opposition No. 91,185,103

unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 35: All documents concerning any present or former third party use of any name, mark, or term of which Applicant has knowledge and which Applicant considers confusingly similar to or identical to Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 36: All documents concerning publications or other media in which Applicant has advertised, is advertising, and/or has plans to advertise Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for

Opposition No. 91,185,103

Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 37: All documents concerning published articles by Applicant or a representative thereof, or any print, broadcast, or Internet media reports in which Applicant or representative thereof was quoted or referenced in connection with Applicant's Mark or the present opposition proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 38: All documents concerning published articles by Applicant or a representative thereof, or any print, broadcast, or Internet media reports in which Applicant or representative thereof was quoted or referenced in connection with Applicant's Mark or the present opposition proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 39: All documents, not already produced, which the Applicant intends to use or rely upon in this opposition proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

Opposition No. 91,185,103

REQUEST FOR PRODUCTION NO. 40: Representative samples of each use or planned use of Applicant's Mark by the Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 41: All documents concerning statements, inquiries, comments or other communications evidencing confusion, suspicion, belief, or doubt on the part of said third parties as to the relationship between either or both of the Applicant and Opposer or their respective membership, products, or services associated with their respective Marks, including any misdirected complaints or inquiries.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material

Opposition No. 91,185,103

unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 42: All documents concerning any communication, oral, written or electronic, received by the Applicant from any person which suggests, implies or infers any connection with Opposer or which inquires as to whether there is or may be such a connection or association.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 43: All documents concerning any instances of actual confusion, mistake, deception or association between Applicant's use of Applicant's Mark and Opposer's goods or services or services offered under Opposer's Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant

Opposition No. 91,185,103

objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 44: All documents concerning the relation of Applicant's Mark to the culture, morals, and beliefs of Opposer and/or Opposer's members, including any surveys, studies, and/or polls, formal or informal, conducted by Applicant or a representative thereof.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 45: All documents concerning the circumstances under which the Applicant first became aware of Opposer or Opposer's Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks

Opposition No. 91,185,103

information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 46: All documents concerning any meeting or conversation concerning Opposer's use of Opposer's Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 47: All documents concerning any objection, litigation, proceeding or dispute concerning or involving Applicant's Mark.

Opposition No. 91,185,103

RESPONSE TO REQUEST FOR PRODUCTION NO. 47: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 48: A price list showing the planned or current wholesale and retail price of each service or good bearing Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 48: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

Opposition No. 91,185,103

REQUEST FOR PRODUCTION NO. 49: All documents concerning the Applicant's expansion or planned expansion of her services or products marketed or sold in connection with Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 50: Documents, including financial, accounting, and organization records, sufficient to establish the total annual revenue, in dollars, generated or anticipated in connection with Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and

Opposition No. 91,185,103

without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 51: All documents concerning the intended, perceived, and actual meaning(s) of Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 51: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 52: All documents concerning analysis of the possibility of confusion between Applicant's Mark and Opposer's Marks, or goods and/or services under Opposer's Marks and those identified in the trademark application for federal registration of Applicant's Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 52: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade

Opposition No. 91,185,103

secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 53: All documents which support the Applicant's denial of Paragraph 9 of the Notice of Opposition.

RESPONSE TO REQUEST FOR PRODUCTION NO. 53: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 54: All documents which support the Applicant's denial of Paragraph 10 of the Notice of Opposition.

RESPONSE TO REQUEST FOR PRODUCTION NO. 54: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for

Opposition No. 91,185,103

Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 55: All documents which support the Applicant's denial of Paragraph 11 of the Notice of Opposition.

RESPONSE TO REQUEST FOR PRODUCTION NO. 55: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 56: If you contend that there is no likelihood of confusion between Applicant's Mark and Opposer's Marks, produce all documents which in any way support such contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 56: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents

Opposition No. 91,185,103

are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 57: If you contend that there is no false association between Applicant's Mark and Opposer, Opposer's members and/or Opposer's Marks, produce all documents which in any way support such contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 57: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

REQUEST FOR PRODUCTION NO. 58: If you contend that Applicant's Mark would not be considered disparaging by Opposer and/or a substantial composite of Opposer's members, produce all documents which in any way support such contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 58: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

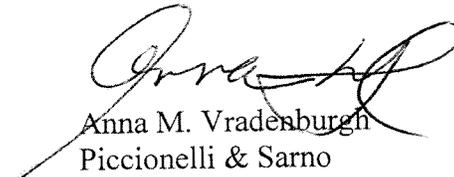
Opposition No. 91,185,103

REQUEST FOR PRODUCTION NO. 59: All documents concerning Applicant's signature "Indian style" position.

RESPONSE TO REQUEST FOR PRODUCTION NO. 59: Applicant objects to this request on the grounds that it is overly broad and unduly burdensome. Further the request seeks information that is neither relevant nor likely to lead to the discovery of admissible documents. Applicant further objects to this request on the grounds that some of the demanded documents are protected by the attorney-client privilege and/or work product privilege. Further, Applicant objects to this request as untimely served. See pending Opposition to Opposer's Motion for Summary Judgment. To the extent the request calls for production of materials that are trade secret, proprietary, confidential or otherwise sensitive and outside the scope of the standard protective order, or not adequately addressed therein, Applicant shall not produce said material unless and until an appropriate protective order is entered by the Board. Notwithstanding and without waiving the aforementioned objections, Applicant responds that no documents will be produced in response to the request.

Respectfully submitted,

Date: May 11, 2009


Anna M. Vradenburgh
Piccionelli & Sarno
2801 Townsgate Road, Suite 200
Westlake Village, California 91361
Telephone: (805) 497-5886
Facsimile: (805) 497-7046
Attorneys for Applicant

AMV/

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF VENTURA

I am employed in the County of Ventura, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 2801 Townsgate Road, Suite 200, Westlake Village, California 91361.

On May 11, 2009, I served the following document(s) described as APPLICANT'S RESPONSES TO OPPOSER'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENT on the interested parties in this action by placing the original a true copy thereof enclosed in a sealed envelope addressed as follows:

Anthony J. Jorgenson
Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.
320 South Boston Avenue, Suite 400
Tulsa, OK 74103

- BY MAIL: I caused such envelope to be deposited in the mail at Westlake Village, California. I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.
- BY PERSONAL SERVICE: I delivered such envelope by hand to the offices of the addressee(s) listed above.
- BY FACSIMILE: I caused the above document(s) to be transmitted to the office of the addressee(s) listed above.
- BY EXPRESS MAIL: I caused the document(s) to be delivered by overnight Express Mail via the United States Postal Service "Express Mail Post Office to Addressee" to the addressee(s) listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 11, 2009, at Westlake Village, California.

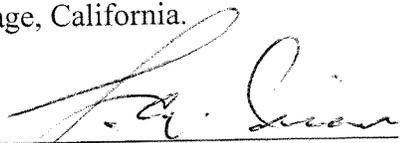

Lori A. Ciccio

Exhibit 7

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

Cherokee Nation,)	
)	
Opposer)	Opposition No. 91,185,103
v.)	
)	[Serial Nos. 78/748,323]
Tiffany Adams)	
)	
Applicant)	

**APPLICANT'S RESPONSES TO OPPOSER'S FIRST REQUESTS
FOR ADMISSIONS TO APPLICANT**

REQUEST FOR ADMISSIONS NO. 1: Admit that the Applicant is not a member of nor affiliated with a federally recognized Indian Tribe.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 1: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

REQUEST FOR ADMISSIONS NO. 2: Admit that the Applicant is not a member or nor affiliate with Opposer.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 2: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

REQUEST FOR ADMISSIONS NO. 3: Admit that Applicant's Mark consists of the word "CHEROKEE."

RESPONSE TO REQUEST FOR ADMISSIONS NO. 3: Admit.

REQUEST FOR ADMISSIONS NO. 4: Admit that Applicant's Mark is not used in connection with and/or by Cherokee descendants.

Opposition No. 91,185,103

RESPONSE TO REQUEST FOR ADMISSIONS NO. 4: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

REQUEST FOR ADMISSIONS NO. 5: Admit that U.S. Application No. 78748323 is an in-use trademark application for federal registration of Applicant's Mark.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 5: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

REQUEST FOR ADMISSIONS NO. 6: Admit that Applicant is unable to legally assert a priority date earlier than August 2002, in connection with Applicant's Mark.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 6: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

REQUEST FOR ADMISSIONS NO. 7: Admit that use of Applicant's Mark has been insufficient so as to have acquired the requisite sufficient distinctiveness under Section 2(f) of the Trademark Act of 1946 (15 U.S.C. § 1052(f)) and thus Applicant's Mark is not eligible for federal registration.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 7: Denied.

REQUEST FOR ADMISSIONS NO. 8: Admit that Opposer has priority in Opposer's Marks over Applicant's priority in Applicant's Mark.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 8: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

REQUEST FOR ADMISSIONS NO. 9: Admit that the Cherokee Nation is a federally recognized Indian Tribe.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 9: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

Opposition No. 91,185,103

REQUEST FOR ADMISSIONS NO. 10: Admit that the word "CHEROKEE" is commonly recognized to refer to the American Indian Tribe.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 10: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

REQUEST FOR ADMISSIONS NO. 11: Admit that the wording contained in Applicant's Mark closely resembles Opposer's Marks.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 11: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

REQUEST FOR ADMISSIONS NO. 12: Admit that there is a likelihood of confusion between Opposer's Marks and Applicant's Mark.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 12: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

REQUEST FOR ADMISSIONS NO. 13: Admit that Applicant's Mark is misrepresentative of some affiliation, connection, sponsorship, and/or association with Opposer and Opposer's Marks.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 13: Denied.

REQUEST FOR ADMISSIONS NO. 14: Admit that all of the documents produced in response to Opposer's First Set of Requests for Production of Documents to Applicant are genuine.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 14: Admit.

REQUEST FOR ADMISSIONS NO. 15: Admit that all of the documents produced in response to Opposer's First Set of Requests for Production of Documents to Applicant are original documents and/or true and correct copies of original documents.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 15: Admit.

Opposition No. 91,185,103

REQUEST FOR ADMISSIONS NO. 16: Admit that Opposer is not connected with Applicant's Mark.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 16: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

REQUEST FOR ADMISSIONS NO. 17: Admit that the fame or reputation of the Opposer is of such nature that a connection with such Tribe may be presumed when Applicant's Mark is used in connection with the intended goods and services.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 17: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

REQUEST FOR ADMISSIONS NO. 18: Admit that Applicant's mark consists of or comprises matter which falsely suggests a connection with Opposer.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 18: Denied.

REQUEST FOR ADMISSIONS NO. 19: Admit that the Cherokee are so famous that consumers would presume a connection between Applicant's Mark and Opposer's Marks.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 19: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

REQUEST FOR ADMISSIONS NO. 20: Admit that it is likely that persons would infer that Applicant and/or Applicant's organization is associated with Opposer.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 20: Denied.

REQUEST FOR ADMISSIONS NO. 21: Admit that Applicant's Mark associates or falsely suggests an association by Opposer and/or its citizens with explicit, sexually-oriented adult services.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 21: Denied.

Opposition No. 91,185,103

REQUEST FOR ADMISSIONS NO. 22: Admit that Applicant's Mark is intended to associate the Applicant with the image of, or portray the Applicant as, an "Indian Princess."

RESPONSE TO REQUEST FOR ADMISSIONS NO. 22: Denied.

REQUEST FOR ADMISSIONS NO. 23: Admit that the likely meaning of Applicant's Mark disparages Opposer, Opposer's members, and/or Opposer's Marks.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 23: Denied.

REQUEST FOR ADMISSIONS NO. 24: Admit that Applicant's Mark associates Opposer, Opposer's members, and/or Opposer's Marks with explicit, sexually-oriented adult entertainment services.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 24: Denied.

REQUEST FOR ADMISSIONS NO. 25: Admit that Opposer and a substantial composite of Opposer's members would find Applicant's Mark disparaging.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 25: Denied.

REQUEST FOR ADMISSIONS NO. 26: Admit that the term "CHEROKEE" as used in Applicant's Mark is used to fetishize Opposer and/or Opposer's members.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 26: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

REQUEST FOR ADMISSIONS NO. 27: Admit that the term "CHEROKEE" as used in Applicant's Mark is used to hold out Opposer and/or Opposer's Members as objects of sexual fantasy.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 27: Denied.

REQUEST FOR ADMISSIONS NO. 28: Admit that Applicant's Mark is contrary to the culture and beliefs of Opposer and/or Opposer's members.

Opposition No. 91,185,103

RESPONSE TO REQUEST FOR ADMISSIONS NO. 28: Applicant is without sufficient information to admit or deny this request, and on that basis, denies the same.

REQUEST FOR ADMISSIONS NO. 29: Admit that Applicant's Mark exposes Opposer and/or Opposer's members to contempt, embarrassment and ridicule.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 29: Denied.

REQUEST FOR ADMISSIONS NO. 30: Admit that the Applicant has no evidence which supports your denial of Paragraph 9 of the Notice of Opposition.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 30: Denied.

REQUEST FOR ADMISSIONS NO. 31: Admit that the Applicant has no evidence which supports your denial of Paragraph 10 of the Notice of Opposition.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 31: Denied.

REQUEST FOR ADMISSIONS NO. 32: Admit that the Applicant has no evidence which supports your denial of Paragraph 11 of the Notice of Opposition.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 32: Denied.

Respectfully submitted,

Date: May 11, 2009


Anna M. Vradenburgh
Piccionelli & Sarno
2801 Townsgate Road, Suite 200
Westlake Village, California 91361
Telephone: (805) 497-5886
Facsimile: (805) 497-7046
Attorneys for Applicant

AMV/

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF VENTURA

I am employed in the County of Ventura, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 2801 Townsgate Road, Suite 200, Westlake Village, California 91361.

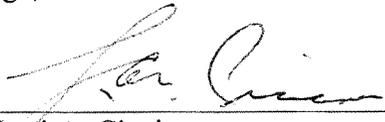
On May 11, 2009, I served the following document(s) described as APPLICANT'S RESPONSES TO OPPOSER'S FIRST REQUESTS FOR ADMISSIONS TO APPLICANT on the interested parties in this action by placing the original a true copy thereof enclosed in a sealed envelope addressed as follows:

Anthony J. Jorgenson
Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.
320 South Boston Avenue, Suite 400
Tulsa, OK 74103

- BY MAIL: I caused such envelope to be deposited in the mail at Westlake Village, California. I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.
- BY PERSONAL SERVICE: I delivered such envelope by hand to the offices of the addressee(s) listed above.
- BY FACSIMILE: I caused the above document(s) to be transmitted to the office of the addressee(s) listed above.
- BY EXPRESS MAIL: I caused the document(s) to be delivered by overnight Express Mail via the United States Postal Service "Express Mail Post Office to Addressee" to the addressee(s) listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 11, 2009, at Westlake Village, California.



Lori A. Ciccio

Exhibit 8

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

**CHEROKEE NATION, a federally recognized
Indian tribe,**

Opposer,

v.

TIFFANY ADAMS,

Applicant.

Opposition No. 91185103

DECLARATION OF ANTHONY J. JORGENSON

1. I am an attorney with the law firm of Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., counsel for the Opposer in this proceeding, I submit this Declaration in support of Opposers' Motion for Summary Judgment.

2. I have personal knowledge of the matters asserted in this Declaration by virtue of my role as counsel for Opposer.

3. On at least two separate occasions after the filing of Applicant's Answer in the above-captioned Opposition, I attempted to contact counsel for Applicant, Anna M. Vradenburgh via telephone. On each of those occasions, I left a voicemail for Ms. Vradenburgh stating that I would like to visit with her to conduct the discovery conference required Fed. R. Civ. P. 26(f) and to discuss the parameters of and the exchange of the initial disclosures required by Fed. R. Civ. P. 26(a)(1). Despite my attempts to confer with Applicant's counsel regarding these issues, I never received a substantive response.

4. On March 16, 2009, I served the following documents and materials on counsel for Applicant via U.S. mail, first-class postage prepaid thereon: (i) Opposer's Disclosures; (ii) Opposer's First Set of Interrogatories to Applicant; (iii) Opposer's First Set of Requests for Production to Applicant; (iv) Opposer's First Set of Requests for Admissions to Applicant; (v) Opposer's Motion for Summary Judgment; and (vi) Opposer's Brief in Support of Motion for Summary Judgment.

5. On March 16, 2006, I also filed Opposer's Motion for Summary Judgment and Opposer's Brief in Support of Motion for Summary Judgment.

6. Opposer's Motion for Summary Judgment and Opposer's Brief in Support of Motion for Summary Judgment were filed and served separately, and after, I served Opposer's Disclosures on counsel for Applicant. Accordingly, Opposer's Disclosures were made prior to the filing of Opposer's Motion for Summary Judgment and Opposer's Brief in Support of Motion for Summary Judgment. Opposer's Disclosures were also made prior to the close of discovery

7. While the above-captioned proceeding has been pending, I have not had any substantive communications with Applicant or her counsel. Applicant has never expressed to me any interest in defending against Opposer's claims, participating in a discovery conference, exchanging initial disclosures, or conducting any discovery. At no time has Applicant or her counsel ever sought to obtain initial disclosures from Opposer or requested any written or oral discovery from Opposer.

8. The preparation and service of Opposer's Disclosures and the preparation, filing and service of Opposer's Motion for Summary Judgment were not designed to punish, trick, or deceive Applicant, nor were they intended to deprive Applicant of an opportunity to conduct discovery or take any other action she deemed necessary to defend against Opposer's claims.

9. Annexed as Exhibit 1 to Opposer's Reply in Support of its Motion for Summary Judgment is a true and correct copy of a printout from www.cherokeexxx.com which has been redacted for filing with the Trademark Trial and Appeal Board (the "Board"). The printout was generated on May 26, 2009.

10. Annexed as Exhibit 2 to Opposer's Reply in Support of its Motion for Summary Judgment is a true and correct copy of Opposer's First Set of Interrogatories to Applicant which were served on counsel for Applicant via U.S. Mail, first-class postage prepaid, on March 16, 2009.

11. Annexed as Exhibit 3 to Opposer's Reply in Support of its Motion for Summary Judgment is a true and correct copy of Opposer's First Set of Requests for Production of Documents to Applicant which were served on counsel for Applicant via U.S. Mail, first-class postage prepaid, on March 16, 2009.

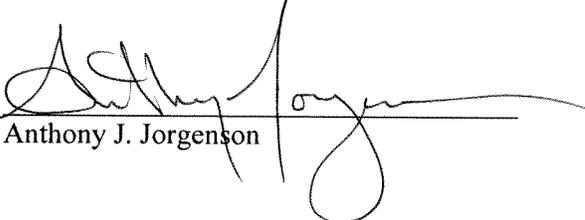
12. Annexed as Exhibit 4 to Opposer's Reply in Support of its Motion for Summary Judgment is a true and correct copy of Opposer's First Set of Requests for Admissions to Applicant which were served on counsel for Applicant via U.S. Mail, first-class postage prepaid, on March 16, 2009.

13. Annexed as Exhibit 5 to Opposer's Reply in Support of its Motion for Summary Judgment is a true and correct copy of Applicant's Responses to Opposer's First Set of Interrogatories which were served on counsel for Opposer by counsel for Applicant on May 11, 2009.

14. Annexed as Exhibit 6 to Opposer's Reply in Support of its Motion for Summary Judgment is a true and correct copy of Applicant's Responses to Opposer's First Requests for Production of Documents which were served on counsel for Opposer by counsel for Applicant on May 11, 2009.

15. Annexed as Exhibit 7 to Opposer's Reply in Support of its Motion for Summary Judgment is a true and correct copy of Applicant's Responses to Opposer's First Requests for Admissions to Applicant which were served on counsel for Opposer by counsel for Applicant on May 11, 2009.

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


Anthony J. Jorgenson

992569.1:231629:02060

Exhibit 9

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

**CHEROKEE NATION, a federally recognized
Indian tribe,**

Opposer,

v.

TIFFANY ADAMS,

Applicant.

Opposition No. 91185103

DECLARATION OF BRANDON RULE

1. I am an attorney with the law firm of Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., counsel for the Opposer in this proceeding, I submit this Declaration in support of Opposers' Motion for Summary Judgment.

2. I have personal knowledge of the matters asserted in this Declaration by virtue of my role as counsel for Opposer and my telephone conversations with counsel for Applicant, Anna M. Vradenburgh.

3. Approximately two weeks prior to the close of discovery in this proceeding I contacted counsel for Applicant to discuss several issues including, the parties' outstanding initial disclosures, Applicant's interest in pursuing settlement discussions, and to suggest that, if Applicant was amenable to settlement discussions, a joint motion to extend the discovery period may be in order.

4. Ms. Vradenburgh responded that Applicant had no interest in discussing settlement unless Opposer first proposed a settlement offer. Ms. Vradenburgh further stated that she believed an extension of the discovery period would prejudice Applicant, but did not specify how she believed Applicant might be prejudiced.

5. Based upon these conversations, I understood that Applicant had no real interest in discussing settlement and that Applicant would not agree to an extension of the discovery period.

6. Given Applicant's disinterest in discussing settlement or agreeing to an extension of the discovery period, I did not believe that further discussions with Applicant's counsel concerning these topics would be fruitful. Therefore, I proceeded to perform the tasks required of Opposer prior to the close of discovery to most effectively and efficiently resolve this proceeding. Those tasks included the preparation of Opposer's Initial Disclosures, the preparation of Opposer's written discovery requests to Applicant, and the preparation of Opposer's Motion for Summary Judgment.

7. At no time did I represent to Applicant's counsel that Opposer would simply permit the discovery period to lapse without taking steps to protect its interests. Moreover, the actions I took on behalf of Opposer prior to the close of discovery were not designed to punish, trick, or deceive Applicant, nor were they intended to deprive Applicant of an opportunity to conduct discovery or take any other action she deemed necessary to defend against Opposer's claim.

8. At no time during my discussions with Applicant's counsel did she ever request any discovery, by deposition or otherwise, from Opposer.

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


Brandon Rule

993042.1:231629:02060