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Filing date: **10/28/2009**

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

Proceeding	91189629
Party	Plaintiff Borghese Trademarks Inc.
Correspondence Address	Stephen L. Baker Baker and Rannells PA 575 Route 28Ste. 102 Raritan, NJ 08869 UNITED STATES officeactions@br-tmlaw.com, k.hnasko@br-tmlaw.com, m.selinka@br-tmlaw.com
Submission	Other Motions/Papers
Filer's Name	Moira J. Selinka
Filer's e-mail	officeactions@br-tmlaw.com, k.hnasko@br-tmlaw.com, m.selinka@br-tmlaw.com
Signature	/Moira J. Selinka/
Date	10/28/2009
Attachments	Request for Discovery Pursuant to 56(f) and Selinka Declaration in Support thereof.pdf (39 pages)(1642262 bytes)

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

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Borghese Trademarks, Inc.	Opposition No.: 91189629
Opposer,	Mark: PRINCE LORENZO BORGHESE'S LA DOLCE VITA
v.	Application No.: 77/435,171
Multi Media Exposure, Inc.	
Applicant.	
-----X	

OPPOSER'S REQUEST FOR DISCOVERY PURSUANT TO RULE 56(F)

Opposer, Borghese Trademarks, Inc. ("Opposer"), respectfully requests that the Board grant Opposer an Order to conduct discovery pursuant to Rule 56(f) based on the Declaration of Moira J. Selinka attached hereto, and the laws and facts cited herein.

PRELIMINARY STATEMENT

Applicant's Motion for Summary Judgment was filed in an attempt to avoid responding to Opposer's discovery requests. Applicant's summary judgment motion contains the unsupported claim that the channels of trade for Opposer's goods and the channels of trade for Applicant's goods are different. Applicant makes further unsupported claims that the relevant goods are dissimilar, are not subject to impulse purchasing, there is no concurrent use and there is no market interface between Applicant and Opposer. In addition, Applicant included an Affidavit signed by its vice president, within which are made unsubstantiated claims.

Furthermore, Applicant's unserved motion was filed with the Board mere days before

their discovery responses were due to Opposer. And although the Board did not suspend the proceedings until today, October 28, 2009, in response to emails and phone calls from Opposer's counsel, Applicant refused to answer discovery which was due on October 1, 2009.

Accordingly, the Board should grant Opposer an Order of discovery pursuant to Rule 56(f) of the Federal Rules of Civil Procedure, to allow Opposer to obtain discovery from Applicant so that it may effectively oppose Applicant's motion for summary judgment.

FACTUAL BACKGROUND

Opposer is the owner of U.S. Registration No. 3,369,371 for the mark PRINCESS MARCELLA BORGHESE, U.S. Registration No. 1,134,398 for the mark BORGHESE, U.S. Registration No. 3,387,006 for the mark BORGHESE, and U.S. Registration No. 3,506,702 for the mark BORGHESE as applied to a wide range of goods and services, including personal care products directed to retail consumers, as well as various other pending applications. Opposer's use of these marks goes back to 1958.

On March 30, 2008, Applicant filed an intent-to-use trademark application for PRINCE LORENZO BORGHESE'S LA DOLCE VITA for pet shampoo, conditioners, and body sprays. On March 3, 2009, Applicant's application was published for opposition. On April 8, 2009, Opposer filed the present opposition alleging priority and likelihood of confusion.

On June 17, 2009, Applicant served upon Opposer Applicant's First Set of Interrogatories and Applicant's First Request for the Production of Documents and Things. On July 22, 2009, Opposer served its responses to Applicant's discovery requests upon counsel for Applicant.

On August 27, 2009, Opposer served upon Applicant Opposer's First set of Interrogatories, First Set of Requests for Admission, and First Set of Requests for the Production of Documents and Things. Applicant's responses to Opposer's discovery requests were due

October 1, 2009. To date, Applicant has not provided discovery responses.

On September 23, 2009, Applicant filed its Motion for Summary Judgment with the Board. The filing did not include a Certificate of Service upon Opposer or its counsel. The motion is pending before the Board.

Applicant's motion for summary judgment contains the unsupported claim that the channels of trade for Opposer's goods and the channels of trade for Applicant's goods are different. Applicant makes further unsupported claims including that the relevant goods are dissimilar, are not subject to impulse purchasing, there is no concurrent use and there is no market interface between Applicant and Opposer. In addition, Applicant included an Affidavit signed by its vice president, within which are made unsubstantiated claims.

RULE 56(f)

On a motion for summary judgment, the Board must ascertain whether there is a genuine issue as to any material fact. *See* Fed. R. Civ. P. 56 and TBMP §528. "A genuine dispute is shown to exist if sufficient evidence is presented such that reasonable fact finder could decide the question in favor of the non-moving party." *Opryland USA, Inc. v. Great Am. Music Show*, 970 F.2d 847, 850 (Fed. Cir. 1992) (citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)). "The evidence submitted by the non-movant, in opposition to a motion for summary judgment, 'is to be believed and all justifiable inferences are to be drawn in its favor.'" *Opryland USA, Inc.*, 970 F.2d at 850 (quoting *Anderson*, 477 U.S. at 225).

On occasion, however, summary judgment is sought before the non-movant has had adequate opportunity to discover information essential to demonstrating material fact disputes. Under Rule 56(f) of the Federal Rules of Civil Procedure, these prematurely-filed summary judgment motions will be denied. *See* Fed. R. Civ. P. 56(f). *See also Opryland USA, Inc.* 970

F.2d at 852 (stating that a non-movant's burden in opposing a motion for summary judgment is qualified by Rule 56(f)'s provision that "summary judgment be refused where the non-moving party has not had the opportunity to discover information that is essential to his opposition").

Rule 56(f) of the Federal Rules of Civil Procedure provides as follows:

Should it appear from the affidavits of a party opposing the motion that the party cannot for reasons stated present by affidavit facts essential to justify the party's opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

FED. R. CIV. P. 56(f). Motions filed pursuant to Rule 56(f) are liberally granted. *See McCormick Delaware, Inc. and McCormick & Co., Inc. v. Williams Food, Inc.*, No. 28,967,2001 WL 253633, at *7 (T.T.A.B. Feb. 14, 2001) (granting motion filed pursuant to Rule 56(f) where cancellation petitioner did not respond to most of respondent's discovery requests, which were served well before the filing of petitioner's summary judgment motion). See also, *Celotex v. Catrett*, 477 U.S. at 326 (Rule 56(f) provides nonmovants with protection from being "railroaded" by premature summary judgment motions); *National Life Ins. Co. v. Solomon*, 529 F.2d 59, 61 (2d Cir. 1975) (summary judgment is improper when the opposing party has yet to exercise pretrial discovery).

**OPPOSER MUST BE GRANTED THE OPPORTUNITY
TO DISCOVER INFORMATION ESSENTIAL TO THE OPPOSITION**

Opposer cannot adequately defend against the motion without first taking discovery in the following areas:

1. Declaration of Applicant's principal: Applicant's motion includes a Declaration by the vice president of Applicant, making unsubstantiated claims, yet Opposer has not had the opportunity to cross examine that Declarant;
2. Channels of trade: Applicant relies throughout its motion on a claim of different channels of trade, however, Applicant refuses to provide any responses to Opposer's discovery requests concerning its channels of trade and the class of customers to whom its goods are directed;
3. Similarities between the goods: Applicant claims differences in the goods but refuses to answer Opposer's discovery requests with regard to the ingredients and manufacture of its goods; and
4. Market interface: Applicant claims no market interface between Opposer and itself yet refuses to answer Opposer's discovery requests with regard to related facilities in which Applicant's goods and Opposer's goods are being developed and manufactured.

The documents and information necessary to defend against this motion are uniquely within the exclusive possession, custody and control of Applicant and no documents or information have been provided to Opposer to date. Without an Order by the Board granting discovery pursuant to Rule 56(f), Opposer will have no other means available to discover the requested information and documents.

It should be noted that Applicant clearly intended to avoid responding to Opposer's discovery requests by filing its summary judgment motion mere days before discovery responses were due. Upon Opposer's specific requests that Applicant provide discovery responses, and

before proceedings were suspended, Applicant's counsel stated that it did not have to respond to discovery because its filing of Applicant's Motion for Summary Judgment suspended the proceedings. However, TBMP §528.03, wherein the Board interprets 37 CFR §2.127(d), specifically notes that "The filing of a summary judgment motion does not, in and of itself, automatically suspend proceedings in a case; rather, proceedings are suspended when the Board issues an order to that effect." In addition, TBMP §113.02 states that "proof that the required service has been made ordinarily must be submitted before the filing will be considered by the Board." Since Applicant did not provide a certificate of service, the Board had not issued an order suspending proceedings in this case and, therefore, Applicant was ignoring its duty to provide discovery responses by the October 1, 2009 due date.

Opposer respectfully requests an Order which will allow Opposer to:

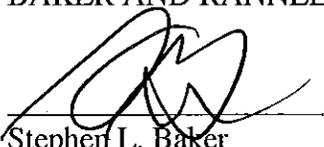
- 1) Obtain discovery responses from Applicant to the following Opposer's Interrogatories, Document Requests and Requests for Admission, copies of which discovery requests are attached to the accompanying Declaration of Moira J. Selinka at Exhibit A:
 - Interrogatory Nos. 4, 5, 9, 10, 11;
 - Document Request Nos. 2, 3, 8, 9, 11; and
 - Request for Admission Nos. 9, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26.
- 2) Take the deposition of Applicant's vice president, Lorenzo Borghese, concerning discovery responses received, as well as the matters raised in his declaration and any associations he has made with Opposer regarding advertising and promotion and the like.

CONCLUSION

For the foregoing reasons, Opposer respectfully requests that the Board grant its motion pursuant to Rule 56(f) for discovery.

Dated: October 28, 2009

BAKER AND RANNELLS, P A

By: 

Stephen L. Baker
Moira J. Selinka
Attorneys for Opposer
575 Route 28, Suite 102
Raritan, New Jersey 08869
(908) 722-5640

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing OPPOSER'S REQUEST FOR DISCOVERY PURSUANT TO RULE 56(F) and the accompanying DECLARATION OF MOIRA J. SELINKA IN SUPPORT OF OPPOSER'S REQUEST FOR DISCOVERY PURSUANT TO RULE 56(f) in re: Borghese Trademarks, Inc. v. Multi Media Exposure, Inc., Opposition No. 91189629, was served on counsel for Applicant, this 28th day of October, 2009, by sending same via First Class Mail, postage prepaid, to:

Mark S. Kaufman, Esq.
Kaufman & Kahn LLP
747 Third Avenue, Fl. 32
New York, NY 10017

A handwritten signature in black ink, appearing to read "Moira J. Selinka", written over a horizontal line.

Moira J. Selinka

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

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Borghese Trademarks, Inc.

Opposition No.: 91189629

Opposer,

Mark: PRINCE LORENZO
BORGHESE'S LA DOLCE VITA

v.

Application No.: 77/435,171

Multi Media Exposure, Inc.

Applicant.
-----X

**DECLARATION OF MOIRA J. SELINKA IN SUPPORT OF
OPPOSER'S REQUEST FOR DISCOVERY PURSUANT TO RULE 56(f)**

Moira J. Selinka declares and says:

1. I am an attorney at law admitted to practice before the courts of the State of New Jersey. My practice is generally limited to intellectual property with emphasis on trademark law.
2. I am an associate of the firm of Baker & Rannells, P.A. We maintain offices at 575 Route 28, Suite 102, Raritan, New Jersey, and at 1350 Broadway, 10th Floor, New York, New York. The firm and the undersigned represent the Opposer in the captioned proceeding. We are also responsible for the maintenance and oversight of Opposer's trademark portfolios.
3. I make this declaration in support of the Opposer's Request for Discovery Pursuant to Rule 56(f). I have personal knowledge of the facts set forth herein, and if called to testify, could and would testify competently thereto.
4. On April 8, 2009, Opposer filed the present opposition alleging priority and likelihood of confusion.
5. On July 22, 2009, Opposer served its responses to Applicant's discovery requests

upon counsel for Applicant.

6. On August 27, 2009, I served upon Applicant's counsel Opposer's First set of Interrogatories, First Set of Requests for Admission, and First Set of Requests for the Production of Documents and Things. Applicant's responses to Opposer's discovery requests were due October 1, 2009. To date, Applicant has not provided discovery responses.

7. On September 8, 2009, I served Opposer's Supplemental Responses to Applicant's Interrogatories upon counsel for Applicant.

8. On September 25, 2009, I received a copy of Applicant's Motion for Summary Judgment which stated that it had been filed with the Board on September 23, 2009. There was no Certificate of Service attached to the Motion, nor was one filed with the Board.

8. On October 14, 2009, as proceedings in the present matter had not been suspended by the Board, I sent a letter to Applicant's counsel noting that responses to Opposer's discovery requests had been due October 1, 2009 and requesting that Applicant provide their responses.

9. On October 15, 2009, I received a letter from Applicant's counsel in response to my October 14, 2009 letter that misinterpreted the rule regarding suspension of proceedings and claimed that discovery was suspended.

10. On October 16, 2009, I sent a letter to Applicant's counsel clarifying the rule regarding suspension and citing Giant Food, Inc. v. Standard Terry Mills, Inc., 229 USPQ 955 (TTAB 1986) wherein it is explained that the filing of a summary judgment motion does not necessarily amount to good cause for not responding to discovery requests and noting that we would file a Motion to Compel if discovery responses were not served immediately.

11. On October 20, 2009, I received a letter via email from Applicant's counsel informing us that he had contacted the Board and had been told any motion to compel would be "thrown out."

12. On October 23, 2009, my senior partner, Stephen L. Baker, and I contacted the Interlocutory Attorney in this matter and she indicated that since there was no proof of service of the Motion for Summary Judgment we could request an extension of time to respond to same, but that the filing of the summary judgment amounted to good cause for not responding to discovery.

13. I have reviewed the summary judgment motion and have found that Applicant's motion contains the unsupported claim that the channels of trade for Opposer's goods and the channels of trade for Applicant's goods are different. In the motion, Applicant made further unsupported claims that include that the relevant goods are dissimilar, are not subject to impulse purchasing, there is no concurrent use and there is no market interface between Applicant and Opposer. In addition, Applicant included an Affidavit signed by its vice president, within which are made unsubstantiated claims. Each of these claims contains new information which was specifically requested in Opposer's discovery requests but which Applicant refused to provide.

14. In the interrogatories, document requests and requests for admission which I served on counsel for Applicant on August 27, 2009 and which Applicant refuses to answer, I asked specific questions about Applicant's channels of trade (see Interrogatory No. 5, Document Request Nos. 8, 9), the distributors, suppliers, sellers and licensees of Applicant's goods (see Interrogatory No. 4, Document Request Nos. 9, 11), the ingredients in Applicant's goods (see Interrogatory Nos. 9, 11, Request for Admission No. 9); the facilities where Applicant's goods are manufactured (see Interrogatory No. 10, Request for Admission No. 24), and the use of

Opposer's trademark—as well as the name of the person from whom that trademark was derived--on Applicant's website (see Document Request Nos. 2, 3, Request for Admission Nos. 16, 18, 19, 20, 21, 22, 23, 25, 26). A copy of Opposer's Interrogatories, Document Requests and Requests for Admission are attached hereto at Exhibit A.

15. The information requested in each of Opposer's discovery requests referred to in #14 above is necessary in order to defend against Applicant's Motion for Summary Judgment.

16. Applicant's motion includes a declaration by its vice president which puts forth medical conclusions concerning the goods at issue that smack of expert opinion, information regarding its supposed channels of trade which it heretofore had refused to provide, unsubstantiated conclusions based on its own Google search for "shampoo," and a claim that the goods at issue are not impulse purchases which he bases on a price for Opposer's goods obtained from an unrelated department store's web page. The Applicant's declaration makes it clear that there are facts in dispute (which in and of itself should defeat the summary judgment motion). Opposer requires the opportunity—in fact is afforded the opportunity per Fed. R. Civ. P. 56(e)(1)—to depose or cross examine this Declarant to show that the "facts" set out in his declaration would not be admissible in evidence, that he is not competent to testify on the matters stated, and to demonstrate that there are material issues of disputed fact.

17. Neither party's channels of trade have been limited. Yet, Applicant has made the claim that the goods travel in different channels of trade and therefore there is no likelihood of confusion. While Opposer can make a general argument that because the channels of trade are not limited they are considered to be the same, without knowing in what channels of trade Applicant intends to sell or is selling its goods, Opposer cannot defend against Applicant's claims that the two do not overlap.

18. Only one of the goods in Applicant's application, and none of the goods in Opposer's registrations are limited with respect to a particular end user. Yet, Applicant had made the claim that the goods of each party are dissimilar and limited to particular end users. Without information as to the ingredients and manufacturing facilities for Applicant's products, Opposer cannot adequately respond to Applicant's claims and numerous cited cases (in all of which the court and the parties had the benefit of knowing exactly what the products consisted of) and show that there is a question of material fact with regard to the similarity of the parties goods.

19. Applicant claims in its motion that there is no market interface between the parties. Yet Applicant uses Opposer's marks in its promotional materials and hints at a connection between Opposer and itself. Opposer needs responses to its questions regarding where Applicant's goods have been developed and manufactured and its intentions for using Opposer's founder's name on its website and promotional materials in order to show that there is a genuine issue of material fact with regard to the market interface between the parties.

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

Executed on October 28, 2009


Moira J. Selinka

**Borghese Trademarks, Inc. v. Multi Media Exposure, Inc.
Opposition No. 91189629**

**Declaration of Moira J. Selinka
in Support of Opposer's Request for Discovery Pursuant to Rule 56(f)
Exhibit A**

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

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Borghese Trademarks, Inc.

Opposer

Mark: PRINCE LORENZO
BORGHESE'S LA DOLCE VITA

Opposition No. 91189629

v.

Serial No.: 77/435,171

Multi Media Exposure, Inc.

Applicant
-----X

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Opposer, Borghese Trademarks, Inc. ("Opposer"), pursuant to Rule 2.120 of the Trademark Rules of Practice, and Rules 33 and 34 of the Federal Rules of Civil Procedure, hereby requests that Applicant, Multi Media Exposure, Inc. ("Applicant"), answer separately and fully, in writing under oath, the following interrogatories by serving written responses thereto at the offices of Applicant's attorneys, Baker and Rannells PA, 575 Route 28, Suite 102, Raritan, New Jersey, 08869, within thirty (30) days after service of this request.

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the term "Applicant" means and shall refer to the Applicant, Multi Media Exposure, Inc. and any predecessors in interest to Multi Media Exposure, Inc.
2. As used herein, the term "Opposer" means and shall refer to Borghese Trademarks, Inc.
3. As used herein, the term "Person" as well as pronouns referring thereto shall include any business, legal or government entity or association, as well as natural persons.
4. As used herein, the term "identify" or the phrase "give the identity of" shall mean:
 - a. In the case of a natural person: his or her full name and an address and telephone number where the person can be contacted;

- b. In the case of a corporation, business entity, or organization: (1) its full name; (2) the address of its principal place of business; and (3) the identity of any and all persons employed by or engaged by the entity that have relevant knowledge concerning the requested information;
- c. In the case of a document: (1) the author(s) of the document; (2) any and all persons who received such document (including copies); (3) the date of such document; and (4) the general subject matter of such document;
- d. In the case of a communication: (1) the type of communication; (2) any and all persons who sent such communication, (3) the date of such communication; and (4) any and all persons who received such communication.
- e. In the case of a product: the generic and/or common commercial name of the product.
- f. In the case of tags, labels, or packaging: (1) the type of tag, label or packaging; (2) how the mark is used thereon; (3) whether it has been used or is intended to be used; and (4) dates of use or proposed use in the United States.
- g. In the case of an instance or incident: (1) the identity of each person who participated in or who has knowledge of the instance or incident; (2) the circumstances surrounding the instance or incident; and (3) the date or the inclusive dates during which the instance or incident occurred.
- h. In the case of an expert witness: (1) his or her full name and address; (2) the qualifications of such expert; (3) all articles, books or other publications authored in whole or in part by such expert; and (4) all documents which such expert has reviewed and upon which such expert may rely in connection with his/her testimony.
- i. In the case of an advertisement or promotional material: (1) the medium in which such advertisement or promotional material was published, broadcast or otherwise disseminated; (2) each person who created, ordered, distributed and/or placed such advertisement; (3) where, when and to whom the advertisement or promotional material, and/or copies of same, were distributed, and the number of copies distributed at each such place and time; (4) documents that would show

when and where the advertisement was placed/broadcast/distributed and the costs thereof.

5. As used herein, "Identify" with respect to an Agreement, an Assignment, License, Understanding, or other Contract or Grant or Transfer of Rights (collectively "Agreement") shall mean: a) identify the type of agreement, i.e. "assignment," "license," "consent to use," "franchise agreement," etc.; b) state the date and term of duration of the Agreement and whether such Agreement is still in effect; c) identify the geographic scope of the Agreement; d) identify the parties to the Agreement; e) state whether the Agreement is oral or in writing; f) describe in detail any rights and/or property transferred by the Agreement, including whether the goodwill of the business, in whole or in part, was transferred as part of or in connection with the Agreement and, if so describe in detail the nature and extent of any goodwill assigned, licensed, granted, or transferred; g) if the Agreement is a trademark or service mark license, identify the manner of control which is, or was, to be exercised with respect to the quality and character of the goods or services, on or in connection with which any affected mark was to be, or has been used under such Agreement; h) identify all documents which evidence or refer or relate in any way to such Agreement, including the Agreement itself, in writing; and i) identify each person who drafted and/or participated in any way in the negotiations and/or drafting of the Agreement, and/or who approved same.

6. The term "document" is used in the broadest sense consistent with Fed. R. Civ. P. Rule 34.

7. As used herein, the term "date" means the exact date, if known, and, if not known, the approximate date.

8. As used herein, the term "communication" is used in its broadest sense, to include, without limitation, the following:

- a. Any document, as defined hereinabove; and
- b. Any conversation, discussion, dialogue, conference, report, message, account, interview, exchange, and/or consultation, whether oral, written, or electronic.

9. As used herein, the term "surveys" shall mean, and shall include without limitation, the following: surveys, studies, polls, searches, or other investigations.

10. As used herein the term "advertising" shall mean, without limitation, advertisements, including advertising copy, advertising slicks, and line art, product packaging,

labels, brochures, photographs, product sheets, point of sale displays, audio or video tapes, catalogues, product guide books, signage, price lists, Internet sites, web sites, web pages, and any other document or material used and/or distributed to promote and solicit business, shipment, sales and orders of products of Applicant.

11. As used herein, the term "use" shall mean use of a mark in the ordinary course of trade, i.e. on goods that are sold or transported in commerce.

12. The term "concerning" means relating to, referring to, describing, evidencing or constituting.

13. With respect to each interrogatory to which an objection is made, state the specific grounds of the objection and answer any portion of the interrogatory which does not fall within the stated objection.

14. Any word written in the singular shall be construed as plural or vice-versa when necessary to facilitate the answer to the interrogatory.

15. As used herein, the connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery requests all responses that might otherwise be construed to be outside of its scope.

16. As used herein, the term "Applicant's Mark" means and shall refer to the mark PRINCE LORENZO BORGHESE'S LA DOLCE VITA as shown in U.S. Trademark Appl. Serial No. 77/435,171 which is the subject of Opposer's Notice of Opposition.

17. As used herein, the term "Applicant's Goods" means and shall refer to the goods recited in U.S. Trademark Appl. Serial No. 77/435,171, namely, "pet shampoo, conditioners, and body sprays."

18. As used herein, the term "Opposer's Marks" shall mean the marks: PRINCESS MARCELLA BORGHESE which is the subject of U.S. Trademark Reg. No. 3,369,371, BORGHESE which is the subject of U.S. Trademark Reg. No. 1,134,398, BORGHESE which is the subject of U.S. Trademark Reg. No. 3,387,006, and BORGHESE which is the subject of U.S. Trademark Reg. No. 3,506,702.

19. As used herein the term "Opposer's Goods" shall mean those goods identified in U.S. Trademark Reg. No. 3,369,371, U.S. Trademark Reg. No. 1,134,398, U.S. Trademark Reg. No. 3,387,006, and U.S. Trademark Reg. No. 3,506,702.

20. As used herein, the term "search" means every search or investigation any of kind performed by or on behalf of Applicant.

21. These discovery requests are intended to be continuing. If, at any time after you prepare and furnish the requested discovery you ascertain or acquire additional responsive information, you are required to supplement and/or amend your responses and production of documents as required by Rule 26(e) Fed.R.Civ.P.

22. 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 Rule 34(b), Fed. R. Civ. P.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each of the officers, directors, principals and managing agents of Applicant.

INTERROGATORY NO. 2: Identify each person who was responsible for or who participated in the adoption of Applicant's mark.

INTERROGATORY NO. 3: Identify the person(s) with the most knowledge concerning the creation, selection, adoption, and use (actual and/or planned) of Applicant's Mark in the United States.

INTERROGATORY NO. 4:

Identify all of Applicant's intended distributors, suppliers, sellers, and licensees of Applicant's Goods bearing Applicant's Mark and identify the goods involved.

INTERROGATORY NO. 5: Identify all trade channels through which Applicant's Goods bearing Applicant's Mark will be sold in the United States.

INTERROGATORY NO. 6: Identify all labels and packaging ever used and/or which are intended to be used in the United States by or on behalf of Applicant bearing Applicant's Mark.

INTERROGATORY NO. 7: Identify all expert witnesses whose views or opinions have been sought by or on behalf of Applicant, whether or not such expert is expected to testify during Applicant's testimony period, concerning any aspect of this proceeding, and state the area of expertise of such witness.

INTERROGATORY NO. 8: Identify any surveys or studies ever conducted by or for Applicant concerning confusion or likelihood of confusion between Applicant, Applicant's Mark, or Applicant's Goods on the one hand, and Opposer, any of Opposer's Goods, or Opposer's Marks on the other hand.

INTERROGATORY NO. 9: Identify all ingredients to be used in the formulation of Applicant's Goods that are pet-specific, that is, to be used only on animals.

INTERROGATORY NO. 10: Identify the facility where Applicant's Goods are produced or are intended to be produced.

INTERROGATORY NO. 11: Identify all tradeshows in the United States where any of Applicant's Goods bearing Applicant's Mark have been promoted and/or displayed.

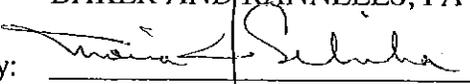
INTERROGATORY NO. 12: If Applicant's response(s) to any of Opposer's First Set of Requests for Admission was other than an unqualified admission, set forth in detail the basis for Applicant's denial and all facts and circumstances supporting such denial.

INTERROGATORY NO. 13: Identify the person(s) who provided information for each answer to respond to these Interrogatories served by Opposer on Applicant.

Dated: August 27, 2009

BAKER AND RANNELLS, PA

By:


Stephen L. Baker

Moira J. Selinka

Attorneys for Opposer

575 Route 28, Suite 102

Raritan, New Jersey 08869

(908) 722-5640

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Opposer's First Set of Interrogatories to Applicant, in re Borghese Trademarks, Inc. v. Multi Media Exposure, Inc., Opposition No. 91189629 was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 27th day of August, 2009, to the attorney for the Applicant at the following address:

Mark S. Kaufman
Kaufman & Kahn, LLP
747 Third Avenue, 32nd Floor
New York, NY 10017


Moira J. Selinka

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

-----X
Borghese Trademarks, Inc.

Opposer

Mark: PRINCE LORENZO
BORGHESE'S LA DOLCE VITA

Opposition No. 91189629

v.

Serial No.: 77/435,171

Multi Media Exposure, Inc.

Applicant

-----X

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

Opposer, Borghese Trademarks, Inc. ("Opposer"), pursuant to Rule 2.120 of the Trademark Rules of Practice, and Rules 33 and 34 of the Federal Rules of Civil Procedure, hereby requests that Applicant, Multi Media Exposure, Inc. ("Applicant"), answer separately and fully, in writing under oath, the following requests for production of documents and things by producing those documents specified herein within 30 days of service of this request at the offices of Baker and Rannells PA, 575 Route 28, Suite 102, Raritan, New Jersey, 08869.

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the term "Applicant" means and shall refer to the Applicant, Multi Media Exposure, Inc. and any predecessors in interest to Multi Media Exposure, Inc.
2. As used herein, the term "Opposer" means and shall refer to Borghese Trademarks, Inc.
3. As used herein, the term "Person" as well as pronouns referring thereto shall include any business, legal or government entity or association, as well as natural persons.

4. As used herein, the term "identify" or the phrase "give the identity of" shall mean:
- a. In the case of a natural person: his or her full name and an address and telephone number where the person can be contacted;
 - b. In the case of a corporation, business entity, or organization: (1) its full name; (2) the address of its principal place of business; and (3) the identity of any and all persons employed by or engaged by the entity that have relevant knowledge concerning the requested information;
 - c. In the case of a document: (1) the author(s) of the document; (2) any and all persons who received such document (including copies); (3) the date of such document; and (4) the general subject matter of such document;
 - d. In the case of a communication: (1) the type of communication; (2) any and all persons who sent such communication, (3) the date of such communication; and (4) any and all persons who received such communication.
 - e. In the case of a product: the generic and/or common commercial name of the product.
 - f. In the case of tags, labels, or packaging: (1) the type of tag, label or packaging; (2) how the mark is used thereon; (3) whether it has been used or is intended to be used; and (4) dates of use or proposed use in the United States.
 - g. In the case of an instance or incident: (1) the identity of each person who participated in or who has knowledge of the instance or incident; (2) the circumstances surrounding the instance or incident; and (3) the date or the inclusive dates during which the instance or incident occurred.
 - h. In the case of an expert witness: (1) his or her full name and address; (2) the qualifications of such expert; (3) all articles, books or other publications authored in whole or in part by such expert; and (4) all documents which such expert has reviewed and upon which such expert may rely in connection with his/her testimony.
 - i. In the case of an advertisement or promotional material: (1) the medium in which such advertisement or promotional material was published, broadcast or otherwise disseminated; (2) each person who created, ordered, distributed and/or

placed such advertisement; (3) where, when and to whom the advertisement or promotional material, and/or copies of same, were distributed, and the number of copies distributed at each such place and time; (4) documents that would show when and where the advertisement was placed/broadcast/distributed and the costs thereof.

5. As used herein, "Identify" with respect to an Agreement, an Assignment, License, Understanding, or other Contract or Grant or Transfer of Rights (collectively "Agreement") shall mean: a) identify the type of agreement, i.e. "assignment," "license," "consent to use," "franchise agreement," etc.; b) state the date and term of duration of the Agreement and whether such Agreement is still in effect; c) identify the geographic scope of the Agreement; d) identify the parties to the Agreement; e) state whether the Agreement is oral or in writing; f) describe in detail any rights and/or property transferred by the Agreement, including whether the goodwill of the business, in whole or in part, was transferred as part of or in connection with the Agreement and, if so describe in detail the nature and extent of any goodwill assigned, licensed, granted, or transferred; g) if the Agreement is a trademark or service mark license, identify the manner of control which is, or was, to be exercised with respect to the quality and character of the goods or services, on or in connection with which any affected mark was to be, or has been used under such Agreement; h) identify all documents which evidence or refer or relate in any way to such Agreement, including the Agreement itself, in writing; and i) identify each person who drafted and/or participated in any way in the negotiations and/or drafting of the Agreement, and/or who approved same.

6. The term "document" is used in the broadest sense consistent with Fed. R. Civ. P. Rule 34.

7. As used herein, the term "date" means the exact date, if known, and, if not known, the approximate date.

8. As used herein, the term "communication" is used in its broadest sense, to include, without limitation, the following:

- a. Any document, as defined hereinabove; and
- b. Any conversation, discussion, dialogue, conference, report, message, account, interview, exchange, and/or consultation, whether oral, written, or electronic.

9. As used herein, the term "surveys" shall mean, and shall include without limitation, the following: surveys, studies, polls, searches, or other investigations.

10. As used herein the term "advertising" shall mean, without limitation, advertisements, including advertising copy, advertising slicks, and line art, product packaging, labels, brochures, photographs, product sheets, point of sale displays, audio or video tapes, catalogues, product guide books, signage, price lists, Internet sites, web sites, web pages, and any other document or material used and/or distributed to promote and solicit business, shipment, sales and orders of products of Applicant.

11. As used herein, the term "use" shall mean actual or planned use of a mark in the ordinary course of trade, i.e. on goods that are sold or transported in commerce.

12. The term "concerning" means relating to, referring to, describing, evidencing or constituting.

13. Any word written in the singular shall be construed as plural or vice-versa when necessary to facilitate the answer to the document request.

14. As used herein, the connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery requests all responses that might otherwise be construed to be outside of its scope.

15. As used herein, the term "Applicant's Mark" means and shall refer to the mark PRINCE LORENZO BORGHESE'S LA DOLCE VITA as shown in U.S. Trademark Appl. Serial No. 77/435,171 which is the subject of Opposer's Notice of Opposition.

16. As used herein, the term "Applicant's Goods" means and shall refer to the goods recited in U.S. Trademark Appl. Serial No. 77/435,171, namely, "pet shampoo, conditioners, and body sprays."

17. As used herein, the term "Opposer's Marks" shall mean the marks: PRINCESS MARCELLA BORGHESE which is the subject of U.S. Trademark Reg. No. 3,369,371, BORGHESE which is the subject of U.S. Trademark Reg. No. 1,134,398, BORGHESE which is the subject of U.S. Trademark Reg. No. 3,387,006, and BORGHESE which is the subject of U.S. Trademark Reg. No. 3,506,702.

18. As used herein the term "Opposer's Goods" shall mean those goods identified in U.S. Trademark Reg. No. 3,369,371, U.S. Trademark Reg. No. 1,134,398, U.S. Trademark Reg. No. 3,387,006, and U.S. Trademark Reg. No. 3,506,702.

19. As used herein, the term "search" means every search or investigation any of kind performed by or on behalf of Applicant.

20. With respect to each document request to which an objection is made, state the specific grounds of the objection and produce all documents that do not fall within the stated objection.

21. These discovery requests are intended to be continuing. If, at any time after you prepare and furnish the requested discovery you ascertain or acquire additional responsive information, you are required to supplement your production of documents as required by Rule 26(e) Fed.R.Civ.P.

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

23. If any document responsive to the following document requests is withheld or not produced on the basis of a claim of privilege, you shall provide a list containing the following information for each of the documents:

- (i) the date the document was prepared;
- (ii) the name, employment position and address of the author(s) and/or preparer(s) of the document;
- (iii) a brief description of the document;
- (iv) the subject matter of the document;
- (v) the names of people to whom copies were distributed;
- (vi) the reasons for withholding production of the document and any supporting facts. The claim of privilege or any other objection must be made in sufficient detail so as to permit the Board to adjudicate the validity of the claim or objection; and
- (vii) the number of the request under which the document would otherwise be produced.

OPPOSER'S FIRST SET OF REQUESTS FOR DOCUMENTS

DOCUMENT REQUEST NO. 1: Produce all documents and things which were identified, required to be identified, and/or were used to answer the above Opposer's First Set of Interrogatories to Applicant.

DOCUMENT REQUEST NO. 2: Produce copies of all newspaper, magazine, newsletter, internet, trade journal and other articles in Applicant's possession that were distributed in or published in the United States and that mention or refer to Applicant's Mark.

DOCUMENT REQUEST NO. 3: Produce copies of all advertisements and/or promotional materials that Applicant plans to distribute or air in the United States concerning Applicant's Goods bearing Applicant's Mark.

DOCUMENT REQUEST NO. 4: Produce a specimen of (or photocopy or photograph of) each logo, label, packaging or other printed material bearing Applicant's Mark which are used, or are planned to be used, in the United States by or on behalf of Applicant on or in relation to Applicant's Goods.

DOCUMENT REQUEST NO. 5: Produce all documents concerning any surveys or studies ever conducted by or for Applicant concerning confusion or likelihood of confusion between Applicant, Applicant's Mark, or Applicant's Goods on the one hand, and Opposer, any of Opposer's Goods, or Opposer's Mark on the other hand.

DOCUMENT REQUEST NO. 6: Produce all trademark or trade name searches, search reports, and/or clearances conducted by or on behalf of Applicant concerning registration or use or intended use of Applicant's Mark in the United States.

DOCUMENT REQUEST NO. 7: For each expert whose opinion may be relied upon in this proceeding, produce each document which concerns: (i) any opinions that may be presented at trial; (ii) the reasons for any such opinions; (iii) any data or information considered by the witness in forming the opinions; (iv) any exhibits used in support of or summarizing the opinions; (v) the compensation being paid to the witness, and (vi) any cases which the witness has testified at trial or by deposition.

DOCUMENT REQUEST NO. 8: Produce a copy of each business plan and a copy of each marketing plan created at any time that concerns the intended use of Applicant's Mark in the United States.

DOCUMENT REQUEST NO. 9: Produce documents sufficient to identify each (1) wholesaler, (2) distributor, and (3) retailer that has agreed to sell any of Applicant's Goods bearing Applicant's Mark in the United States.

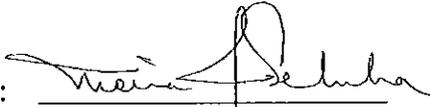
DOCUMENT REQUEST NO. 10: Produce all documents that concern Opposer that were reviewed or discussed by Applicant prior to filing the application in issue in this proceeding.

DOCUMENT REQUEST NO. 11: Produce all Documents concerning all communications between Applicant, on the one hand, and any and all of Applicant's manufacturers, suppliers, wholesalers, distributors and/or licensees, on the other hand, concerning Applicant's Goods intended to be offered for sale bearing Applicant's Mark in the United States, including but not limited to documents concerning Applicant's purchase of products or materials used in manufacturing, labeling, packaging or distributing such goods.

DOCUMENT REQUEST NO. 12: Produce all Documents concerning all communications between Applicant, on the one hand, and any individual or entity, on the other hand, concerning Opposer's Goods, Opposer's Marks, and/or Applicant's Mark.

Dated: August 27, 2009

BAKER AND RANNELLS, PA

By: 

Stephen L. Baker
Moira J. Selinka
Attorneys for Opposer
575 Route 28 – Suite 102
Raritan, New Jersey 08869
(908) 722-5640

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Opposer's First Set of Requests for the Production of Documents and Things, in re Borghese Trademarks, Inc. v. Multi Media Exposure, Inc., Opposition No. 91189629 was forwarded by first class, postage prepaid mail by depositing the same with the U.S. Postal Service on this 27th day of August, 2009, to the attorney for the Applicant at the following address:

Mark S. Kaufman
Kaufman & Kahn, LLP
747 Third Avenue, 32nd Floor
New York, NY 10017



Moira J. Selinka

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

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Borghese Trademarks, Inc.

Opposer

Mark: PRINCE LORENZO
BORGHESE'S LA DOLCE VITA

Opposition No. 91189629

v.

Serial No.: 77/435,171

Multi Media Exposure, Inc.

Applicant

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OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION TO APPLICANT

Opposer, Borghese Trademarks, Inc. ("Opposer"), pursuant to Rule 2.120 of the Trademark Rules of Practice, and Rule 36 of the Federal Rules of Civil Procedure, hereby requests that Applicant, Multi Media Exposure, Inc. ("Applicant"), answer separately and fully, in writing under oath, the following requests for admission by serving written responses thereto within thirty (30) days after service of this request.

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the term "Opposer" means and shall refer to the Opposer, Borghese Trademarks, Inc.
2. As used herein, the term "Applicant" means and shall refer to Multi Media Exposure, Inc. and any predecessors in interest to Multi Media Exposure, Inc. and any predecessors in interest in and to the mark in issue, namely PRINCE LORENZO BORGHESE'S LA DOLCE VITA.
3. As used herein, the term "Person" as well as pronouns referring thereto shall include any business, legal or government entity or association, as well as natural persons.

4. The term "document" is used in the broadest sense consistent with Fed. R. Civ. P. Rule 34.

5. As used herein, the term "date" means the exact date, if known, and, if not known, the approximate date.

6. Any word written in the singular shall be construed as plural or vice-versa when necessary to facilitate the answer to the interrogatory.

7. As used herein, the connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery requests all responses that might otherwise be construed to be outside of its scope.

8. As used herein, the term "Applicant's Mark" means and shall refer to the mark PRINCE LORENZO BORGHESE'S LA DOLCE VITA as shown in U.S. Trademark Appl. Serial No. 77/435,171 which is the subject of Opposer's Notice of Opposition.

9. As used herein, the term "Applicant's Goods" means and shall refer to the goods recited in U.S. Trademark Appl. Serial No. 77/435,171, namely, "pet shampoo, conditioners, and body sprays."

10. As used herein, the term "Opposer's Marks" shall mean the marks: PRINCESS MARCELLA BORGHESE which is the subject of U.S. Trademark Reg. No. 3,369,371, BORGHESE which is the subject of U.S. Trademark Reg. No. 1,134,398, BORGHESE which is the subject of U.S. Trademark Reg. No. 3,387,006, and BORGHESE which is the subject of U.S. Trademark Reg. No. 3,506,702.

11. As used herein the term "Opposer's Goods" shall mean those goods identified in U.S. Trademark Reg. No. 3,369,371, U.S. Trademark Reg. No. 1,134,398, U.S. Trademark Reg. No. 3,387,006, and U.S. Trademark Reg. No. 3,506,702.

12. These discovery requests are intended to be continuing. If, at any time after you prepare and furnish the requested discovery you ascertain or acquire additional responsive information, you are required to supplement and/or amend your responses and production of documents as required by Rule 26(e) F.R.Civ.P.

13. For the convenience of the Board and the parties, each Admission Request should be quoted in full immediately preceding the response.

14. The term "concerning" means relating to, referring to, describing, evidencing or constituting.

REQUESTS FOR ADMISSION

Request for Admission No. 1: Admit that Applicant was aware of Opposer at the time Applicant filed its trademark application for Applicant's Mark.

Request for Admission No. 2: Admit that Applicant was aware of Opposer's Marks at the time Applicant filed its trademark application for Applicant's Mark.

Request for Admission No. 3: Admit that Applicant was aware of Opposer's Goods at the time Applicant filed its trademark application for Applicant's Mark.

Request for Admission No. 4: Admit that Applicant was aware of Opposer's Marks before selecting Applicant's Mark.

Request for Admission No. 5: Admit that goods sold under Opposer's Marks were available at retail stores at the time Applicant filed its trademark application for Applicant's Mark.

Request for Admission No. 6: Admit that consumers are likely to believe that the goods sold under Opposer's Marks and the goods sold under Applicant's Mark are from the same source.

Request for Admission No. 7: Admit that Applicant's Mark and Opposer's PRINCESS MARCELLA BORGHESE mark both contain the name "BORGHESE."

Request for Admission No. 8: Admit that Applicant's Mark and Opposer's PRINCESS MARCELLA BORGHESE mark both contain a title of nobility.

Request for Admission No. 9: Admit that the goods listed in Application Serial No. 77/435,171, namely pet shampoo, conditioner and body spray, are substantially identical to the goods covered by Opposer's Marks.

Request for Admission No. 10: Admit that Applicant did not attempt to obtain Opposer's consent to use Applicant's Mark before filing an application to register Applicant's Mark.

Request for Admission No. 11: Admit that human grooming products, namely, shampoo, can be used on pets.

Request for Admission No. 12: Admit that human grooming products, namely, hair conditioner, can be used on pets.

Request for Admission No. 13: Admit that human grooming products, namely, fragrance, can be used on pets.

Request for Admission No. 14: Admit that human grooming products, namely, soap can be used on pets.

Request for Admission No. 15: Admit that the person named and pictured on the webpage located at www.getroyaltreatment.com/about.htm, attached hereto at Exhibit A, is the same Prince Lorenzo Borghese who is the Executive Vice President of Applicant.

Request for Admission No. 16: Admit that all statements made on the "About" page found at the following web address www.getroyaltreatment.com/about.htm, attached hereto at Exhibit A, are true.

Request for Admission No. 17: Admit that Applicant's Goods could be used on humans.

Request for Admission No. 18: Admit that the mention of Princess Marcella Borghese on Applicant's website was intentional.

Request for Admission No. 19: Admit that the mention of the Princess Marcella Borghese Cosmetic Line on Applicant's website was intentional.

Request for Admission No. 20: Admit that the mention of Princess Marcella Borghese on Applicant's website could lead potential customers to believe Applicant's goods and Opposer's goods originate from the same source.

Request for Admission No. 21: Admit that the mention of the Princess Marcella Borghese Cosmetic Line on Applicant's website could lead potential customers to believe Applicant's goods and Opposer's goods originate from the same source.

Request for Admission No. 22: Admit that the mention of Princess Marcella Borghese on Prince Lorenzo Borghese's Royal Treatment website located at www.getroyaltreatment.com/about.htm (attached hereto at Exhibit A) could lead potential customers to believe Applicant's goods and Opposer's goods originate from the same source.

Request for Admission No. 23: Admit that the mention of the Princess Marcella Borghese Cosmetic Line on Prince Lorenzo Borghese's Royal Treatment website located at www.getroyaltreatment.com/about.htm (attached hereto at Exhibit A) could lead potential customers to believe Applicant's goods and Opposer's goods originate from the same source.

Request for Admission No. 24: Admit that Applicant's Goods are being formulated in a human cosmetics facility.

Request for Admission No. 25: Admit that the Executive Vice President of Applicant, namely, Prince Lorenzo Borghese, uses the name of Princess Marcella Borghese for publicity purposes.

Request for Admission No. 26: Admit that the Executive Vice President of Applicant, namely, Prince Lorenzo Borghese, uses the name of the Princess Marcella Borghese Cosmetic Line for publicity purposes.

EXHIBIT A



PRODUCTS ✦ GIFTS ✦ ABOUT ✦ PRESS ✦ CONTACT ✦ NUZZLEPLANET ✦ TESTIMONIALS



The Royal Treatment pet spa
is dedicated in loving memory of
belle, my black lab, who lost
her battle with cancer on
april 14th, 2005



My ancestors created homemade cosmetics using fresh fruits and flowers harvested out of their Italian garden. This timely process created the finest natural cosmetic line in the world as these cosmetics not only cleaned and moisturized the skin, they healed, rejuvenated and fragranced it. The fragrance was never too heavy or powerful - it was light and natural. This family tradition continued when my grandmother, Princess Marcella Borghese, offered her "homemade" cosmetics to the world through the Princess Marcella Borghese Cosmetics Line.

I followed my ancestor's tradition of formulating the finest natural products in the world when I created Royal Treatment's bath and body line. However, this skin care line is for pets, not people! I created this line out of necessity as I came up empty-handed when searching for effective safe products to use on Belle, my eleven-year-old black lab (pictured to the left) as the products I used simply didn't work. They left her skin dry and itchy, her coat became dull and I had to wash her constantly because, well because....she smelled like a dog.

So I decided to do something about it - utilize my connections in the cosmetics industry to develop a prestigious line of all-natural, human-grade, gentle and effective bath and body pet products. With the assistance of one of the world's finest cosmetics research and development departments, I was able to create the ideal grooming line that not only thoroughly cleans a pet's fur, but also moisturizes the skin, promotes a healthy shiny coat, neutralizes pet odors and leaves your pet smelling delicious as a result of the natural fragrance oils we import from all over the world.

It took over two years of extensive research and development to create these safe, natural and effective products but it was well worth the time and effort.

Although the Royal Treatment is growing rapidly, one constant remains the same. The world's finest products for your royal pet! Please visit this site every few weeks as new revolutionary products are continually being developed - products that help you help your pet.

Our goal at the Royal Treatment is 100% satisfaction for both you and your pet. For this reason, if you have any suggestions or comments, please feel free to contact us at contact@getroyaltreatment.com. I or another pet lover will

be sure to get back to you.

With warm regards,
Lorenzo Borghese

Prince Lorenzo Borghese

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Dated: August 27, 2009

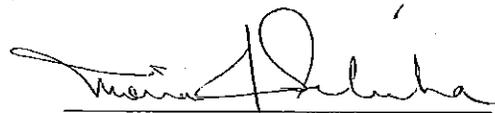
BAKER AND RANNELLS, PA

By: 
Stephen L. Baker
Moira J. Selinka
Attorneys for Opposer
575 Route 28 – Suite 102
Raritan, New Jersey 08869
(908) 722-5640

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Opposer's Request for Admissions in re: Borghese Trademarks, Inc. v. Multi Media Exposure, Inc., Opposition No. 91189629, was forwarded by first class, postage pre-paid mail by depositing the same with the U.S. Postal Service on this 27th day of August, 2009 to the attorney for Applicant at the following address:

Mark S. Kaufman
Kaufman & Kahn, LLP
747 Third Avenue, 32nd Floor
New York, NY 10017


Moira J. Selinka