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

Proceeding	91188736
Party	Plaintiff Anastasia Beverly Hills, Inc., Anastasia Soare, and Anastasia Skin Care Inc.
Correspondence Address	ALLAN Z LITOVSKY GREENBERG TRAUIG LLP 3181 MICHELSON DRIVE, SUITE 1000 IRVINE, CA 92612 UNITED STATES litovskya@gtlaw.com, ortegare@gtlaw.com, austinc@gtlaw.com
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Date	09/20/2012
Attachments	ABH Pretrial Disclosures (Redacted).pdf ( 9 pages )(209359 bytes )

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

ANASTASIA BEVERLY HILLS, INC. ANASTASIA SOARE ANASTASIA SKIN CARE, INC.  Opposers,  v.  ANASTASIA MARIE LABORATORIES, INC.  Applicant.	Opposition No. 91188736
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**OPPOSERS' PRETRIAL DISCLOSURES**

Opposers, ANASTASIA BEVERLY HILLS, INC., ANASTASIA SOARE and ANASTASIA SKIN CARE, INC. (Collectively "ABH" or "Opposers"), by and through their attorneys of record, the law firm of Greenberg Traurig, LLP, hereby submit their Pretrial Disclosures pursuant to TBMP § 702.01, and Fed. R. Civ. P. 26(a)(3) as follows:

**I. WITNESSES:**

ABH expects to present testimony from the following witnesses:

- A. Anastasia Soare  
c/o Greenberg Traurig, LLP  
3161 Michelson Drive, Suite 1000  
Irvine, California 92612  
Telephone: 949-732-6500

Ms. Soare is the CEO of Anastasia Beverly Hills, Inc., and Anastasia Skin Care, Inc., and is expected to can testify on the selection, adoption and use of ABH's ANASTASIA and similar marks, the goods and services on which the ANASTASIA marks are used, the geographic location and scope of use of the mark, the renown of her name in the Cosmetics and Beauty Industry, and to any and all exhibits produced by ABH during this proceeding including

documents identified as Bates Nos., ABH documents Bates Nos. ABH 010001 – 061770C.

**B.** Claudia Soare  
c/o Greenberg Traurig, LLP  
3161 Michelson Drive, Suite 1000  
Irvine, California 92612  
Telephone: 949-732-6500

Ms. Soare is the Vice President of Anastasia Beverly Hills, Inc., and Anastasia Skin Care, Inc., and is expected to testify on the selection, adoption and use of ABH's ANASTASIA and similar marks, the artwork, design, merchandizing, and marketing of ABH's goods and services, the goods and services on which the ANASTASIA marks are used, the geographic location and scope of use of the mark, the renown of her name in the Cosmetics and Beauty Industry, and to any and all exhibits produced by ABH during this proceeding including documents identified as Bates Nos., ABH documents Bates Nos. ABH 010001 – 061770C.

**C.** Raluca Carp  
c/o Greenberg Traurig, LLP  
3161 Michelson Drive, Suite 1000  
Irvine, California 92612  
Telephone: 949-732-6500

Ms. Carp is the Operations Manager at Anastasia Beverly Hills Salon, and is expected to testify on the accounting methods and accounting records for ABH, as well as the creation and retention of documents such as invoices, purchase orders, shipping documents and packing lists and the software used by ABH to computerize its business records and generate reports of same. Ms. Carp is expected to offer testimony on documents relating to invoices, purchase orders, shipping documents and packing lists and the software used by ABH to computerize its business records and generate reports of same.

**D.** Constantin Stan  
c/o Greenberg Traurig, LLP  
3161 Michelson Drive, Suite 1000  
Irvine, California 92612  
Telephone: 949-732-6500

Mr. Stan is the General Manager of ABH, and is expected to testify on the general business activities of ABH including the management of accounts payable and receivable, the

development of new cosmetic lines and skin care products, the manufacturer and distributor of ABH products, and the warehousing and shipping of those products. Mr. Stan is expected to offer testimony on documents relating to the accounts payable and receivable, the development of new cosmetic lines and skin care products, the manufacturer and distributor of ABH products, and the warehousing and shipping of those products.

**E.** Bret Moser  
c/o Greenberg Traurig, LLP  
3161 Michelson Drive, Suite 1000  
Irvine, California 92612  
Telephone: 949-732-6500

Mr. Moser is the Controller for ABH, and is expected to testify on accounts and financial records for ABH. Mr. Moser is expected to offer testimony on documents relating to ABH's accounts and financial records.

**F.** Darrell Baum  
c/o Greenberg Traurig, LLP  
3161 Michelson Drive, Suite 1000  
Irvine, California 92612  
Telephone: 949-732-6500

Mr. Baum is expected to testify on the creation, development and production of ABH's products. Mr. Baum is expected to offer testimony on documents relating to the creation, development and production of ABH's products.

**G.** Anastasia Marie Chehak  
c/o Daphne Sheridan Bass  
921 26<sup>th</sup> Street  
Santa Monica, California 90403  
Telephone: 310-829-2805

Ms. Chehak is the owner and operator of Anastasia Marie Laboratories, Inc. ("AML") and is expected to testify on, but not limited to, the selection, adoption, and use of her ANASTASIA and similar marks and the dates of same, the goods and services on which the ANASTASIA marks are used, the geographic location and scope of use of the mark, including in Oklahoma, and any use beyond that location, and in relation to Diabetes and any use beyond that

related to diabetes, and all exhibits produced by AML during this proceeding including documents identified as Bates Nos., AML 0001 – 0208, and Disclosure Tabs. 1-121.

**H.** The Person Most Knowledgeable for AML  
c/o Daphne Sheridan Bass  
921 26<sup>th</sup> Street  
Santa Monica, California 90403  
Telephone: 310-829-2805

The Person Most Knowledgeable for AML is expected to testify on (1) AML's historical and current legal status; (2) the officers, managers, consultants and technical experts employed or hired by AML; (3) AML's historical and current marketing strategies, policies and implementation of same, including web site development and maintenance, monitoring of competition and brand management; (4) AML's historical and current sales activities including revenue attributable to the different products, the geographic regions and scope of sales, and the distribution channels for each product; (5) The location, function and operation of AML's historical and current facilities, (including proprietary and outsourced), including facilities that perform product research and development, manufacture, packaging and warehousing, and shipping; (6) AML's historical and current policies and procedures regarding print media and artwork, promotions, advertising claims, and intellectual property, including but not limited to acquiring, using registering, and policing of trademarks and service marks, and any disputes with third parties involving trademarks, copyrights, unfair competition, or false or misleading advertising; (7) AML's past and present product lines, including dates of development, manufacture, announcement and commercial shipments of each different product formulation; (8) AML's past and present product packaging and product labels, including dates and motivation for the development, modification, phasing in, and phasing out of each different packaging design; (9) The responsibilities of, contributions by, and financial arrangements with any medical or pharmaceutical experts employed by, or otherwise retained by AML, including such experts that are no longer associated with AML; (10) Any and all products requiring FDA or similar governmental approval prior to commercial sale, the AML persons responsible for obtaining such approval, the process required by AML to obtain such approval, any and all

**REDACTED**

communications between AML and the FDA or government laboratory, or similar facility, the products which have obtained FDA approval and the dates approval was granted, the products for which approval was sought but for which approval was not granted, and the AML products for which no FDA or governmental approval was required prior to commercial sale; and (11) any and all documents produced by either party relating to the above-referenced topics.

- I.** Daphne Sheridan Bass  
c/o Daphne Sheridan Bass  
921 26<sup>th</sup> Street  
Santa Monica, California 90403  
Telephone: 310-829-2805

Ms. Bass is expected to testify on the applications, specimens, offices actions, statements of use, requests for extensions of time to show use, and other documents in each of the file histories for the marks: ANASTASIA PURE SKIN THERAPY, Reg. No. 3117475; ANASTASIA SKIN, Reg. No. 3538739, and ANASTASIA, Ser. No. 77150306.

- J.** The Person Most Knowledgeable for [REDACTED]<sup>1</sup>

[REDACTED]

The Person Most Knowledgeable for [REDACTED] is expected to testimony on the development and manufacture of skin care and related products for AML, including, but not limited to, the research and development for AML's products, the compounds and consistency of each product, the amount/number of each of the products manufactured for AML and the date of same, the creation, development and manufacture of bottling and packaging for AML's products, any packaging inserts or product descriptions, any testing and test results for each of AML's products, information regarding the brand, name, tag lines, typeface and size of any identifying product information placed on each of AML's products, and any change in same. The Person Most Knowledgeable is expected to testify on the documents regarding [REDACTED]

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<sup>1</sup> AML claims the names of certain companies and persons it uses are Trade Secrets and so have been redacted.

<sup>2</sup> AML provided documents from [REDACTED] but did not provide an address for this company. ABH reserves the right to update the address for this Witness should a more accurate address become know.

produced by AML including, but not limited to, those produced as Bates Nos. AML 0057 – 0110.

**K.** The Person Most Knowledgeable for [REDACTED]  
[REDACTED]

The Person Most Knowledgeable for [REDACTED], is expected to testimony on the creation, artwork, designs, development and manufacture of packaging for AML products, including, but not limited to, the amount/number of packaging designs created for AML products, and the date of same, any packaging inserts or product descriptions, and information regarding the brand, name, tag lines, typeface and size of any identifying product information placed on each of AML's product packaging, and any change in same. The Person Most Knowledgeable is expected to testify on the documents showing AML's product packaging produced by AML including, but not limited to, those produced as Bates Nos. AML 0001 – 0208, and Disclosures Tabs 1 - 121.

**L.** [REDACTED]  
Address Unknown  
[REDACTED]

[REDACTED] is expected to testimony on his consultation services, and involvement in the creation and development of the artwork for AML products and packaging, including but not limited to, the amount/number of packaging designs he was involved in for AML products, and the date of same, any packaging inserts or product descriptions, and information regarding the brand, name, tag lines, typeface and size of any identifying product information placed on each of AML's product packaging, and any change in same. [REDACTED] is expected to testify on the documents showing AML's product packaging produced by AML including, but not limited to, those produced as Bates Nos. AML 0001 – 0208, and Disclosures Tabs 1 - 121.

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<sup>3</sup> AML provided testimony regarding [REDACTED] but did not provide an address for this company. ABH reserves the right to update the address for this Witness should a more accurate address become know.

M. [REDACTED]  
Address Unknown  
[REDACTED]

[REDACTED] is expected to testimony on his graphic design services, and involvement in the creation and development of the artwork for AML products and packaging, including but not limited to, the amount/number of graphic designs he was involved in for AML products, and the date of same, any packaging inserts or product descriptions bearing his graphic designs, and information regarding the brand, name, tag lines, typeface and size of any identifying product information he used in each of his graphic designs for each of AML's products and/or packaging, and any change in same. [REDACTED] is expected to testify on the documents showing AML's product packaging produced by AML including, but not limited to, those produced as Bates Nos. AML 0001 – 0208, and Disclosures Tabs 1 - 121.

N. All witnesses timely and properly identified by all parties in this case.

O. Impeachment Witnesses

P. Rebuttal Witnesses

Q. ABH reserves the right to call any other witnesses as need may arise including without limitation, any witnesses to lay foundation to admit documentary evidence to the extent any individuals identified above may be unable to do so.

ABH hereby reserves the right to amend and/or supplement this list as necessary.

**II. DOCUMENTS AND/OR OTHER EXHIBITS:**

ABH hereby designates the following documents that it may present at trial if the need arises:

DOCUMENT	BATES NOS.	WILL OFFER	MAY OFFER
USPTO File History for Registration No. 2798069.		✓	
USPTO File History for Registration No. 2821892.		✓	
USPTO File History for Registration No. 3342405.		✓	

DOCUMENT	BATES NOS.	WILL OFFER	MAY OFFER
USPTO File History for Registration No. 3503367.		✓	
USPTO File History for Registration No. 1631250.		✓	
USPTO File History for Registration No. 3117475.		✓	
USPTO File History for Registration No. 3538739.		✓	
USPTO File History for Serial No. 77150306.		✓	
ABH documents Bates Nos. ABH 010001 – 061770C			✓
AML disclosures Tabs 1 - 121			✓
AML documents Bates Nos. AML 0001 - 0208			✓
Exhibits 1 – 26 to deposition testimony of Anastasia Marie Chehak, and Exhibits 1-6, & 19C to deposition testimony of AML 30(b)(6) Witness.			✓

ABH further designates the following documents it may present if the need arises:

- B.** Any and all pleadings and papers on file herein;
- C.** Any and all discovery timely and properly performed within this proceeding;
- D.** Any documents necessary for impeachment and/or rebuttal.

ABH hereby reserves the right to amend and/or supplement this list as necessary.

Additionally, ABH reserves the right to object to the admissibility of any document at the time of trial.

DATED: September 20, 2012.

GREENBERG TRAURIG, LLP

/s/ Allan Z. Litovsky

Allan Z. Litovsky

Laraine M. I. Burrell

Counsel for Opposers

ANASTASIA BEVERLY HILLS, INC.

ANASTASIA SOARE

ANASTASIA SKIN CARE, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on September 20, 2012, I served the foregoing **OPPOSERS'**  
**PRETRIAL DISCLOSURES** on:

Brewster B. Taylor, Esq.  
Stites & Harbison PLLC  
1199 N. Fairfax St., Suite 900  
Alexandria, Virginia 22314  
E-Mail: btaylor@stites.com  
*Counsel for Applicant*

by causing a full, true, and correct copy thereof to be sent by the following indicated method or methods, on the date set forth below:

- by mailing in a sealed, first-class postage-prepaid envelope, addressed to the last-known office address of the attorney, and deposited with the United States Postal Service at Las Vegas, Nevada.
- by hand delivery.
- by sending via overnight courier in a sealed envelope.
- by faxing to the attorney at the fax number that is the last-known fax number.
- by electronic mail to the last known e-mail address.

/s/ Cynthia L. Ney  
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An employee of Greenberg Traurig