ESTTA Tracking number: **ESTTA336868**
Filing date: **03/11/2010**

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

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| Proceeding | 91189629 |
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| Date | 03/11/2010 |
| Attachments | GOOD MEE Brief.pdf ( 27 pages )(3865257 bytes )<br>GOOD MME Second Apicella Decl.pdf ( 88 pages )(8909584 bytes )<br>GOOD MME Third Lorenzo Decl.pdf ( 38 pages )(4570591 bytes ) |

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

----------X

Borghese Trademarks, Inc.

Opposer,

v.

Multi Media Exposure, Inc.

Applicant.

----------X

**Opposition No.: 91189629**

Mark: PRINCE LORENZO BORGHESE'S LA DOLCE VITA

Appl. Serial No.: 77/435,171

**APPLICANT'S MEMORANDUM OF LAW**
**IN OPPOSITION TO OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

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Applicant Multi Media Exposure, Inc. ("Applicant" or "MME") submits this Memorandum of Law in opposition to Opposer's Cross Motion for Summary Judgment.

## PRELIMINARY STATEMENT

Borghese Trademarks, Inc.'s ("BTI") motion must be denied for the reason that there are a multitude of material factual disputes regarding the merits of BTI's claim of priority and likelihood of confusion. BTI offers no evidence that the public will believe that MME's PRINCE LORENZO BORGHESE'S LA DOLCE VITA ("LA DOLCE VITA")[1] brand and BTI's marks emanate from the same source, given that BTI's marks identify completely different products to an unrelated class of customers. Moreover, the strength of BTI's PRINCESS MARCELLA BORGHESE and BORGHESE marks, specifically their extension to unrelated product categories, is questionable given third-party use of the Borghese name. Contrary to BTI's unsupported contention that MME intended to create an association between its pet-care goods and BTI's human cosmetic products, the evidence presented by MME demonstrates that MME's use of LA DOLCE VITA does not and will not create confusion for the following reasons:

*First*, Applicant's own evidence overwhelmingly supports the conclusion that MME's Lorenzo Borghese created a private label for PetSmart, LA DOLCE VITA, the appearance of which label clearly shows the "Prince Lorenzo Borghese" element to be in very small font and set apart from the focal, underlined "La Dolce Vita" portion; this manner of graphics presentation is consistent with the labels on Lorenzo Borghese's other product lines. (3rd Borghese Decl. ¶¶ , Exs. A, B.)

*Second*, the evidence of record establishes beyond dispute that Lorenzo Borghese is well known in his own right for creating a high-end fur and skin-care line for pets. (*Id.* ¶ 6, Ex. C.)

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[1] Applicant's LA DOLCE VITA product line launched in 2008 under the name LA DOLCE VITA BY PRINCE LORENZO BORGHESE. (Third Declaration of Lorenzo Borghese ("3rd Borghese Decl."), ¶ 3.) Products will also be sold by PetSmart under the virtually identical version of the brand name, the applied-for PRINCE LORENZO BORGHESE'S LA DOLCE VITA mark; the graphics for both versions of the trademark will be substantively the same. (*Id.*) For textual ease, both versions of the brand are referenced herein under the LA DOLCE VITA name.

*Third*, in *verified* interrogatory responses, Opposer's Vice President of Marketing expressly stated that BTI does not use its marks to market or sell goods or services intended for use on pets, nor does BTI have any immediate intention of so doing. (Second Declaration of Jolie Apicella ("2nd Apicella Decl."), ¶ 3, Ex. A, (BTI's Supplemental Interrogatory Responses ("BTI Supp. Interrog. Resp.") Nos. 4, 5, 11).)

*Fourth,* because products bearing LA DOLCE VITA mark are ***exclusively*** sold in retail PetSmart stores or, in the future on PetSmart's website, consumer confusion is exceedingly unlikely. (3rd Borghese Decl. ¶ 5; (BTI Mot., Ex. C (Applicant's Responses to Limited Discovery Requests of Opposer Borghese Trademarks ("MME Interrog. Resp.") Nos. 4, 5).)

*Finally*, there are many other brands using the "Borghese" name, some of which are federally registered trademarks, besides those of Applicant and Opposer. (2nd Apicella Decl., ¶¶ 5, 6, Exs. C, D.) Courts routinely permit defendants to use their surname together with their first name, even where the parties' products are similar, which they are not here.

The voluminous exhibits submitted by BTI do not present undisputed material facts. To the contrary, in an effort to distract the Board from an analysis of all the factors set forth in *In re E. I. Du Pont de Nemours and Co.*, 476 F.2d 1357, (C.C.P.A. 1973), BTI has conjured up a false motive and clouded the record with evidence of limited probative value.

Because all of the *DuPont* factors weigh in favor of Applicant, not Opposer, the Board should summarily deny BTI's motion.

## COUNTER STATEMENT OF UNDISPUTED MATERIAL FACTS

In its presentation of the facts of this case, Opposer ignores that for purposes of summary judgment, the Board may rely only on undisputed ***material*** facts. Fed. R. Civ. P. 56(c); *Action Temporary Servs., Inc. v. Labor Force, Inc.,* 870 F.2d 1563, 1565 (Fed. Cir. 1989). Opposer makes many factual misstatements, both material and otherwise. Applicant presents the following counter to Opposer's Statement of Undisputed Facts.

1. Notably, nowhere can pet products be found within the "wide range" of items supposedly covered by BTI's claimed registrations for the marks PRINCESS MARCELLA BORGHESE and BORGHESE (collectively, the "PRINCESS MARCELLA BORGHESE Marks"). (Not. Opp. ¶ 1, attachments.)

2. Applicant filed Application Serial No. 77/435,171 for the mark PRINCE LORENZO BORGHESE'S LA DOLCE VITA on March 20, 2008, and has used a substantially similar version of that mark, LA DOLCE VITA BY PRINCE LORENZO BORGHESE, since November, 2008. From November, 2008 through the present, PetSmart has sold LA DOLCE VITA products at retail, as a private-label brand. LA DOLCE VITA products are sold only at PetSmart stores and will in the future be sold through PetSmart's website as well. No other store is authorized to sell the LA DOLCE VITA line, which was made specifically for PetSmart. (3rd Borghese Decl. ¶¶ 3, 5; BTI Mot., Ex. C (MME Interrog. Resp. Nos. 4, 5); 2nd Apicella Decl., Ex. F, (Deposition of Lorenzo Borghese, January 20, 2010, ("Borghese Dep.") pp. 39-40).)

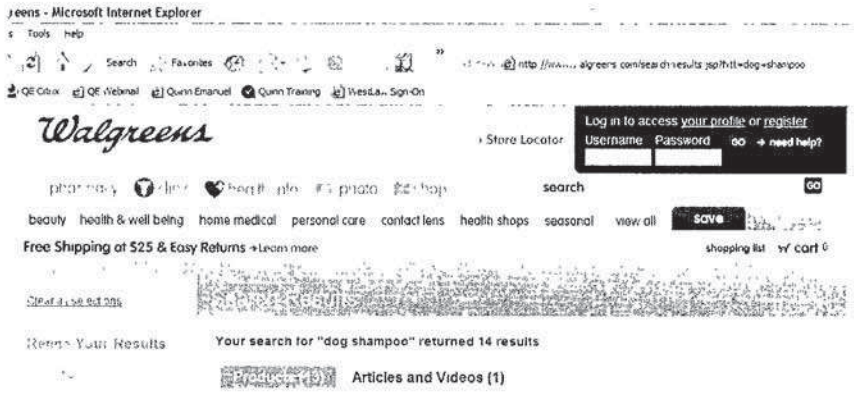
3. In the field of pet products and pet-care, Applicant has priority. Opposer does not, and does not intend to, sell pet products. (2nd Apicella Decl., Ex. A (BTI Supp. Interrog. Resp. No. 4); *see id.* (BTI Supp. Interrog. Resp. Nos. 5, 11).)

4. Lorenzo Borghese did not testify, and Applicant vehemently disputes, that it is "common" for companies to offer products for humans and pets under the same or similar branding. As Lorenzo Borghese noted at his deposition, certain specific examples exist where a company offers products for use on both people and animals, but the mere fact that a few such instances occur in no way renders such dual sales a "common" occurrence. Indeed, as Lorenzo Borghese observed and as Opposer has conceded, Opposer does not sell pet products, nor does it have the intention of so doing. (BTI Mot., Ex A (Borghese Dep., p. 101); 2nd Apicella Decl., Ex. A (BTI Supp. Interrog. Resp. No. 4); *see id.*, Ex. A (BTI Supp. Interrog. Resp. Nos. 5, 11); BTI Mot., Ex. A (Borghese Dep., pp. 100-118).)

5. At his deposition, Lorenzo Borghese acknowledged the existence of some specific examples of companies manufacturing both people and animal products. Yet, as he stressed, BTI does not. In fact, Opposer has explicitly admitted that it does not produce pet products and does not intend to do so.

Furthermore, when a company sells human and pet products, it generally employs a consistent font and style in its branding. The packaging used by Opposer and that of Applicant are dissimilar and do not indicate that they are manufactured by the same source. (BTI Mot., Ex. A (Borghese Dep., pp. 100:21-101:22); *id.*, Ex. D: Exs. 5-13; 3rd Borghese Decl., Ex. A; 2nd Apicella Decl., Ex. A (BTI Supp. Interrog. Resp. No. 4); *see id.*, Ex. A (BTI Supp. Interrog. Resp. Nos. 5, 11).)

6. Also at his deposition, Lorenzo Borghese acknowledged the existence of some specific examples of stores selling, in distinct and separate sections, people and pet products that have been made by the same manufacturer. Likewise, the internet websites that offer both types of products clearly delineate the one from the other through headings, via search terms, or in the URL itself. *See, e.g.*, BTI Mot., Ex. D: Ex. 13 (**Rite Aid** (*Compare* "browse: pet store" / "Shop dog grooming" / "dog grooming top sellers" *with* "body sprays for men", "body sprays for women"), (**Walgreens** (*Compare* search results for "dog shampoo"(http://www.walgreens.com/search/results.jsp?Ntt=dog+shampoo)




*with* selection of "Shampoo" via Home > Shop > Beauty > Hair Care), (**Costco** (*Compare* "Pet – Grooming and Health Care" *with* search for "Borghese" retrieving Kirkland Signature™ by Borghese products only.) (*See also* 2nd Apicella Decl. ¶ 11, Ex. I.) Moreover, Opposer has conceded that it does not, and will not, produce pet products or sell its goods in pet stores. By contrast, Applicant's LA DOLCE VITA products are sold only in pet stores. (BTI Mot., Ex. A (Borghese Dep., pp. 112-115, 130-31); *id.*, Ex. C (MME's Interrog. Resp. Nos., 4, 5); 3rd Borghese Decl. ¶¶ 2, 5; 2nd Apicella Decl., Ex. A (BTI's Supp. Interrog. Resp. Nos. 4, 10); *see id.*, Ex. A (BTI Supp. Interrog. Resp. Nos. 5, 11).)

7. In connection with a Response to an Office Action, Lorenzo Borghese attested to the accuracy of an attorney submission in the context of a naked comparison of his full mark PRINCE LORENZO BORGHESE'S LA DOLCE VITA to the mark LA DOLCE VITA alone. This comparison did not involve the actual commercial appearance of Applicant's mark, namely the product labels where the "Prince Lorenzo Borghese" element is minimized and the words "La Dolce Vita" are featured:

(3rd Borghese Decl., Ex. A; *see id.*, Ex. B.)

8. Opposer's factual misrepresentations concerning Lorenzo Borghese's Royal Treatment® and Italian Pet Spa™ brands are not material to the issues at hand as neither of those trademarks is the subject of the instant opposition. In any event, Lorenzo Borghese has never promoted, marketed, or advertised ***any*** of his pet-care products as appropriate for human use. In connection with promoting his Royal Treatment® and Italian Pet Spa™ brands, Lorenzo Borghese made statements that his products are so gentle and well formulated that they would not harm, and could even be enjoyed by, dog owners when they applied the products to their pets. However, his products are never promoted or advertised as intended for human bodily use. In fact, the labels for LA DOLCE VITA products provide the benefits and directions for use on pets and clearly state "FOR TOPICAL USE ON ANIMALS ONLY." (3rd Borghese Decl., ¶ 9; Exs. A, D.)

9. Opposer's factual misrepresentations concerning Lorenzo Borghese's Royal Treatment® and Italian Pet Spa™ brands are not material to the issues at hand as neither of those trademarks is the subject of the instant opposition. The <<www.multimediaexposure.com>> website is neither material nor relevant to this proceeding, as that site does not promote, advertise, or offer for sale LA DOLCE VITA products. Applicant exercised its First Amendment right to make accurate historical statements concerning the Borghese family and lineage. The presentation of such textual information is not

trademark use. (BTI Mot., Ex. D: Ex. 1; 2nd Apicella Decl., Ex. F (Borghese Dep., p. 67 (testifying that Applicant has no website promoting the LA DOLCE VITA product).)

10. Opposer's factual misrepresentations concerning Applicant's Royal Treatment® and Italian Pet Spa™ brands are not material to the issues at hand as neither of those trademarks is the subject of the instant opposition.

11. The existence or not of third-party registrations, for marks that are neither at issue here nor similar to the marks at issue, is immaterial. What is material, and undisputed, is that BTI does not own a trademark registration that covers pet products. Furthermore, Opposer has admitted that it does not use its PRINCESS MARCELLA BORGHESE Marks on pet products and does not intend to do so. (Not. Opp., ¶ 1, attachments; 2nd Apicella Decl., Ex. A (BTI Supp. Interrog. Resp. No. 4); BTI Mot. Ex. A (Borghese Dep., p. 101:21-22); *see* 2nd Apicella Decl., Ex. A (BTI Supp. Interrog. Resp. Nos. 5, 11).)

12. The number of persons in this country with the surname "Borghese" is immaterial. What is material, and undisputed, is that the last name of Applicant's Executive Vice President is "Borghese" and he is using it commercially in a field that is distinct from the cosmetics and personal-care arena in which Opposer claims rights. Through his work in the pet-care industry, Lorenzo Borghese has developed name recognition. Since 2002 Lorenzo Borghese has appeared countless times on national and international television shows to promote his Royal Treatment® and Italian Pet Spa™ brands of pet-care and grooming products. He has also been featured in national and international papers and magazines as an authority on pets. He is well known in the pet-care industry, not only for his products, but also for his work with The American Society for the Prevention of Cruelty to Animals (ASPCA), The North Shore Animal League, The American Humane Association, and The Animal Care and Control of New York City. (3rd Borghese Decl. ¶ 6, Ex. C.)

13. The popularity of the last name "Borghese" in the United States is immaterial. What is material, and undisputed, is that "Borghese" is the surname of Applicant's Executive Vice President and he is using it commercially in a distinct and different field from Opposer. Through his work in the pet-care industry, Lorenzo Borghese has developed name recognition. Since 2002 Lorenzo Borghese has appeared

countless times on national and international television shows to promote his Royal Treatment® and Italian Pet Spa™ brands of pet-care and grooming products. He has also been featured in national and international papers and magazines as an authority on pets. He is well known in the pet-care industry, not only for his products, but also for his work with the ASPCA and the North Shore Animal League. (3rd Borghese Decl. ¶ 6, Ex. C.)

14. The websites <<www.getroyaltreatment.com>> and << www.multimediaexposure.com>> are not material to the instant proceeding, as neither site promotes, advertises, or offers for sale LA DOLCE VITA products. Lorenzo Borghese provides correct historical, autobiographical information concerning his family and lineage as is his right under the First Amendment. Such autobiographical statements do not constitute trademark use. (BTI. Mot., Ex. D: Exs. 1, 2; 2nd Apicella Decl., ¶ 8, Ex. F (Borghese Dep., p. 67) (testifying that Applicant does not have website promoting LA DOLCE VITA brand).)

15. The website <<www.getroyaltreatment.com>> is not material to the instant proceeding as it does not promote, advertise, or offer for sale LA DOLCE VITA products. Lorenzo Borghese removed from his <<www.getroyaltreatment.com>> website a reference to his grandmother, Marcella Borghese, in a good-faith gesture to pacify Opposer and resolve the contention that his mentioning her name was somehow improper. In fact, Lorenzo Borghese may freely communicate what he wishes about his family. Such historical reference is not trademark use. (BTI. Mot., Ex. D: Ex. 2; 2nd Apicella Decl., Ex. F (Borghese Dep., p. 67) (testifying that Applicant does not promote LA DOLCE VITA products on any of its internet sites); 3rd Borghese Decl. ¶ 8.)

16. PetSmart makes no mention of Princess Marcella Borghese or the Borghese family history in its promotion of LA DOLCE VITA products. (3rd Borghese Decl. ¶ 7.)

17. Applicant is not aware of any instance of actual confusion since sales of LA DOLCE VITA products commenced in November, 2008. (3rd Borghese Decl. ¶ 10.)

18. Third parties have used and registered trademarks and service marks that comprise the name "Borghese." (2nd Apicella Decl., Ex. D.)

19. Third parties have used the same surname in connection with distinct products and services and coexisted. (*See, e.g.*, "Gloria Vanderbilt" jeans and "Vanderbilt" work boots, "Wilson" tennis equipment and "Wilson" speakers, "Ford" vehicles and "Ford" modeling agency, "Marvel" comics and "Marvel" refrigerators and office furniture, "Delta" sinks and "Delta" airlines.)

## ARGUMENT

### I. OPPOSER CANNOT PROVE THAT CONSUMERS ARE LIKELY TO BE CONFUSED

Opposer has made no credible argument that purchasers of LA DOLCE VITA pet-care products would believe them to emanate from BTI, a manufacturer of cosmetics and personal-care products for people under the MARCELLA BORGHESE Marks. Critical to this case is the irrefutable principle that trademark law protects only against likelihood of confusion as to source or sponsorship. The mere fact that a "junior user's mark may call to mind the senior user's famous mark [] alone is not sufficient for a likelihood of confusion." 3 McCarthy § 23:9, at 23-24. Nor is the "mere theoretical possibilit[y]" that consumer confusion might occur at some point in the future. *Elec. Design & Sales, Inc. v. Elec. Data Sys. Corp.*, 954 F.2d 713, 716 (Fed. Cir. 1992). The record is entirely devoid of proof that purchasers of BTI's human products are *even aware* of Applicant's line of pet-care products, sold exclusively at PetSmart, much less that they are likely to believe the products emanate from the same source.

#### A. Opposer's and Applicant's Marks Are Dissimilar.

The mark at issue here, LA DOLCE VITA,[2] is so dissimilar in sound and appearance to Opposer's MARCELLA BORGHESE Marks that this factor alone warrants denial of summary judgment. *See, e.g., Kellogg Co. v. Pack'em Enters.*, 951 F.2d 330, 332-33 (Fed. Cir. 1991) (stating that "[w]e know of no reason why, in a particular case, a single DuPont factor may not be dispositive" and holding that

[2] The applied-for LA DOLCE VITA mark is the only trademark at issue in this proceeding. BTI is wrong in its blanket assertion that "Applicant's concurrent use of the mark 'Prince Lorenzo Borghese' on its 'Prince Lorenzo Borghese/Royal Treatment/Italian Pet Spa' pet shampoos, conditioners and sprays" is relevant to whether the applied-for mark is entitled to registration. (*See* BTI Mot. at 1.) The trademark at issue is not "Prince Lorenzo Borghese," but PRINCE LORENZO BORGHESE'S LA DOLCE VITA. It is used only on the LA DOLCE VITA brand of products, not the separate Royal Treatment® and Italian Pet Spa™ brands. (*See* 3rd Borghese Decl., ¶ 3, 4, Ex. A, B.)

"substantial and undisputed differences" between two marks justified a conclusion of no likelihood of confusion on summary judgment); *Keebler Co. v. Murray Bakery Prods.*, 866 F.2d 1386, 1388, 9 U.S.P.Q.2d 1736, 1739 (Fed. Cir. 1989) (agreeing with the Board that the "more important fact for resolving the issue of likelihood of confusion ... is the dissimilarity in commercial impression between the marks"). Opposer does not dispute that designations must be compared in their entireties for evaluating the similarity in appearance and commercial impression and that the contextual use of a mark must be considered. (BTI Mot. at 6, 19.) Indeed, such contextual evaluation is particularly enlightening here.

Contextual Appearance

The labels currently in use for the LA DOLCE VITA products display the "Lorenzo Borghese" element in very small font, underneath and set apart from the much larger and more visible words "La Dolce Vita," which are emphasized with underscoring. (*See* 3rd Borghese Decl. at ¶ 3, Ex. A.) On these labels, the words "Prince Lorenzo Borghese" are plainly not dominant.[3]

Identifying the dominant portion of a mark is a visual, contextual determination. *See Specialty Brands, Inc. v. Coffee Bean Distrib., Inc.*, 748 F.2d 669 (Fed. Cir. 1984); *Northwestern Golf Co. v. Acushnet Co.*, 226 USPQ 240, 244 (T.T.A.B. 1985) (evidence of the context in which a mark is used is probative of the significance that the mark is likely to project). Lorenzo Borghese did sign a Declaration stating that he believed the statements made by his attorney in a legal document were accurate and thus that, in a ***naked comparison to the mark "La Dolce Vita" alone***, the "Prince Lorenzo Borghese's" portion of the full mark PRINCE LORENZO BORGHESE'S LA DOLCE VITA was dominant. (*See* BTI Mot., Ex.D: Ex. 3.) At his deposition, Lorenzo Borghese was asked to provide a legal conclusion about the dominant portion of his trademark and honestly responded that he is not an attorney. (2nd Apicella Decl., ¶ 8, Ex. F, Borghese Dep., pp. 94:12-20, 95:2-10 (testifying that "The way I read it is that the trademark, as a whole, does not create confusion. Period. I'm not an attorney, I don't write as attorney's

[3] This minimal manner of usage is consistent with the labels of Lorenzo Borghese's other lines of products, Royal Treatment® and Italian Pet Spa™, where Lorenzo Borghese's full name appears near the primary brand name to assist consumers in identifying Lorenzo Borghese as the source. (3rd Borghese Decl., ¶ 4, Ex. B.)

[*sic*] do").) Applicant has made no statements concerning the prominent elements of its mark as actually used in commerce or as compared to the MARCELLA BORGHESE Marks.

At no time at his deposition was Lorenzo Borghese asked to comment upon the visual graphics and various elements of the LA DOLCE VITA labels as they appear to consumers in the marketplace:

The minimal appearance of the name "Prince Lorenzo Borghese" in Applicant's branding does not focus consumers' attention on the "Borghese" portion of the composite mark. Again, the appearance of the LA DOLCE VITA label is consistent with Applicant's other pet-care brands, where the "Prince Lorenzo Borghese" portion is minimized and utilized so that the product lines are easily identifiable with Lorenzo Borghese. (*See* 3rd Borghese Decl., ¶ 4, Ex. B.) Viewing Applicant's and Opposer's marks in their entirety and within the requisite context of their presentation, (*see infra*), there can be no question that the LA DOLCE VITA and PRINCESS MARCELLA BORGHESE Marks are distinct. (*See id.*, ¶ 3, Ex. A.); 2nd Apicella Decl., ¶ 7, Ex. E.) The minimal appearance of the name "Prince Lorenzo Borghese" renders the LA DOLCE VITA label highly dissimilar to Applicant's packaging:

Different Elements in Opposer's and Applicant's Marks

Numerous other elements in MME's mark are sufficient to distinguish PRINCE LORENZO BORGHESE's LA DOLCE VITA from BORGHESE and PRINCESS MARCELLA BORGHESE. On the most basic level, MME's mark has six distinct words, which besides changing the overall appearance and sound of the mark present a connotation of Lorenzo Borghese, certainly when used in connection

with the pet-care goods for which he is well known. (*See* BTI Mot., Ex. A (Borghese Dep., p. 87: 5-19 (testifying that the entire mark is dominant), 2nd Apicella Decl., Ex. F, (Borghese Dep., pp. 93:10-15 (same), 95:6-10); 3rd Borghese Decl. ¶ 6, Ex. C.). In contrast, the marks BORGHESE and PRINCESS MARCELLA BORGHESE[4] do not present the same connotation.

Viewed side-by-side,

Opposer's and Applicant's labels displaying their respective marks provide an entirely different look at feel: BTI's BORGHESE mark is consistently in all-capital white letters that are particularly spaced apart.[5] The font differs from the small cursive used for the "Prince Lorenzo Borghese" element in Applicant's mark. A crest appears direct above the word BORGHESE in one of Opposer's branded lines, but there is no crest on the LA DOLCE VITA product labels. Each label thus displays the name "Borghese" in a completely unique manner.

The differences in the marks far outweigh the similarities. BTI has made no showing that the surname "Borghese" alone has achieved secondary meaning that would entitle it to protection. Evidence of the number of people in the United States that share the last name "Borghese" is irrelevant, especially in the face of third-party brands, and federal registrations that comprise the name "Borghese." (*See, e.g.*, 2nd Apicella Decl. Exs. C, D.) Even without the differentiating use of the words "La Dolce Vita" in the mark, Applicant's use of the first name "Lorenzo" eliminates any potential likelihood of confusion. *See Conagra, Inc. v. Singleton*, 743 F.2d 1508, 1515 n.9 (11th Cir. 1984) (addressing plaintiff's founder's

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[4] Contrary to Opposer's strained linguistics, the words "Prince" in Applicant's mark and "Princess" in BTI's mark have different meanings, much like the words "man" or "woman."

[5] The overall appearance of the BORGHESE labels reflects a stylistic consistency, in much the same way as the "Prince Lorenzo Borghese" portion of Applicant's label always appears in cursive, small font.

son's right to use family name); *Abraham Zion Corp. v. Lebow*, 593 F. Supp. 551 (S.D.N.Y. 1984) (permitting Harry Lebow, the son of the founder of Lebow Brothers, a clothing manufacturer that was eventually acquired by plaintiff, to use his full name on clothes he designed and retain a registration for the Harry Lebow trademark), *aff'd*, 761 F.3d 93 (2d Cir. 1985); *Ramsey's Mfg. Jewelers, Inc. v. Ramsey*, 924 So. 2d 1045, 1050-53 (La. Ct. App. 2006) (use of full name in the name of business did not constitute trade name infringement where products were similar). "Prince Lorenzo Borghese" and "Princess Marcella Borghese" are distinct names, referencing different and specific individuals.

Particularly on point is *Ramsey's Mfg. Jewelers, Inc. v. Ramsey*, where the plaintiff owner of a jewelry store alleged that his defendant brother's use of their surname for his own competing jewelry business would result in marketplace confusion. The court found that despite the fact that the Ramsey name had acquired secondary meaning, the defendant's commercial use of his first name together with the surname – "Steve Ramsey's Diamonds Direct, LLC" or "Brilliantov by Steve Ramsey, LLC" – sufficiently distinguished his business and therefore did not constitute infringement. 924 So. 2d at 1050-53. "An individual generally will be given some opportunity to use his own name and establish a reputation for that name, even in the face of a prior user's trademark rights in the name, so long as the person using the name distinguishes his business and use of the name from the business owning the trademark rights." *Conagra*, 743 F.2d at 1515 n.9. Because Applicant's mark clearly identifies the source as "Lorenzo," not "Marcella," Applicant cannot be prevented from using his full name as a trademark to identify his products.

The ability to use one's own name is especially meaningful where, as here, the trademark owner has invested time and effort into developing the brand. *See Taylor Wine Co., v. Bully Hill Vineyards, Inc.*, 569 F.2d 731, 735 (2d Cir. 1978) ("Speaking generally, when the defendant demonstrates a genuine desire to build a business under his own name, courts have been reluctant to proscribe all surname use"). For the past eight years, through his work with animal organizations and developing his line of pet products, Lorenzo Borghese has garnered recognition as someone with extensive knowledge and experience in pet grooming and care. (*See* 3rd Borghese Decl. at ¶ 6, Ex. C.) In fact, Lorenzo Borghese

is the top grossing pet vendor for sales of his Royal Treatment® line of products at the Home Shopping Network ("HSN"). He is the only pet vendor on the HSN who hosts his own one hour show and maintains his own "branded web page" at http://home-solutions.hsn.com/royal-treatment_c-hw_a-687_xc.aspx?rid=801&prev=hp. (*Id.*) Since 2002 Lorenzo Borghese has appeared countless times on national and international television shows to promote his Royal Treatment® and Italian Pet Spa™ brands of pet-care and grooming products. (*Id.*) He has also been featured in national and international papers and magazines as an authority on pets. (*Id.*, Ex. C.) He is well known in the pet-care industry, not only for his products, but also for his work with the ASPCA, North Shore Animal League, American Humane Association, and Animal Care and Control of New York City. (*Id.*) Particularly in light of Lorenzo Borghese's reputation in the pet-care industry, this factor weighs heavily in Applicant's favor.

### B. Opposer's and Applicant's Goods Are Substantially Dissimilar

The issue of likelihood of confusion must be determined on the basis of the goods as identified in the application and in the cited registration(s). *Canadian Imperial Bank of Commerce v. Wells Fargo Bank*, 811 F.2d 1490 (Fed. Cir. 1987). While some *other* companies may brand certain products for people and certain other lines for pets, this fact is irrelevant here, where Opposer admittedly does ***not***. (*See* 2nd Apicella Decl., Ex. A (BTI Supp. Interrog. Resp. Nos. 4, 5, 11); BTI. Mot., Ex. A (Borghese Dep., p. 101:21-22) ("Borghese does not do pet products").) Third-party registrations for both people and pet products are similarly irrelevant, given that BTI's own registrations do ***not*** cover products for animals. (Not. Opp., ¶ 1, attachments.) *See Anderson, Clayton & Co. v. Christie Food Products Inc.*, 4 USPQ2d 1555, 1557 n.7 (T.T.A.B. 1987) ("third-party registrations relating to marks in unrelated fields are of no probative value"). Opposer has explicitly conceded that it makes no goods specifically for use by, on, or for pets. (*See* 2nd Apicella Decl.; Ex. A (BTI Supp. Interrog. Resp. No. 4).) Nor does BTI market any of its products towards pets. (*See id.* (BTI Supp. Interrog. Resp. No. 5).) Opposer has squarely stated that it "has not commenced planning for sale of its goods to pets." (*See id.* (BTI Supp. Interrog. Resp. No. 11).)

BTI has not proffered any actual evidence to alter the conclusion that the parties' products cater to very different customers, and instead has made material concessions to the contrary. (*See* 2nd Apicella

Decl., Ex. A (BTI Supp. Interrog. Resp. Nos. 4, 5, 11).) BTI targets consumers who are purchasing personal-care products for use on themselves or other people, while Applicant aims to attract customers who are buying products specifically for their pets. *See Computer Assoc. Int'l, Inc. v. AJV Computerized Data Mgmt.*, 889 F. Supp. 630, 637 (E.D.N.Y. 1995) (overlap confusion unlikely where parties' businesses are geared to different consumers).

Judicial notice can be taken of the fact that humans and animals have different and specific needs that call for products unique to those respective needs. Opposer's argument that human products are sometimes used on pets and pet products are sometimes used by people is not only dubious, but also irrelevant to the issue of whether these two distinct goods will cause confusion. Applicant's goods are specifically formulated only for pets in light of extensive research that canine skin has a higher pH and that products suitable for human use may injure a dog's skin. (*See* 3rd Borghese Decl. ¶2, Ex. C; BTI. Mot., Ex. A, (Borghese Dep., p. 12:8-18) (Lorenzo Borghese's products were based on "extensive research"); 2nd Apicella Decl., Ex. F, (Borghese Dep., pp. 124:15-23, 125:25-126:19) (testifying that dozens of veterinarians were surveyed and provided written statements in support of the conclusion that human skin is acidic, while dog skin is alkaline).) Although it may be safe for humans to use LA DOLCE VITA products, these products were designed solely for pets.[6] The contention that consumers of dog shampoo and other pet products would purchase a BORGHESE cosmetics-line item instead of a specific dog-care product is laughable.

Likewise, Opposer cannot argue with a straight face that its consumers would buy LA DOLCE VITA pet products as a substitute for BORGHESE personal-care items. No BTI BORGHESE product can be bought in any pet stores, nor do the labels contain any instructions as to how the product should be

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[6] Lorenzo Borghese's prior statements regarding the use of his Royal Treatment® – a brand ***not*** at issue here – products on humans was in no way any sort of "cross promotion," as Opposer alleges, but rather were made only to emphasize that the products would not harm, and could even be enjoyed by, dog owners when they applied the products to their pets. (BTI. Mot. at 14; 3rd Borghese Dec., ¶ 9.) LA DOLCE VITA products are never promoted or advertised as intended for human bodily use. The label for these products provides the benefits and directions for use on pets and clearly states, "FOR TOPICAL USE ON ANIMALS ONLY." (*Id.* at ¶ 9, Ex. D.)

applied on pets. To the contrary, BTI's skin-care products promise humans to protect "your skin from premature aging caused by environmental hazards." (2nd Apicella Decl., Ex. E.) In all of Opposer's voluminous attachments to its Motion, the only two cosmetics companies that also sell pet products appear to be Kiehl's and Mundo. (*See* BTI Mot., Ex. D: Exs. 4, 7.) The exhibits showing companies who make pet and human products, generally, demonstrate that the products in both categories of goods maintain a similar brand image. (*See, e.g.*, Ex. D: Ex. 4 (identical "Kiehl's Since 1851" logo on both human skin/hair-care products and "canine products"; "Tigi's Bed Head" products for human hair and "Pet Head by Bed Head" products for dog's fur are virtually identical in look and feel; "Ralph Lauren" logo identical on both human and pup clothing).)

Further, the fact that "neither Opposer's registrations nor Applicant's application limits [*sic*] how the goods under their respective marks may be used" (BTI. Mot., 14) does not mean that the respective goods can or will be used for any purpose. BTI's products could arguably be ingested by humans, yet BTI has not brought a lawsuit against companies selling wine and vinegar under the name "Borghese." (*See* 2nd Apicella Decl., Exs. C, D.) The goods, like Applicant's, are too different. It is precisely this distinctiveness that permits goods and services such as wine, vinegar, handbags, hotels, and law firms under the name "Borghese" to co-exist with Opposer without resulting in any consumer confusion.[7] (*See, e.g., id.*) Here, the stark differences in the product categories lead this factor to favor Applicant.

### C. <u>Remote Trade Channels Preclude Confusion.</u>

Further eviscerating any potential likelihood of confusion is the fact that LA DOLCE VITA products are available ***only*** at PetSmart retail stores or, in the future, through PetSmart's website, both of which sell exclusively pet products. *See Procter & Gamble Co. v. A. E. Staley Mfg. Co.*, 342 F.2d 476 (C.C.P.A. 1965) (finding difference in goods particularly significant where goods will move in different channels of trade to different classes of purchasers). The LA DOLCE VITA products are private-label

[7] Other instances of different products or services coexisting under a common surname include "Gloria Vanderbilt" jeans and "Vanderbilt" work boots, "Wilson" tennis equipment and "Wilson" speakers, "Ford" vehicles and "Ford" modeling agency, "Marvel" comics and "Marvel" refrigerators and office furniture, and "Delta" sinks and "Delta" airlines.

products, designed especially for PetSmart and for sale only by PetSmart. (BTI Mot., Ex. C (MME Interrog. Resp. Nos. 4, 5); 3rd Borghese Decl. ¶ 5; 2nd Apicella Decl., Ex. F, (Borghese Dep., p. 39:9-14.) LA DOLCE VITA branded items are not, and will not be, available anywhere else. (*Id.*) They cannot be found in any other retail stores or elsewhere on the internet, let alone in the same consumer markets and trade channels as Opposer's non-pet products. (*See id.*)

Opposer proffers no evidence demonstrating its blanket assertion that "there is an abundance of evidence to prove that the parties' respective products move in similar trade channels." (BTI Mot. at 15.) Indeed, to the contrary, BTI admits that it does not sell its goods in pet stores. (2nd Apicella Decl., Ex. A, (BTI Supp. Interrog. Resp. No. 10).) BTI also has no immediate intention, if any, of selling its products in pet stores or to expand its business to pet-care. (*See id.*, (BTI Supp. Interrog. Resp. No. 11).) Put simply, Opposer's products are not, and will not be, sold at PetSmart, the sole trade channel for Applicant's LA DOLCE VITA products at issue here.

Opposer's supposed showing that some stores sell both human and pet products is flawed, as well as irrelevant, given that no store carries both Opposer's and Applicant's products. Pet-care products will always move in distinct, pet-specific channels of trade, such as pet shops, pet sections of larger retail stores, pet sections or pages of online retail sites, and pet segments of TV shopping networks. Websites proffered by BTI themselves illustrate the separation of pet products from other goods, via (a) explicit headings such as "canine products" or "dog clothes," (b) restatement of the search term employed, such as "dog" or "pet shampoo," or (c) internal delineation in the URL itself, as on the Walgreens site. (*See, e.g.*, BTI Mot., Ex. D: Exs. 4-13 (**Rite Aid** (*Compare* "browse: pet store" / "Shop dog grooming" / "dog grooming top sellers" *with* "body sprays for men", "body sprays for women")), (**Walgreens** (*Compare* search results for "dog shampoo"(http://www.walgreens.com/search/results.jsp?Ntt=dog+shampoo) *with* selection of "Shampoo" via Home > Shop > Beauty > Hair Care)), (**Costco** (*Compare* "Pet – Grooming and Health Care" *with* search for "Borghese" retrieving Kirkland Signature™ by Borghese products only)); *see also* 2nd Apicella Decl. ¶ 11, Ex. I.)

Consumers searching for any product that includes the name "Borghese" in its trademark would either use the brand name of the product, such as LA DOLCE VITA, Royal Treatment®, Italian Pet Spa™, or Kirkland Signature™, (*see* 2nd Apicella Decl., ¶7, Ex. E. ), or quickly discern the presence of such a brand name if searching for a "Borghese"-alone branded item. Anyone seeking out Opposer's goods and accidently coming across LA DOLCE VITA products, would immediately determine that Applicant's products are intended for animals.[8] (*See* 3rd Borghese Decl., ¶ 9, Ex. D.) Significantly, a Google search for "pet shampoo" brings up 2,353 results, none of which are for any of BTI's products. (2nd Apicella Decl., ¶ 9, Ex. G).

Thus even if Applicant's intention was to ever sell its LA DOLCE VITA product outside of PetSmart – which it is not – Applicant's pet-grooming products would be displayed in different departments or sections of stores or websites from Opposer's beauty items. (*See id.* at Ex. F (Borghese Dep. pp. 128:25 – 131:13.); ¶ 10, Ex., H (showing photos of distinct aisles at Rite Aid for "pet" – Aisle 8 - and "hair care," "skin care" and "cosmetics" – Aisles 1-3).) BTI has failed to rebut the remoteness of trade channels and absence of consumer overlap, and accordingly this factor favors Applicant.

### D. <u>There Is No Genuine Dispute Concerning Buying Conditions</u>

Consumers of pet-grooming products are unlikely to confuse the source of Applicant's goods. Certain purchasing decisions, regardless of the price level, may be more deliberative. *See, e.g., Tsiolis v. Interscope Records, Inc.*, 946 F.Supp. 1344, 1356 (N.D. Ill. 1996) (finding high degree of care despite price level of CDs, because consumers "are necessarily discriminating between different artists and different musical genres"). The fact that there even exists a distinct market for pets that includes shampoos, sprays, furniture, perfume, and accessories is evidence that owners are mindful of their pets'

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[8] As a third point, Opposer's argument that confusion is likely at the Home Shopping Network ("HSN") internet site is completely shattered by the fact that Opposer ***does not sell*** any products whatsoever through HSN and that Applicant's LA DOLCE VITA line also is ***not*** sold there. Any search for "Borghese" on the HSN site does ***not*** "redirect" to a website for Lorenzo Borghese's Royal Treatment® product, (BTI Mot. at 16); the Royal Treatment® items – which, again, are not the subject of the instant opposition – are simply the separate and distinctly branded products that come up in such a search.

needs and are willing to provide for them as they would a child. Applicant's consumers take time and care in selecting the right product for their pets, as do purchasers of Opposer's goods when selecting high-quality beauty and bath products for themselves. Because of the attention spent by purchasers of Applicant's products, this factor favors Applicant.

**E. <u>There Is No Evidence of Fame of the Prior Mark</u>**

Opposer has not provided any evidence whatsoever that its mark is famous. The strength of the BORGHESE mark outside the cosmetics industry is further called into question by BTI's own verified concession that its marks have no secondary meaning for goods other than those set forth in its trademark registrations. (*See* 2nd Apicella Decl., Ex. A, (BTI Supp. Interrog. Response No. 9). Accordingly, this factor weighs in Applicant's favor.

**F. <u>There is Significant Evidence of Similar Marks</u>**

Although this factor was also not considered by Opposer, evidence of third-party use of similar marks is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection. *See General Mills, Inc. v. Kellogg Co.*, 824 F.2d 622, 626-27 (8th Cir. 1987); J. Thomas McCarthy, 2 McCarthy on Trademarks and Unfair Competition § 11:88 (4th ed. 2001). Not only are there a number of other brands using the name "Borghese" for products and services including a hotel, wine, vinegar, handbags, and furniture, but several of these marks have also been federally registered. (*See* 2nd Apicella Decl., Exs. C, D.) *See Bost Bakery, Inc. v. Roland Indus. Inc.*, 216 USPQ 799, 801 n. 6 (T.T.A.B. 1982) (third-party registrations evince common trademark appeal). The history and prominence of the Borghese family, going back to the 13th century, explains the commercial appeal of the name, and makes its continued widespread use a foregone conclusion. Indeed, streets, museums, parks, gardens, and palaces in Rome, Italy have been named after this prominent family of Italian nobles with papal ancestry. (*See* 3rd Borghese Decl., ¶ 10.) It is the use of the "Borghese" name commercially in the United States, however, that causes this factor to favor Applicant.

### G. There Is No Evidence of Actual Confusion.

Opposer does not, because it cannot, advance any evidence of actual confusion and, in fact, conveniently omits this factor entirely, despite the fact that (an all-but-identical version of) the PRINCE LORENZO BORGHESE'S LA DOLCE VITA mark has been used in the marketplace since 2008. (*See* 3rd Borghese Decl. ¶ 3.) *See Wyeth v. Walgreen Co.*, 2008 WL 3873423 (T.T.A.B. Aug. 5, 2008). The absence of evidence of actual confusion "creates a strong inference that there is no likelihood of confusion," *CareFirst of Md., Inc. v. First Care*, P.C., 434 F.3d 263, 269 (4th Cir. 2006), and leads this factor to favor Applicant.

### H. Opposer's Marks Are Not Part of a Family of Marks

By Opposer's own admission, BTI's BORGHESE trademark is not the basis of a family of marks that would encompass pet-care goods. (*See* 2nd Apicella Decl., Ex. A (BTI Supp. Interrog. Resp. No. 9).) BTI's marks using the term "Borghese" are thus entitled to only a narrow scope of protection, limited to the cosmetics or beauty field. As both the marketplace and the record reflect, there is abundant trademark and non-trademark use by third parties of the name "Borghese." (*See id.* at Exs. C, D.) As a result, this factor weighs in Applicant's favor.

### I. There is No Market Interface Between Applicant and Opposer

There is no market interface between the parties. (*See infra* §§ B, C.)

### J. Applicant Has Right to Exclude Others

Lorenzo Borghese has established personal renown as an expert, and brand recognition for his product lines, in the pet-care industry. (*See* 3rd Borghese Decl. ¶ 6, Ex. C.) Lorenzo Borghese is recognized by the public from his eight years of promoting his Royal Treatment® and Italian Pet Spa™ on national and international television. (*See id.*) Because he is known as an authority on pet grooming products, Applicant can exclude others from using the LA DOLCE VITA brand within the pet-care industry.

### K. Potential Confusion is *De Minimis*

Opposer must demonstrate more than the mere possibility of confusion, or a situation that may lead to *de minimis* confusion. *See Wyeth v. Fempro Inc.*, No. 91121800, 2003 WL 22415596, at *13 (T.T.A.B. Oct. 20, 2003) (*citing Bongrain Int'l (Am.) Corp. v. Delice de France, Inc.*, 1 USPQ2d 1775, 1779 (Fed. Cir. 1987) ("The statute refers to likelihood, not the mere possibility of confusion")). For the reasons set forth above, any potential confusion between the PRINCESS MARCELLA BORGHESE Marks for cosmetics and beauty products and the LA DOLCE VITA trademark for pet-grooming goods is *de minimis* at best.

## II. BTI'S CLAIMS ARE BARRED BY OTHER FACTORS

Opposer's allegation that Lorenzo Borghese is deliberately trying to create an association between BTI and his LA DOLCE VITA marks is completely unfounded. Lorenzo Borghese is in fact the grandson of the late Princess Marcella Borghese, whose name is used in BTI's PRINCESS MARCELLA BORGHESE mark. Lorenzo Borghese has every right, under both trademark law and the First Amendment, to use his full name in connection with a brand that he has developed and in a distinct industry in which he has built his own reputation. BTI's far-fetched and entirely unsubstantiated claim that Applicant adopted the LA DOLCE VITA mark deliberately to create an association with Opposer is false for several reasons:

First, there is no evidence that "Princess Marcella" enjoys any recognition or goodwill in Applicant's trading area, rendering the allegation that Applicant seeks to trade upon the mark nonsensical.

Second, Lorenzo Borghese's references to his family history on the <<www.getroyaltreatment.com>> website, from which LA DOLCE VITA products are ***not*** sold, simply provides consumers with more information about him as the source of the products being offered. Likewise, the background information on the <<www.multimediaexposure.com>> ("Staff Bios") site,

which also does not sell LA DOLCE VITA items, is just that, informative.[9] Lorenzo Borghese has every right to operate under his own given name and provide his autobiographical background as evidence of an inherited aptitude for skin and hair ingredients. True and correct statements about his personal history and family's experience are protected by the First Amendment.

Third, such autobiographical statements do not constitute trademark use. Significantly, and the only marketing fact of relevance here, PetSmart makes ***no mention*** of Princess Marcella Borghese or the Borghese family history in its promotion of the LA DOLCE VITA product. (3rd Borghese Decl. ¶ 7.)

Finally, Lorenzo Borghese removed from his <<www.getroyaltreatment.com>> website a reference to his grandmother Marcella Borghese in a good-faith gesture to pacify Opposer and resolve the contention that his mentioning her name was somehow improper. (*Id.* ¶ 8; BTI Mot. at 19).) In fact, Lorenzo Borghese is entitled as free speech to say what he wishes about his family. Telling customers about his personal story and family experience in the cosmetics field is not intended to, nor does it, create consumer confusion or any association between BTI and MME.[10] Therefore, BTI's accusation of bad faith from the reference to Marcella Borghese on the <<getroyaltreatment.com>> website is not only moot, but also baseless.

BTI cannot prevent Lorenzo Borghese from using his own identity – a reputation that he has painstakingly developed through his work and experience in the pet-care industry over the past eight years -- to sell his LA DOLCE VITA products. The First Amendment issues at stake outweigh the remote possibility that someone could think of Opposer's products from text on websites that do not advertise, promote, or offer for sale products bearing the applied-for mark.

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[9] Far from creating confusion, Lorenzo Borghese's websites and product labels explicitly informs customers that he alone is the creator of his product lines. Nowhere on his website or his product labels is BTI or the BORGHESE Marks mentioned.

[10] Nor does the statement on the LA DOLCE VITA label that the product is manufactured in a cosmetics facility mislead customers. The First Amendment protects Applicant's right to inform consumers regarding the goods' production.

## CONCLUSION

For the foregoing reasons, Opposer's Cross Motion for Summary Judgment should be denied. Instead, the evidence of record overwhelmingly supports the grant of summary judgment in favor of Applicant.

Dated: New York, New York
March 11, 2010

QUINN EMANUEL URQUHART OLIVER
& HEDGES, LLP

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**CERTIFICATE OF SERVICE**

I, Jolie Apicella, certify that on March 11, 2010, a copy of Applicant's Memorandum of Law in opposition to Opposer's Cross Motion for Summary Judgment, together with Declaration of Lorenzo Borghese and Declaration of Jolie Apicella, in *Borghese Trademarks, Inc. v. MultiMedia Exposure, Inc.* was served on counsel by hand to:

Stephen L. Baker
Moira J. Selinka
BAKER and RANNELLS, PA
575 Route 28, Suite 102
Raritan, N.J. 08869

Jolie Apicella

**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. | |
| Multi Media Exposure, Inc. | Appl. Serial No.: 77/435,171 |
| Applicant. | **SECOND DECLARATION OF <u>JOLIE APICELLA</u>** |

----------X

I, Jolie Apicella, pursuant to 28 U.S.C. 1746 declare as follows:

1. I am over 18 years old and I am competent to make this Declaration based upon my personal knowledge. I make this Declaration in support of Applicant's Memorandum of Law in opposition to Opposer's Cross Motion for Summary Judgment, dated February 9, 2010.

2. I am an attorney at Quinn Emanuel Urquhart Oliver & Hedges, LLP. I am admitted to the New York bar and am currently in good standing.

3. Attached hereto as Exhibit A is a true and correct copy of Opposer's Supplemental Responses to Applicant's Interrogatories.

4. Attached hereto as Exhibit B is a true and correct copy of Applicant's label as it appears a LA DOLCE VITA pet-care product and a true and correct copy of Opposer's label as it appears on a BORGHESE skin-care product.

5. Attached hereto as Exhibit C are true and correct copies of website printouts relating to, and photographs of, products and/or services offered for sale commercially under marks that comprise the Borghese name.

6. Attached hereto as Exhibit D are true and correct copies of trademark registrations for the marks CASTELLO DI BORGHESE and BORGHESE for wine.

7. Attached hereto as Exhibit E are true and correct copies of Opposer's BORGHESE Mark as it appears on BORGHESE and BORGHESE Kirkland Signature® products.

8. Attached hereto as Exhibit F are select pages of the deposition transcript of Lorenzo Borghese, who was deposed in this matter on January 20, 2010.

9. On March 5, 2010, I had a Google Products search run for "pet shampoo." Of 2,353 results retrieved, none were for any product under the BORGHESE or PRINCESS MARCELLA BORGHESE Marks. Attached hereto as Exhibit G is a true and correct copy of the search showing the first ten results.

10. On March 6, 2010 I took photographs at a Rite Aid store located at 282 8th Avenue, New York, N.Y. of the aisles where "cosmetics," "hair care," and "skin care" are located (Aisle 1-3) and the aisle where "pet" goods are located (Aisle 8). I also took photographs at a CVS store located at 272 8th Ave, New York, N.Y. of the aisle where "cosmetics" and "hair care" are located (Aisles 1 and 3) and the aisle where "pet needs" are located (Aisle 10). Attached hereto as Exhibit H are true and correct copies of the photographs I took at these two stores.

11. On March 9, 2010 I had a search for "dog shampoo" run in the <<http://walgreens.com>> website. Attached hereto as Exhibit I is a true and correct copy of the screen shot of that search.

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

Executed this 11th day of March, 2010.

Jolie Apicella

# EXHIBIT A

**EXHIBIT A**

To Second Declaration of Jolie Apicella

Applicant's Memorandum of Law In Opposition to
Opposer's Cross Motion for Summary Judgment

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

EXHIBIT A

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

| | |
|---|---|
| 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. | |

## OPPOSER'S SUPPLEMENTAL RESPONSES TO APPLICANT'S INTERROGATORIES

Opposer, Borghese Trademarks, Inc. ("Opposer"), responds to Applicant's Interrogatories served by Applicant, Multi Media Exposure, Inc. ("Applicant") as follows:

## GENERAL OBJECTIONS

1. The following general objections are incorporated by reference in Opposer's response to each and every Interrogatory set forth below.
2. The specific responses set forth below are for the purposes of discovery only, and Opposer neither waives nor intends to waive, but expressly reserves, any and all objections it may have to the relevance, competence, materiality, admission, admissibility or use at trial of any information, documents or writing produced, identified or referred to herein, or to the introduction of any evidence at trial relating to the subjects covered by such response.
3. Opposer expressly reserves its right to rely, at any time including trial, upon subsequently discovered information or information omitted from the specific response set forth below as a result of mistake, oversight or inadvertences.
4. The specific responses set forth below are based upon Opposer's interpretation of the language used in the Interrogatories and Opposer reserves its right to amend

or to supplement its responses in the event Applicant asserts an interpretation that differs from Opposer's interpretation.

5. By making these responses, Opposer does not concede it is in possession of any information responsive to any particular Interrogatory or that any response given is relevant to this action.

6. Subject to and without waiving the general and specific responses and objections set forth herein, Opposer will provide herewith information that Opposer has located and reviewed to date. Opposer will continue to provide responsive information as such is discovered. Opposer's failure to object to a particular Interrogatory or willingness to provide responsive information pursuant to an Interrogatory is not, and shall not be construed as, an admission of the relevance, or admissibility into evidence, of any such information, nor does it constitute a representation that any such information in fact exists.

7. Because Opposer may not have discovered all the information that is possibly within the scope of the Interrogatory, Opposer expressly reserves its right to amend or to supplement these responses and Objections with any additional information that emerges through discovery or otherwise.

8. Opposer objects to the Interrogatories to the extent that they require a response that is protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the joint defense privilege or any other applicable privilege or immunities. Opposer responds to the Interrogatories on the condition that the inadvertent response regarding information covered by such privilege, rule or doctrine does not waive any of Opposer's right to assert such privilege, rule or doctrine and the Opposer may withdraw any such response inadvertently made as soon as identified.

9. Opposer objects to the Interrogatories to the extent that they seek proprietary, sensitive, or confidential commercial information or information made confidential by law or any agreement or that reflects trade secrets. Opposer responds to the Interrogatories on the condition that the inadvertent responses regarding any proprietary, sensitive, or confidential information does not waive

any of Opposer's rights and that Opposer may withdraw any such response inadvertently made as soon as identified.

10. Opposer objects to the Interrogatories to the extent that they seek information that is not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

11. Opposer objects to the Interrogatories to the extent that they exceed the requirements of the Federal Rules of Civil Procedure or the Trademark Rules of Practice.

12. Opposer objects to the Interrogatories to the extent that they require Opposer to undertake any investigation to ascertain information not presently within its possession, custody or control on the grounds of undue burden and because information from other sources are equally available to Applicant.

13. Opposer objects to the Interrogatories to the extent that they require Opposer to undertake such an extensive review of information, persons, or documents and are unduly burdensome and that such requests are harassing.

14. Opposer objects to the Interrogatories to the extent that they are vague, ambiguous and overbroad and therefore not susceptible to a response as propounded. Opposer objects to the Document Requests to the extent that Opposer seeks the residential addresses of individuals, on the grounds that disclosure of such information impinges on the privacy interest of such individuals.

15. Opposer objects to these Interrogatories to the extent that they are not limited to use and registration of the marks in issue in the United States.

16. Opposer objects to the definition of "Identify" when used with reference to natural persons as being overly broad. Where natural persons are identified, they will be identified with sufficient information (if known) to enable Opposer to locate and contact such persons.

17. Opposer objects to the definition of "Identify" when used with reference to documents, as being overly broad. Where documents are identified, they will be identified with sufficient specificity to enable Opposer to request the same pursuant to a request for documents.

18. Opposer objects to the definition of "Opposer" to the extent it includes "predecessors", "directors", "officers", "employees", "agents", "sales representatives," "distributors," and "all other persons acting or purporting to act on its or their behalf or under its or their control." Opposer is under no obligation to serve each of the persons/entities referred to in the definition and Opposer is only obligated to produce information and documents under its possession or control.

19. Opposer objects to the definition of "Opposer" to the extent it includes "predecessors", "directors", "officers", "employees", "agents", "sales representatives," "distributors," and "all other persons acting or purporting to act on its or their behalf or under its or their control." Without such persons or entities being specifically identified to Opposer, the definition is incomprehensible. Applicant is under no obligation to investigate the identities of each such persons or entities prior to responding to the interrogatories.

## INTERROGATORIES

**INTERROGATORY NO. 1:**

Identify each of the owners, assignors and assignees of the Opposer's Marks, from the date of their respective trademarks registrations with the PTO to the present.

**Response:** Opposer objects to this interrogatory on the grounds that it is unclear what Applicant means by "Opposer's Marks." Without waiver of and subject to the foregoing objection and each and every general objection, to the extent Applicant means the marks owned by Opposer and listed in paragraph 1 of the Notice of Opposition, attached at Schedule A are copies of the assignment information page from the USPTO for each of the four marks owned by Opposer that are listed in paragraph 1 of the Notice of Opposition.

**INTERROGATORY NO. 2:**

Identify any and all agreements and assignments of the Opposer's Marks, from the date of their respective trademark registrations with the PTO to the present.

**Response:** Opposer objects to use of the term "agreements" as being vague and ambiguous. Without waiver of and subject to the foregoing objection and each and every general objection, for purposes of answering this interrogatory, Opposer assumes that the term "agreements" refers to assignments or other transfers of interest and refers Applicant to the response to Interrogatory No. 1.

**INTERROGATORY NO. 3:**

Specify all goods and services BTI has sold or provided in connection with the Opposer's Marks that are intended by BTI to be used on, for or by pets.

**Response:** Opposer's goods, i.e. shampoo, conditioner, hair cleaning preparations, nail polish, shower and bath foam, shower gel, perfume, cologne, body and facial soaps, cleansers could be used on pets. Opposer's products are intended to be used on anyone or anything that may be appropriate.

**INTERROGATORY NO. 4:**

State all goods and services sold or provided in connection with the Opposer's Marks that are marketed by or on behalf of BTI for use on, for or by pets.

**Response:** If by "marketed" Applicant means advertised or promoted, there are none directed or targeted to use for pets. If by "marketed" Applicant means sales, Opposer does not limit sales to any particular group of users.

**INTERROGATORY NO. 5:**

Identify all marketing materials, including advertisements, promotional materials, and websites, in which the Opposer's Marks are marketed to be used on, for or by pets.

**Response:** Currently, none.

**INTERROGATORY NO. 6:**

State in detail the basis for alleging that "goods of the type of Opposer's have been used on pets", as set forth in Paragraph 9 of the Notice of Opposition.

**Response:** Opposer objects to this interrogatory insofar as it asks for attorney work product. Without waiver of and subject to the foregoing objection and each and every general objection, Opposer notes that it is common knowledge that consumers use products such as those identified in the answer to Interrogatory No. 3 above on or with pets.

**INTERROGATORY NO. 7:**

State in detail the basis for alleging that "Applicant's Goods are related to the goods offered under Opposer's Marks", as set forth in Paragraph 13 of the Notice of Opposition.

**Response:** Opposer objects to this interrogatory insofar as it asks for attorney work product. Without waiver of and subject to the foregoing objection and each and every general objection, Opposer notes that Applicant's application lists "shampoo" and Opposer's registrations list "shampoo," Applicant's application lists "conditioner" and Opposer's registrations list "conditioner," and Applicant's application lists "body sprays" and Opposer's registrations list "perfume, cologne and fragrances."

**INTERROGATORY NO. 8:**

State in detail the basis for alleging that "Applicant's Goods are a natural extension of the product line offered under Opposer's Marks", as set forth in Paragraph 14 of the Notice of Opposition.

**Response:** Opposer objects to this interrogatory insofar as it asks for attorney work product. Without waiver of and subject to the foregoing objection and each and every general objection, Opposer suggests Applicant look at the website for pet products offered by John Paul, a founder of the John Paul Mitchell Systems company.

**INTERROGATORY NO. 9:**

State in detail any basis for alleging that Opposer's Marks have acquired secondary meaning for (a) pet goods and (b) any other goods that are not set forth in the respective registrations for the Opposer's Marks.

**Response:** Opposer objects to this interrogatory on the grounds that it is unintelligible. Not alleged.

**INTERROGATORY NO. 10:**

Identify specific channels of trade through which goods are sold in connection with the Opposer's Marks, including

(a) Any and all chains of pet goods stores, web sites, or direct television shows targeted to consumers of pet goods, and

(b) Any other channels of trade.

**Response:** Opposer's objects to this interrogatory as vague and ambiguous insofar as what Applicant means by "direct television shows." Upon receipt of a definition, Opposer will be happy to reconsider its response.

**Supplemental Response: Opposer's goods are sold in department stores, spas, drug stores, pharmacies, and over the Internet.**

INTERROGATORY NO. 11:

(a) State in detail any and all goods and services intended for use or on, by or for pets which Opposer has a bona fide intent to sell; (b) state the date Opposer commenced planning for sale of any such goods; and (c) identify any documents concerning any such intent.

**Response:** Opposer objects to this interrogatory on the grounds that it is unintelligible.

**Supplemental Response: In an August 10, 2009 letter to Opposer, Applicant clarified Interrogatory No. 11 whereby part a) of this Interrogatory was revised to read "Identify any and all goods and services that Opposer sells or intends to sell in connection with Opposer's Marks which Opposer intends its consumers to use on, by or for pets." Opposer objects to this interrogatory as not relevant because the Opposition is based on the goods under Opposer's Marks, which are not limited to particular end users. Without waiver of and subject to the foregoing objection and each and every general objection, Opposer responds as follows: a) Opposer notes that it intends its consumers to use its products as they see fit; b) Opposer has not commenced planning for sale of its goods to pets; c) no such documents exist at the present time.**

INTERROGATORY NO. 12:

State in detail any and all instances of actual confusion between the goods of Opposer that are sold in connection with the Opposer's Marks and the goods of Applicant that bear any trademark that includes the name "Borghese."

**Response:** Opposer objects to this interrogatory as vague and ambiguous and not capable of being answered as Applicant's trademark application was filed as intent-to-use and, as far as

Opposer is aware, Applicant is not yet selling goods that bear a trademark which includes the name "Borghese."

**INTERROGATORY NO. 13:**

Identify the person(s) who provided information necessary to answer each of the foregoing interrogatories and specify, for each such person, the interrogatory for which such person(s) provided information.

**Response:** Neil Petrocelli.

As to Supplemental Responses:
I, Neil A. Petrocelli, have reviewed the supplemental responses to Applicant's Interrogatories set forth above and state that pursuant to 28 U.S.C. § 1746, and under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Date: Aug. 31, 2009 By: _____

Neil A. Petrocelli
Vice President, Marketing of Borghese, Inc.
On behalf of Borghese Trademarks Inc. under the Advisory Services Agreement between Borghese Inc. and Borghese Trademarks Inc.

As to Objections Only:
Date: ~~Aug.~~ Sept. 8, 2009 By: _____

Stephen L. Baker
Moira J. Selinka
BAKER and RANNELLS, PA
575 Route 28, Suite 102
Raritan, New Jersey 08869
(908) 722-5640
Attorneys for Opposer, Borghese Trademarks, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Opposer's Supplemental Responses to Applicant's Interrogatories, in re Borghese Trademarks, Inc. v. Multi Media Exposure, Inc. was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 8th day of September, 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

# EXHIBIT B

**EXHIBIT B**

To Second Declaration of Jolie Apicella

Applicant's Memorandum of Law In Opposition to
Opposer's Cross Motion for Summary Judgment

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

MOISTURIZING
CREAM

VANILLA BEAN AND MILK

la Dolce Vita

by PRINCE
Lorenzo Borghese

MADE IN ITALY

1.7 fl.oz. 50 ml e

BORGHESE

CURA DI VITA
PROTETTIVO

PROTECTIVE
MOISTURIZER SPF 15

LOTION HYDRATANTE
PROTECTRICE FPS 15

1.7 FL. OZ./50 ml e

# EXHIBIT C

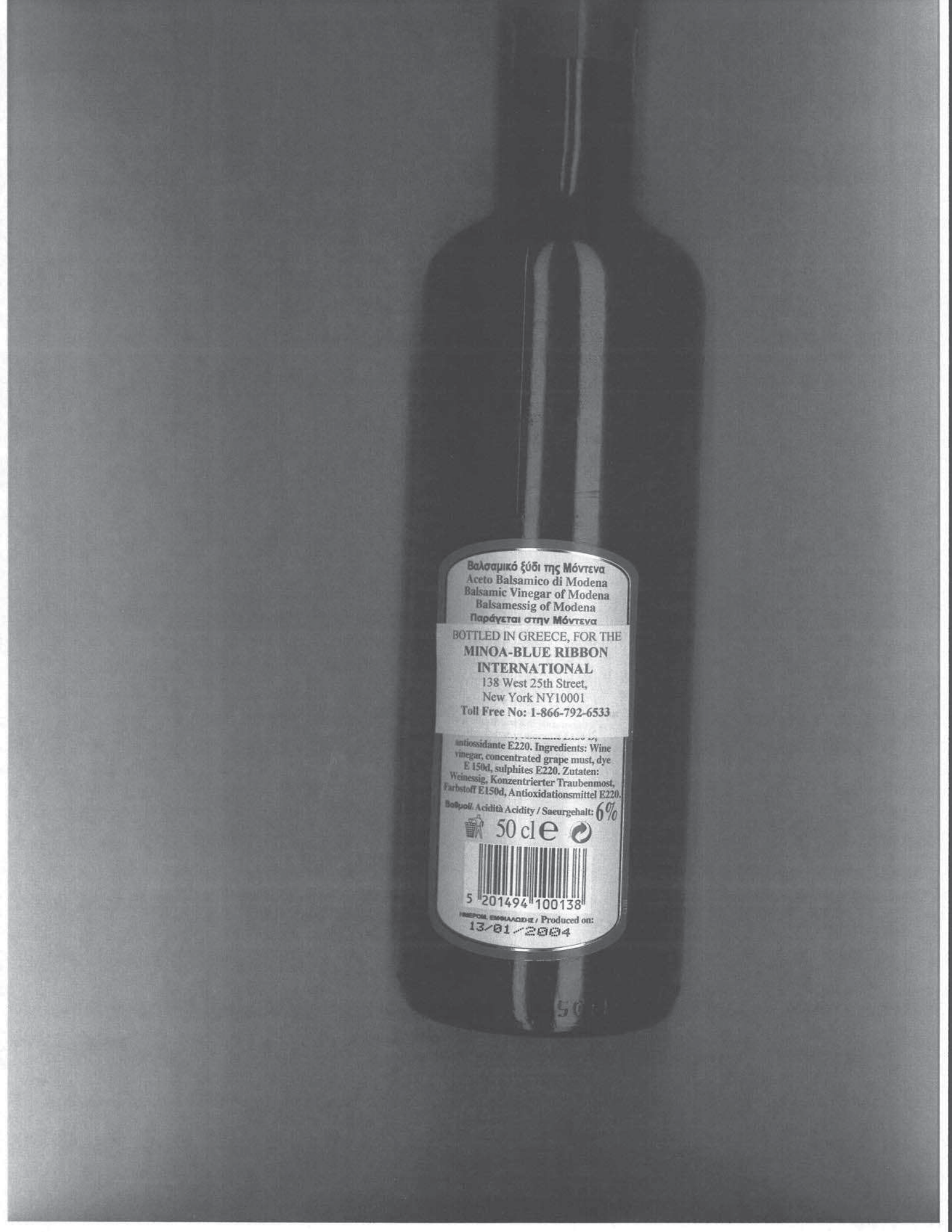
**EXHIBIT C**

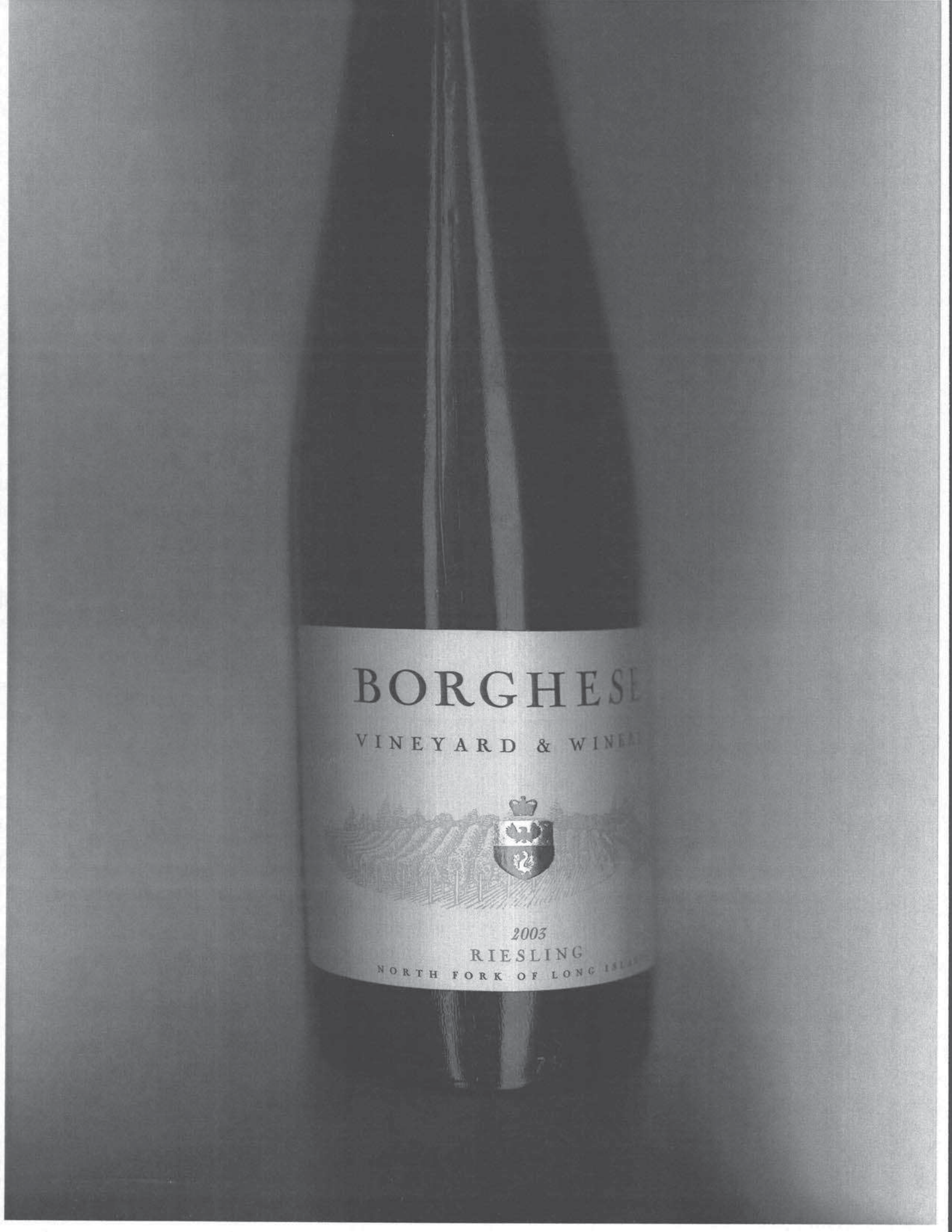
To Second Declaration of Jolie Apicella

Applicant's Memorandum of Law In Opposition to
Opposer's Cross Motion for Summary Judgment

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

ACETO
Balsamico
di Modena
VILLA
BORGHESE


Βαλσαμικό ξύδι της Μόντενα
Aceto Balsamico di Modena
Balsamic Vinegar of Modena
Balsamessig of Modena
Παράγεται στην Μόντενα
BOTTLED IN GREECE, FOR THE
MINOA-BLUE RIBBON
INTERNATIONAL
138 West 25th Street,
New York NY10001
Toll Free No: 1-866-792-6533
antiossidante E220. Ingredients: Wine
vinegar, concentrated grape must, dye
E 150d, sulphites E220. Zutaten:
Weinessig, Konzentrierter Traubenmost,
Farbstoff E150d, Antioxidationsmittel E220.
Acidità Acidity / Saeurgehalt: 6%
50 cl e
5 201494 100138
Produced on:
13/01/2004


BORGHESE
VINEYARD & WINE
2003
RIESLING
NORTH FORK OF LONG ISLAN

# BORGHESE

VINEYARD & WINERY

*2003*

RIESLING

NORTH FORK OF LONG ISLAND

LONG ISLAND'S FIRST ESTATE VINEYARD

Nestled in the North Fork of Long Island's Bordelaise microclimate, Castello di Borghese Vineyard (formerly Hargrave) has crafted classically proportioned wines since 1973. Blessed with a 210 day growing season and sandy loam soils, Long Island's first estate vineyard ferments vintage after vintage of critically acclaimed wines.

PRODUCED AND BOTTLED BY CASTELLO di BORGHESE, LLC CUTCHOGUE, NY

ALCOHOL 12.5% BY VOLUME

750 ML

7 65024 00080 0

Shop > Bags

## Fendi Selleria Small Villa Borghese Handbag

**bagborroworsteal.com**

A statement of Fendi fashion and the classic symbol of strength, a stately horse is embossed on powder-pink leather with a pebbled finish. The two leather handles of this Fendi handbag are finished...

- 36 people saved this Save to my items
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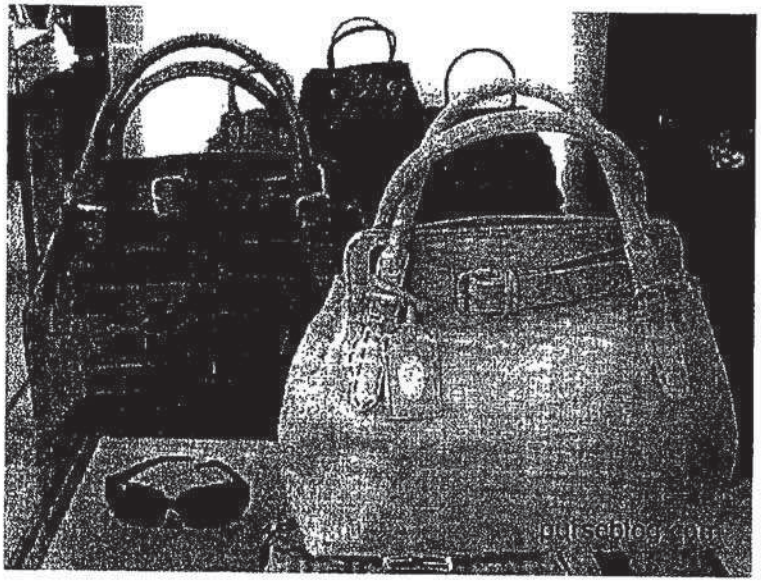
# Fendi Villa Borghese Alligator

-

Jan 21, 2006 / Posted in Fendi Handbags by Vlad Dusil



It's Fendi time! Our forum member **TheArtofAcquisition** did some research regarding the rare Wisteria Spy Bags at Fendi Hawaii and got a whole bunch of images in return that she kindly shared with us. Thanks a lot! We are still seeing if we can grab the prices on all the bags that I will be sharing with you today, but my feeling tells me that most of them are going to range in the "beyond-affordable" range.

First in the lineup is the **Fendi Villa Borghese in Alligator**, which comes in the pictured two shades, as well as in pink and bordeaux. I'm digging the bowler shape of the bag, I think it would look particularly fantastic in bordeaux red.

bizrate
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borghese furniture search browse

Home > Home & Garden > Furniture > Bedroom Furniture > Dressers & Nightstands > borghese furniture

# Borghese furniture in Dressers & Nightstands

related searches: borghese mirrored, bombay company furniture, more

you're in dressers & nightstands, see other matches in:

- Living Room Furniture
- Armoires & Wardrobes
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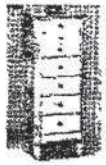
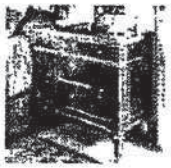
sort by: Relevance view as: add tax & shipping for zip code update



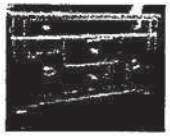
Borghese 7 Drawer Mirrored Lingerie Ches... Glam Furniture $399.00 go to store



Bassett Mirror Borghese Nightstand - FRE... mercantila $630.00 go to store

see other stores that carry it

Borghese Mirrored Nightstand Glam Furniture $437.00 go to store



Borghese Mirrored Nightstand Mirrored Fu... eBay $497.00 go to store

store rating

refine your results

price

- Under $500
- $500 - $1,000
- Over $1,000

$ 399 minimum to $ 1281 maximum go

brand

- Home Decorators Collection
- Bassett Mirror Company

stores

- Furniture Superstore
- Glam Furniture
- eBay
- Amazon Marketplace

more

suggested searches

related searches

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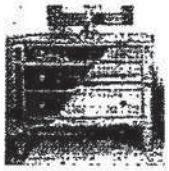
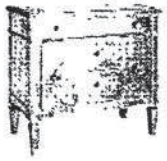
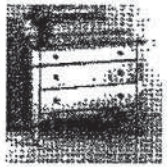


Borghese Mirrored Hall Chest Mirrored Fu... | eBay | store rating | $667.00 | go to store



Borghese Mirrored Nightstand, 35"Hx... | Amazon Marketplace | store rating | $699.00 | go to store

Borghese Mirrored Nightstand 35"hx3... | HOME DECORATORS collection | store rating | $699.00 | go to store



Bassett Mirror Borghese Hall Chest | Furniture Superstore | $1,243.39 | go to store

Bassett Mirror Borghese Lingerie Chest | Furniture Superstore | $739.42 | go to store

Mirrored Lingerie Chest w Antique Silver... | IvgStores | $464.53 | go to store

furniture maple south shore furniture mirrored furniture locker furniture

Borghese Collection Hall Chest w 3 Drawe... ivgStores **$472.98** go to store

Hand-Crafted Wood Armoire w Beveled Mirr... ivgStores **$1,281.08** go to store

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Best prices on Borghese furniture in Dressers & Nightstands online Visit bizrate to find the best deals on Dressers & Nightstands from Home Decorators Collection and Bassett Mirror Company See which Home & Garden stores have the Dressers & Nightstands that you want. Read reviews on Home & Garden merchants and buy with confidence. Find deals on Borghese 7 Drawer Mirrored Lingerie Chest - Bassett Mirror Borghese Nightstand - FREE

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# The Impulsive Traveler

BY NANCY TREJOS

Shortly after I walked into Long Island's Castello di Borghese vineyard, I found myself in the company of a prince and princess.

It's actually quite common at this small vineyard on the North Fork of Long Island, N.Y., for Castello di Borghese is owned by Italian-born Prince Marco Borghese, whose titled family traces its heritage to 9th-century Tuscany, and his Delaware-born wife, Ann Marie. And they make sure that one of them is always around to greet customers.

That, the princess told me as we sat at a small blue table near the vineyard's tasting room one cold December morning, just before my tour with Marco, is what sets Long Island wine country apart from its more famous counterparts in California. (That would be Napa and Sonoma, but try not to utter those names on the Island.)

"Every single person who comes here is greeted with eye contact," Ann Marie said, her blond hair flowing over her shoulders, her mustard-colored scarf tied delicately around her neck, her gold bee-shaped earrings distracting me with their glow. "It's a region that's much more friendly."

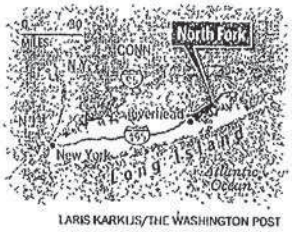
I soon discovered that for myself. All of the other vineyard owners and winemakers I met during my two-day tour of the North Fork in the East End of Long Island, a region overshadowed by the much glitzier Hamptons, were as approachable and friendly as the Borgheses. It was nothing like what I'd experienced during a visit to Napa years ago.

The North Fork's first winery opened in 1973, but only in recent years has the region, a 90-minute drive from Manhattan, become a winemaking force. Each of its more than 30 vineyards produces between 600 and 60,000 cases of wine a year. The region ranked ninth on TripAdvisor's list of the top 10 North American wine destinations (beating Virginia, by the way). Its wines have won numerous awards. Its fresh seafood and produce have attracted a number of highly acclaimed chefs, who have opened restaurants here. In 2009, attendance at the vineyards' tasting rooms was up 20 percent from the year before, said Steven Bate, executive director of the Long Island Wine Council. The annual winterfest called "Jazz on the Vine" draws a number of respected musicians (this year's event kicks off Feb. 13).

The North Fork's unique geography makes it ideal for growing wine. Nestled between the Long Island Sound to the north, the Great Peconic Bay to the south and the Atlantic Ocean to the east, it's protected from frost. Temperatures dip at night, preserving the natural acidity in the grapes. The sandy soil provides natural drainage.

NANCY TREJOS/THE WASHINGTON POST

Princess Ann Marie Borghese, who owns the Castello di Borghese Vineyard with her husband, Marco, pours out a sample in the winery's tasting room.




LARIS KARKLIS/THE WASHINGTON POST

But geography alone doesn't make a good bottle of wine.

"Grape growers are really hitting their strides in the vineyard," said Lenn Thompson, editor in chief of the blog New York Cork Report. "It seems like more winemakers have also stopped trying to make wines that are 'like' Bordeaux or 'like' California. More of them are making true Long Island wines now that express the uniqueness of the region."

I started my wine tasting in Castello di Borghese's elegant and cozy tasting room in Cutchogue. To begin, Princess Ann Marie poured me some Founder's Field 2007 sauvignon blanc. It smelled of peaches and vanilla and tasted crisp and bright. I tried a few more whites before moving on to the 2005 Estate cabernet franc. It was spicy, with a hint of blackberries and cherries.

At Palmer Vineyards in Aquebogue, I had a different tasting experience. Winemaker Miguel Martin let me try the wines straight out of their stainless-steel tanks. The smell of the freshly pressed grape juice was too pungent for me at first, but the more I sniffed it, the more I could distinguish the nuances. A rosé smelled of rose petals, bubble gum and peach all at once. A sauvignon blanc tasted a bit like grapefruit and lemon. It was cold and windy outside, and the wines were making me yearn for summer.

I spent the night at Shinn Estate Vineyards in Mattituck, which has a lovely B&B on the grounds. The next morning, after a hearty breakfast that included a duck egg from a nearby farm and bacon cured on the property, I took a tour with co-owner Barbara Shinn. She and her husband, David Page, had owned a restaurant in Greenwich Village called Home, but after a few years in the city, they decided that their real home should be in the country. They bought their property in 1998.

Shinn and Page practice sustainable farming, something many experts had said couldn't be done in the North Fork or on the East Coast because humid conditions make it difficult to grow grapes without the aid of chemicals. They don't use artificial chemicals, and they let the grass grow beneath the vines, which attracts the good bugs that kill the bad bugs, Shinn told me as we strolled through the vineyard. "The farm has become a beautiful wildlife habitat," she said proudly.

Their philosophy extends to the winery. Page told me that they add no tannins, enzymes or coloring to their wines. Though it's not required, they recently started listing the ingredients on each bottle label. "I think it's really important for people to know where their wine is coming from, as much as where their food is coming from," Page said.

Before I left Shinn Estate, I sampled a few wines. I was amused by some of the

*The Impulsive Traveler*

# Long Island wineries hit their stride

names: Rebellion, Wild Boar Doe, Clarity. A 2007 cabernet franc had a lot of structure and spice. A 2006 cabernet sauvignon tasted a bit like red raspberries.

Next, I visited Lisa and Anthony Sanninno of Bella Vita Vineyard. These Long Island natives are doing something few other vineyard owners are: letting people become winemakers. For $4,500 a year, members grow and harvest enough grapes on the Sanninos' five acres in Cutchogue to make 275 bottles of wine. The membership includes winemaking lessons, barrel storage, bottling and labeling. Anthony, a general contractor who took viticulture courses online with the University of California at Davis and trained at several Long Island vineyards, calls what he's doing "hobbies gone wild."

"You have a completely different appreciation of wine" when you grow it yourself, he said.

My appreciation of wine increasing by the minute, I drove to Roanoke Vineyards in Riverhead. Owner Richard Pisacano's vineyard, founded in 2000, produces 2,000 to 3,000 cases a year. What makes his vineyard unique is that he produces only reds. We sampled several cabernet sauvignons, cabernet francs and merlots. Pisacano told me that he wants North Fork wines to gain respect nationwide but that, unlike most of his competitors, who distribute to restaurants and retailers outside Long Island, he refuses to wholesale his wines. "How small can we be to survive?" he said. "The idea is to keep it very, very simple."

For my final stop, I chose the Martha Clara Vineyards, owned by the Eritenmann family of baked-goods fame.

I walked into a gift shop as big as many of the tasting rooms I'd been to. The 200-plus-acre property also houses three art galleries and a mini zoo with llamas and donkeys. In warm weather, there are horse-and-carriage rides for kids. The property, in Riverhead, hosts many weddings, fashion shows and film festivals.

General manager Bob Kern knows that Martha Clara has been called the Disney World of the North Fork vineyards, but he doesn't care. "Wine snobs have children, too," he said as we sat in one of the many private tasting rooms. "Our motto is this, and it's simple: We take making wine seriously. We don't take ourselves seriously."

What would you expect from the makers of Frosted Pop'ems?

Still, his comment reminded me of something Pisacano had told me: that the first North Fork vineyards were owned by rich lawyers and venture capitalists who considered winemaking a hobby.

Those days are long gone. It's serious business now.

trojosn@washpost.com

# BORGHESE LAW FIRM

AND ADVISORY SERVICES



*Welcome*

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VIDEO SERIES

CNBC's Powerlunch

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Borghese Law Firm advises start-up and emerging growth companies on legal and strategy issues in connection with the formation and organization of business entities, equity and debt financing including venture capital and private equity transactions, joint ventures and strategic partnerships, corporate mergers and acquisitions, contract negotiations, employment and equity compensation issues, and corporate, partnership and tax law.

The Firm has offices in New York City and Philadelphia and focuses its representation on information technology, healthcare and biotechnology, and financial services companies.

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# The Villa Borghese

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70 Widmer Road ~ Wappingers Falls, NY 12590
Tel: 845-297-8207

## Welcome...

Fulfillment of your romantic *wedding dreams* come to life at Villa Borghese where elegance, ambiance, exemplary service, and delectable cuisine are in perfect harmony on your special day.

Let our wedding consultant guide you through the limitless options in planning a flawless and unforgettable wedding celebration. From an intimate *candlelight* affair to the most jubilant of celebrations, planning will seem effortless and stress free.

We've tailored our packages to include fine dinner selections, *flowers on all tables*, beautiful photo opportunities inside and out, 5 hours of top shelf open bar, hotel rooms, *wedding cake*, all that you'd expect, and more. All at a reasonable price. Yes we do look exquisitely expensive, but we are very affordable.

Sincerely,

*Stanley, Gino, Paul, Karen & Staff*

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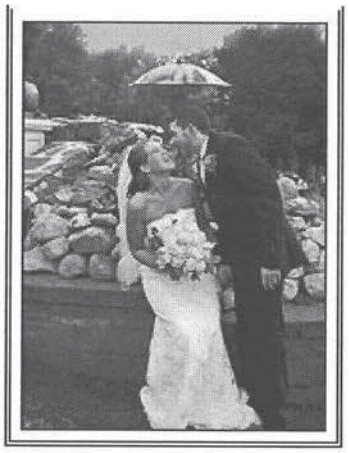

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Since 1970 Villa Borghese has been synonymous with perfect weddings. From initial planning to the final dance, no detail is overlooked. Each wedding is individually created with our *dedication* to bring you unmatched service, convenience and value.

Surrounded by sweeping lawns and meticulous gardens, the wedding pavilion gazebo invites your guests to witness you exchange wedding vows, and is the perfect backdrop for bridal portraiture and videography.

Upon arrival you will disembark under the weather protected portico canopy. Once inside, you'll marvel at the beautifully appointed Dining Rooms.

The *sunlit lounges* beckon your guests to feast on sumptuous hors d'oeuvres, while privately, you and your bridal party will be *pampered* by your personal attending staff in our lavish bridal suite.

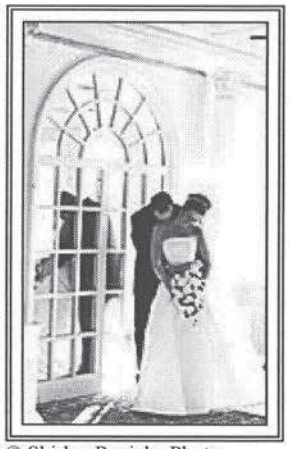
Our expertly trained culinary staff will prepare a spectacular dining experience with *delectable dishes* created with your personal taste in mind. You and your guests will always remember the friendliness, and *attentiveness* of our wait staff, a trademark for which Villa Borghese is known.

BRIDE'S CHOICE *Awards* 2010 weddingwire.com

KEY VENDOR 2006 the knot

*You said it...*

*"Dear Stanley, Gino, Paul, and Karen,*
*Thank you so much for making our wedding day such a spectacular affair. We really appreciate the patience and the flexibility you provided during the planning process, as well as your attention to detail in carrying out our wedding vision. Thanks again..."*
- Nicole and Bob



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Shopping Bag:

Wish List:

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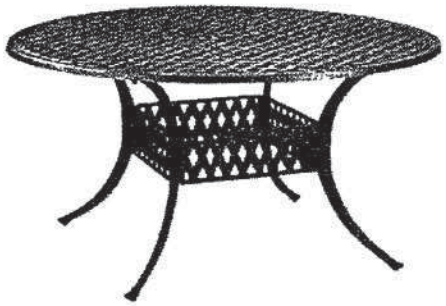
# Amalfi/Borghese Dining Table - Round Item: 104-7293

Zoom



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## Description

Sculpted curves lend our **Amalfi/Borghese Dining Table** a refined European elegance And because each piece is crafted of extremely strong cast aluminum, the details can be more ornate ar finely rendered

Amalfi/Borghese Dining Table Features:

- Table top has an intricate basket weave design with rich, 3-dimensional look
- Sand Black finish resists rust and chipping
- Assembly required
- Measures approx 29-1/4"H x 60"Diameter
- Made in China

Comes with the **Ballard Designs** Guarantee For more information please call HSN com Customer Service at 800 933 2887 (8 a m to 1 a m ET)

## About Ballard Designs

BALLARD DESIGNS

Decorate each room from floor to ceiling with unique home furnishings and accessories inspired by grand European designs from the past and present Since 1982, Ballard Designs has traveled the world to find classic styles in fresh,

» See All Ballard Designs

Customers Who Viewed This Item Also Viewed

Amalfi/Borghese Dining Table - Oval

Price: $479.96

Lucianna Table with Glass Top

HSN Price: $129.99

Nate Berkus™ Studio Sofa

HSN Price: $499.90

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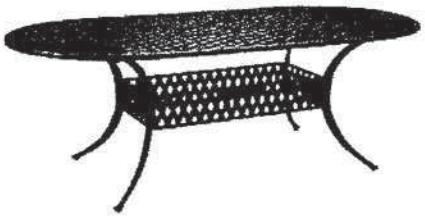
Shopping Bag: Wish List:

HSN Shopping > Home Decor > Ballard Designs > Furniture > Outdoor Furniture

# Amalfi/Borghese Dining Table - Oval Item: 104-7292

Zoom



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- Help us make informed decisions about the proc we sell

Please, share your thoughts. The HSN community is paying attention

**Price: $479.96** ONLY ONLINE

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Black

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## Description

Sculpted curves lend our **Amalfi/Borghese Dining Table** a refined European elegance And because each piece is crafted of extremely strong cast aluminum, the details can be more ornate ar finely rendered

Amalfi/Borghese Dining Table Features:

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- Measures approx 29-1/4"H x 60"Diameter
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Comes with the **Ballard Designs** Guarantee For more information please call HSN com Customer Service at 800 933 2887 (8 a m to 1 a m ET)

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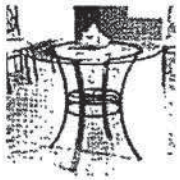
Decorate each room from floor to ceiling with unique home furnishings and accessories inspired by grand European designs from the past and present Since 1982, Ballard Designs has traveled the world to find classic styles in fresh,

» See All Ballard Designs

Customers Who Viewed This Item Also Viewed



Lucianna Table with Glass Top

**HSN Price: $129.99**

Nate Berkus™ Studio Sofa

**HSN Price: $499.90**

Amalfi Swivel Rocker

**Price: $299.00**

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Manage Your Accounts

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Company Overview
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Partner Sites: Bags | Clothing | Expedia | Flowers | Gifts | Hotels | Hotwire

# EXHIBIT D

**EXHIBIT D**

To Second Declaration of Jolie Apicella

Applicant's Memorandum of Law In Opposition to
Opposer's Cross Motion for Summary Judgment

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

United States Patent and Trademark Office

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Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 30 out of 57**

TARR Status | ASSIGN Status | TDR | TTAB Status *( Use the "Back" button of the Internet Browser to return to TESS)*

# CASTELLO DI BORGHESE

| | |
|---|---|
| **Word Mark** | CASTELLO DI **BORGHESE** |
| **Translations** | The English translation of the words "CASTELLO DI **BORGHESE**" in the mark is CASTLE OF THE MIDDLE CLASS. |
| **Goods and Services** | IC 033. US 047 049. G & S: WINE FIRST USE: 20010301. FIRST USE IN COMMERCE: 20010301 |
| **Standard Characters Claimed** | |
| **Mark Drawing Code** | (4) STANDARD CHARACTER MARK |
| **Serial Number** | 76692481 |
| **Filing Date** | August 29, 2008 |
| **Current Filing Basis** | 1A |
| **Original Filing Basis** | 1A |
| **Published for Opposition** | July 28, 2009 |

| | |
|---|---|
| **Registration Number** | 3694487 |
| **Registration Date** | October 13, 2009 |
| **Owner** | (REGISTRANT) Castello Di Borghese, LLC LIMITED LIABILITY COMPANY NEW YORK Route 48 and Alvah's Lane Cutchogue NEW YORK 11935 |
| **Attorney of Record** | PANAGIOTA BETTY TUFARIELLO |
| **Prior Registrations** | 2660004 |
| **Description of Mark** | Color is not claimed as a feature of the mark. |
| **Type of Mark** | TRADEMARK |
| **Register** | PRINCIPAL |
| **Live/Dead Indicator** | LIVE |

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## Trademarks > Trademark Electronic Search System (TESS)

*TESS was last updated on Fri Feb 26 04:01:48 EST 2010*

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Start List At: OR Jump to record: **Record 29 out of 57**

TARR Status | ASSIGN Status | TDR | TTAB Status *( Use the "Back" button of the Internet Browser to return to TESS)*

# BORGHESE

| | |
|---|---|
| **Word Mark** | BORGHESE |
| **Translations** | The English translation of the words "**BORGHESE**" in the mark is MIDDLE CLASS. |
| **Goods and Services** | IC 033. US 047 049. G & S: WINE FIRST USE: 20020300. FIRST USE IN COMMERCE: 20020300 |
| **Standard Characters Claimed** | |
| **Mark Drawing Code** | (4) STANDARD CHARACTER MARK |
| **Serial Number** | 76692483 |
| **Filing Date** | August 29, 2008 |
| **Current Filing Basis** | 1A |

| | |
|---|---|
| **Original Filing Basis** | 1A |
| **Published for Opposition** | July 28, 2009 |
| **Registration Number** | 3694488 |
| **Registration Date** | October 13, 2009 |
| **Owner** | (REGISTRANT) Castello Di Borghese, LLC LIMITED LIABILITY COMPANY NEW YORK Route 48 and Alvah's Lane Cutchogue NEW YORK 11935 |
| **Attorney of Record** | PANAGIOTA BETTY TUFARIELLO |
| **Prior Registrations** | 2660004 |
| **Description of Mark** | Color is not claimed as a feature of the mark |
| **Type of Mark** | TRADEMARK |
| **Register** | PRINCIPAL |
| **Live/Dead Indicator** | LIVE |

# EXHIBIT E

**EXHIBIT E**

To Second Declaration of Jolie Apicella

Applicant's Memorandum of Law In Opposition to
Opposer's Cross Motion for Summary Judgment

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

# BORGHESE

CURA DI VITA
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MOISTURIZER SPF 15

LOTION HYDRATANTE
PROTECTRICE FPS 15

1.7 FL. OZ./50 ml ℮

**CURA DI VITA PROTETTIVO™**
**PROTECTIVE MOISTURIZER SPF 15**
**LOTION HYDRATANTE PROTECTRICE FPS 15**

Daily protective moisturizer for normal-to-dry skin. Specially formulated to provide maximum moisturization and continuous protection against dehydration. With the exclusive Filtrex™ sunscreen system, this lightweight lotion moisturizes and protects your skin from premature aging caused by environmental hazards, such as UV light and pollution.

WARNING: For external use only. Not to be swallowed. Avoid contact with eyes. If contact occurs, rinse eyes thoroughly with water. Discontinue use if signs of irritation or rash appear. If irritation or rash persists, consult a doctor. Keep out of reach of children.

Un idratante protettivo da usare quotidianamente, per le pelli secche o normali. Concepito in modo particolare per conferire la massima idratazione ed una protezione continua contro la perdita di umidità della pelle. Provvista del sistema di filtro solare esclusivo Filtrex,™ questa leggera lozione idratante protegge la pelle dall'invecchiamento precoce causato da fattori ambientali quali i raggi ultravioletti e l'inquinamento.

ATTENZIONE: Solo per uso esterno. Non ingerire. Evitare il contatto con gli occhi. In caso di contatto, risciacquare accuratamente con acqua. Smettere di usare in presenza di segni di irritazione o eruzione cutanea. Se tali segni di irritazione o eruzione cutanea persistono, consultare un medico. Tenere fuori dalla pertata dei bambini.

Lotion hydratante et protectrice à l'usage quotidien pour la peau normale ou sèche. Spécialement formulée pour une maximum hydratation et une protection continuelle contre le déssèchement. Enrichie de l'écran solaire exclusif Filtrex,™ cette lotion légère hydrate et protège la peau contre le vieillissement prématuré dû aux agressions des rayons UV et de la pollution.

ATTENTION: Usage externe seulement. Ne pas avaler. Éviter le contact avec les yeux. En cas de contact, rincer les yeux complètement avec d'eau. Cesser l'emploi si une éruption apparaît. Si l'éruption persiste, consulter avec un medecin. Tenir eliognée des enfants.

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Protective Moisturizer SPF 15
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Lotion Hydratante
Protectrice FPS 15
Schützender
Feuchtigkeitsspender SSF 15
Hidratante
Protector Con FPS 15

**ACTIVE INGREDIENTS:**

ETHYLHEXYL METHOXYCINNAMATE .....7.5%
BENZOPHENONE-3 .....5.0%
ETHYLHEXYL SALICYLATE .....5.0%

INACTIVE INGREDIENTS:
WATER (AQUA) • BUTYLENE GLYCOL • PROPYLENE GLYCOL DICAPRYLATE/DICAPRATE • ISOSTEARYL NEOPENTANOATE • STEARIC ACID • GLYCERIN • COCO-CAPRYLATE/CAPRATE • POLYSORBATE 60 • RIBES NIGRUM (BLACK CURRANT) EXTRACT • TOCOPHERYL ACETATE • FRAGRANCE (PARFUM) • SODIUM PCA • SEA SALT (MARIS SAL) • SQUALANE • GLYCERYL STEARATE • SORBITAN STEARATE • TRIETHANOLAMINE • HYALURONIC ACID • MAGNESIUM ASCORBYL PHOSPHATE • COLLAGEN AMINO ACIDS • HYDROLYZED COLLAGEN • BISABOLOL • SQUALENE • GLYCOLIPIDS • LINOLENIC ACID • LINOLEIC ACID • PHYTOSTEROL • ADENOSINE TRIPHOSPHATE • SODIUM HYALURONATE • H[illegible]YETHYLCELLULOSE • DIMETHICONE [illegible]OL • MAGNESIUM [illegible]RYLATE/ [illegible]L SALTS [illegible]IDINYL [illegible]PARABEN [illegible]CI 19140) [illegible]ELLOL • GERA[illegible]ALOOL

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age-defying

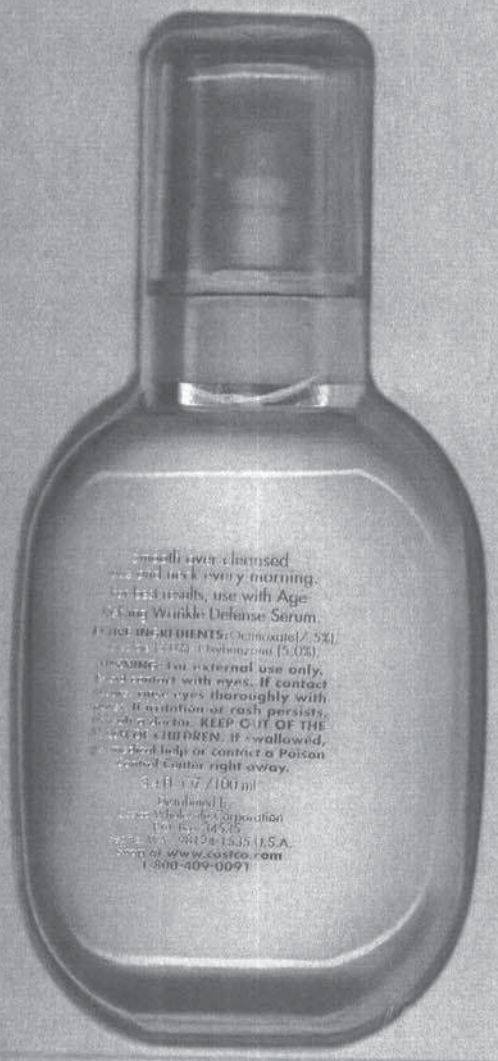
# Age-Defying Protective Moisture Lotion SPF 15

- For all skin types
- Dermatologist-tested
- Lightweight daily moisturizer helps refine texture, replenish essential nutrients and hydrate the skin
- SPF 15 helps protect skin from the sun's harmful rays

KEY INGREDIENTS:
Rice Bran Protein, Mineral Salts & Sea Salts

3.4 FL OZ (100 mL)

# Age-Defying Protective Moisture Lotion SPF 15



Borghese has a wonderful tradition and spa heritage. Borghese skincare respects the synergy between health and nature, luxury and science. That tradition continues today with the Kirkland Signature™ by Borghese Collection.

Our Skincare Products have been formulated with natural botanicals that moisturize and soothe. Mineral-rich ingredients nourish every inch of your skin.

Experience the Kirkland Signature by Borghese Collection – a combination of nature and technology that is contemporary yet classic.

## DAILY FACIAL REGIMEN

**MORNING**

**STEP 1** Pure Moisturizing Cleanser
**STEP 2** Advanced Age-Defying Wrinkle Defense Serum
**STEP 3** Age-Defying Protective Moisture Lotion SPF 15
**STEP 4** Age-Defying Protective Eye Cream

**EVENING**

**STEP 1** Pure Moisturizing Cleanser
**STEP 2** Advanced Age-Defying Wrinkle Defense Serum
**STEP 3** Age-Defying Restorative Night Cream
**STEP 4** Age-Defying Protective Eye Cream

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KIRKLAND Signature

Every Kirkland Signature product is guaranteed to meet or exceed the quality standards of the leading national brands. If you're not completely satisfied, your money will be refunded.

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™ Kirkland Signature is a trademark owned by Costco Wholesale Corporation.

PLEASE RECYCLE

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age-defying

# Age-Defying Protective Moisture Lotion SPF 15

- For all skin types
- Dermatologist-tested
- Lightweight daily moisturizer helps refine texture, replenish essential nutrients and hydrate the skin
- SPF 15 helps protect skin from the sun's harmful rays

KEY INGREDIENTS:
Rice Bran Protein, Mineral Salts & Sea Salts

3.4 FL OZ (100 mL)

# EXHIBIT F

**EXHIBIT F**

To Second Declaration of Jolie Apicella

Applicant's Memorandum of Law In Opposition to
Opposer's Cross Motion for Summary Judgment

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

Certified Transcript

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

| | | |
|---|---|---|
| Borghese Trademarks, Inc., | : | |
| Opposer, | : | Opposition No. 91189629 |
| vs. | : | Mark: PRINCE LORENZO BORGHESE'S LA DOLCE VITA |
| | : | |
| Multi Media Exposure, Inc., | : | |
| Applicant. | : | |

TRANSCRIPT of testimony as taken by and before PATRICIA A. SANDS, a Shorthand Reporter and Notary Public of the States of New York and New Jersey, at the offices of FULBRIGHT & JAWORSKI, LLP, 666 Fifth Avenue, New York, New York, on Wednesday, January 20, 2010, commencing at 10:06 in the forenoon.

Job No. NJ235762

1 proposals that you reviewed?
2 MR. RASKOPF: Objection to the form
3 of the question.
4 THE WITNESS: I had to approve it.
5 BY MR. FRIEDMAN:
6 Q Okay. Was there anybody else who was
7 involved in that decision making process?
8 A The PetSmart buyer.
9 Q So you're saying that the Prince
10 Lorenzo Borghese La Dolce Vita branding is a
11 private label for PetSmart?
12 A That is correct.
13 Q Is it only sold at PetSmart?
14 A Yes.
15 Q And, to your knowledge, is it
16 currently being sold in PetSmart at this time?
17 MR. RASKOPF: Asked and answered.
18 THE WITNESS: Are we going to repeat
19 the same questions over again?
20 MR. RASKOPF: He already answered it.
21 MR. FRIEDMAN: Unfortunately, it's my
22 deposition and I get to ask the questions.
23 MR. RASKOPF: You asked and he
24 already answered that question. He
25 already did.

1 BY MR. FRIEDMAN:
2 Q Okay. Is it in PetSmart right now?
3 A I believe so.
4 Q And what is the name of the people at
5 PetSmart that would have been involved in
6 deciding the label that would appear on this
7 product?
8 A I don't know the entire PetSmart team
9 that was involved.
10 Q Well, did you have a direct person at
11 PetSmart that you dealt with on a regular basis
12 to develop this product line for them?
13 A Yes.
14 Q And who was that person?
15 A I do not recall her name. I have it
16 in my office, but she's no longer there.
17 Q She's no longer with PetSmart?
18 A That's correct.
19 Q Do you know where she's at now?
20 A I do not.
21 Q Do you know which PetSmart offices
22 she worked at?
23 A She works -- she worked at their
24 headquarters.
25 Q Where is that located?

1 BY MR. FRIEDMAN:
2 Q You're saying you don't have the
3 materials on your computers or are you saying,
4 what? I'm not sure exactly.
5 A I'm saying I don't have the ad on my
6 computer.
7 Q Who would have a copy of the ad?
8 A Maybe the magazine. And I don't
9 recall the specifics. I don't know if it was
10 an ad, or they mentioned my product in the
11 magazine. I don't know if I paid for it, or if
12 they just mentioned it.
13 Q Now other than that one particular
14 ad, do you have any other promotional materials
15 that you have developed for the Prince Lorenzo
16 Borghese La Dolce Vita product line?
17 A To clarify, the ad was not for La
18 Dolce Vita. And to answer your question, no.
19 Q Now do you have any website to
20 promote the Prince Lorenzo Borghese La Dolce
21 Vita product?
22 MR. RASKOPF: Objection to the form
23 of the question.
24 You may answer.
25 THE WITNESS: No.

1 trademark office was submitted with your
2 declaration, okay. And obviously, it was done
3 with your approval, okay?
4 MR. RASKOPF: Ah -- okay.
5 MR. FRIEDMAN: Okay.
6 MR. RASKOPF: I object to the
7 characterization.
8 MR. FRIEDMAN: That's fine.
9 BY MR. FRIEDMAN:
10 Q Now referring back to my question.
11 Do you have an opinion, sitting here
12 today, what is the dominant portion of your
13 trademark application?
14 A I believe, as a whole, the original
15 dominant portion which is stated here.
16 Q You see that stated there?
17 A That's how I read it.
18 Q Now, it's your declaration that's
19 assigned to this document and the submission.
20 You realize that when this submission was
21 made to the trademark office you did so knowing
22 the ramifications of what this declaration
23 stood for?
24 A Yes.
25 Q And you understand, as you sit here

1 today, that you are again under oath and the
2 ramifications that exist with that?
3 A That is correct.
4 Q And, nevertheless, you're saying
5 today that the mark as a whole is the
6 predominant portion, not "Prince Lorenzo
7 Borghese"?
8 MR. RASKOPF: That's not what his
9 testimony was. That's not his
10 characterization of the testimony.
11 BY MR. FRIEDMAN:
12 Q Now, I'm going to read again from
13 page 6:
14 "The Prince Lorenzo Borghese portion of
15 the mark is even more predominant, and
16 eliminates any likelihood of confusion."
17 Okay? Even more predominant than what?
18 Is the question I have.
19 A I don't know. Ask my attorney.
20 Q Well, this submission was made under
21 your direction and with your declaration. You
22 knew what it said.
23 MR. RASKOPF: That's not what the
24 witness said.
25

1 BY MR. FRIEDMAN:
2 Q Well, if it's made to the trademark
3 office under oath from you, you had to have
4 known what this said.
5 Did you review it?
6 A I answered your question. The way I
7 read it is that the trademark, as a whole, does
8 not create confusion. Period. I'm not an
9 attorney, I don't write like attorneys do.
10 That's how I understood it.
11 Q Now with respect to Multi Media
12 Exposure, other than the pet shampoo products,
13 do you also sell pet carriers or handbags for
14 pets?
15 A I did.
16 Q You don't sell those products any
17 more?
18 A They are still sold.
19 Q Are they sold under the Prince
20 Lorenzo Borghese La Dolce Vita mark?
21 A No.
22 Q What mark were they sold under?
23 A They were sold under a Royal
24 Treatment show. I don't know if they were
25 branded my products.

1 pulled shows the evidence.
2 BY MR. FRIEDMAN:
3 Q Now has Multi Media Exposure, in
4 connection with their manufacturers received
5 any evidence of testing as far as human pH
6 versus animal pH?
7 A Yes.
8 MR. RASKOPF: Objection. I object to
9 the form of the question.
10 THE WITNESS: I'm sorry, and also I
11 thought you meant if I tested it. What
12 is your -- can you repeat your question?
13 Has Multi Media Exposure, what?
14 BY MR. FRIEDMAN:
15 Q Has Multi Media Exposure's
16 manufacturers conducted any testing of pH
17 levels in dogs as compared to skin that you've
18 been supplied with as far as results?
19 MR. RASKOPF: I object to the form of
20 the question.
21 MR. FRIEDMAN: You can answer.
22 THE WITNESS: I believe my
23 manufacturer has done so.
24 BY MR. FRIEDMAN:
25 Q Do you have any copies of reports to

1 support that belief?
2 MR. RASKOPF: Objection to the form
3 of the question.
4 THE WITNESS: No.
5 BY MR. FRIEDMAN:
6 Q Have you ever requested those
7 reports?
8 A No.
9 Q Okay, now, let's take the next line
10 in here: "Human skin is acidic, while dog skin
11 is alkaline."
12 Once again, did you or Multi Media
13 Exposure commission any testing with result to
14 that claim?
15 A Again, it's not necessary.
16 Q And you base that on your Internet
17 research?
18 A I'm sorry?
19 Q And you base that on your Internet
20 research?
21 A Among other things.
22 Q And the "among other things" is your
23 discussions with veterinarians?
24 A That is correct.
25 Q How many veterinarians have you

1 surveyed in connection with these studies?
2 MR. RASKOPF: Objection to the form
3 of the question.
4 MR. FRIEDMAN: You can answer.
5 THE WITNESS: I don't recall.
6 Dozens.
7 BY MR. FRIEDMAN:
8 Q Dozens?
9 A Yes.
10 Q And have these people provided you
11 with any written statement in support of this
12 conclusion about skin acidity and alkaline
13 levels?
14 A Yes.
15 Q They have?
16 A Yes.
17 Q And you have those records back in
18 Multi Media Exposure?
19 A That is correct.
20 MR. FRIEDMAN: Okay, we're going to
21 ask you to produce those documents.
22 MR. RASKOPF: Taken under advisement.
23 MR. FRIEDMAN: Thank you. We will
24 send you a written confirmation.
25 MR. RASKOPF: We'll take that under

1 to state there.
2 A Sure. The last word "pet" should
3 have been "stores" on the last page -- on the
4 first page.
5 Q Okay. Now referring towards the end
6 of paragraph 3: "Applicant does not intend to
7 sell its goods in spas for people, department
8 stores, drug stores or pharmacies."
9 You go on further to say that, "Even if
10 applicant's goods were sold in such stores, pet
11 goods would be in a separate section and apart
12 from the pharmacy, beauty or bath and body
13 products departments of any such stores."
14 Have you conducted any surveys in
15 connection with the placement of goods in those
16 types of stores to make that statement?
17 MR. RASKOPF: Note my objection to
18 the form of the question.
19 MR. FRIEDMAN: You can answer.
20 THE WITNESS: No.
21 BY MR. FRIEDMAN:
22 Q Have you ever visited a Kiehls store
23 when you went to buy shaving cream?
24 A I have never been in a Kiehls store.
25 Q Okay. Have you been in drug stores

1 where you saw pet supplies and human supplies
2 together?
3 A No.
4 Q Do you have any data to support the
5 conclusion that you made that they would be in
6 separate areas or departments?
7 MR. RASKOPF: Note my objection to
8 the form.
9 THE WITNESS: My personal experience.
10 BY MR. FRIEDMAN:
11 Q And what drug stores have you been
12 to, what companies?
13 MR. RASKOPF: Objection to the form
14 of the question.
15 BY MR. FRIEDMAN:
16 Q Well, do you recognize that drug
17 stores or pharmacies sell both human care
18 products as well as pet care products?
19 A No.
20 Q You don't know that to be a fact?
21 A No.
22 Q Well, why would you want to have your
23 product sold in those types of stores then?
24 A I never said I would.
25 Q Okay, but you said if you intended

1 to. So my question is: Would you ever want
2 your products in a drug store or pharmacy?
3 MR. RASKOPF: Objection to the form
4 of the question.
5 MR. FRIEDMAN: You can answer.
6 THE WITNESS: I have never thought of
7 having my products there, no.
8 MR. FRIEDMAN: Okay. I'm going to
9 show you now what I'm going to have marked
10 as Exhibit 19.
11 (Exhibit 19 marked for
12 identification.)
13 BY MR. FRIEDMAN:
14 Q If you could take a look at the
15 exhibit.
16 A (Referring to document.) Um hum.
17 Q What do you recognize this exhibit to
18 be?
19 A It looks like a Rite Aid website.
20 Q And you're familiar with Rite Aid?
21 A Yes.
22 Q It's a drug store or pharmacy?
23 A I think it's a drug store.
24 Q Okay. And if you could look through
25 the exhibit, I think you would notice that

1 there are pet products, shampoos and such that
2 are being offered for sale, as well as human
3 shampoo products being offered for sale from
4 the same source, Rite Aid.
5 Do you recognize that to be the case?
6 A Yes, in two different departments.
7 Q Maybe you could explain.
8 A One says "pet store" and one says
9 "hair care".
10 Q You're saying that as far as the
11 browse terms are concerned?
12 A I'm saying what I see. I see two
13 different sections.
14 Q Okay. Well, looking at the address
15 bars as they appear at the bottom of the pages.
16 And I believe it's consistent as far as what
17 website all of these products are obtained
18 from -- or all of these printouts, rather, are
19 obtained from.
20 Do you recognize this to be the Rite Aid
21 website for all of the products within this
22 exhibit?
23 MR. RASKOPF: Objection to the form
24 of the question.
25 THE WITNESS: I don't know. I have

# EXHIBIT G

**EXHIBIT G**

To Second Declaration of Jolie Apicella

Applicant's Memorandum of Law In Opposition to
Opposer's Cross Motion for Summary Judgment

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

Web Images Videos Maps News **Shopping** Gmail more ▼

My Shopping List

Google products "pet shampoo"

Search Products | Search the Web | Advanced Product Searc Preferences

**Products**

Results **1** - **10** of about **2,353** for **"pet shampoo"**. (**0.16** seconds)

Show only:
- Google Checkout
- Free shipping
- New items

› **Any category**
- Pet Supplies
  - Dog Supplies
  - Cat Supplies
- Shampoos & Conditioners

› **Any price**
- Under $15
- $15 - $30
- $30 - $45
- Over $45
- $ to $ Go

› **Any brand**
- Earthbath
- Aubrey Organics
- Tomlyn
- Brandess-Kalt-Aetna Gr. .
- Lambert Kay
- More »

› **Any store**
- Amazon.com

Sponsored Links

Shampoo for Your Pet
www WorldwideOrganics.net Simple & effective cleaning power leaving your pet smelling great!

Pet Care - Save Up to 50%
PetCareRx.com Free Shipping on Orders Over $35 $5 Off To The First 300 Customers.

Tax and shipping for New York, NY 10002 - Change

Sort by: Relevance

**Pet Shampoo** & Pet Supplies Hot Spot Shampoo & Spray
Developed by a veterinarian to give your pet fast relief. Tea Tree Oil and other natural ingredients provide relief from itching, scratching, and sore skin caused by flea and ..
Add to Shopping List

**$7** new
from 19 sellers
Compare prices
30 nearby stores

Ooh-La-La! Spa White Coat Dog Shampoo
16 fl.oz. shampoo is specially formulated for dogs with white coats. Birch extract whitens dingy white, yellowing and faded color coats. ...
Add to Shopping List

**$5.99** new
PETCO
★★★★½ 6,473 seller ratings
30 nearby stores

Earthbath Totally Natural **Pet Shampoo** Hypo Allergenic 16 fl. oz.
Earthbath Shampoo HypoAllergenic, 16 fl.oz bottle, from Earthbath Some of our beloved furry friends have skin allergies and sensitivities that can make it difficult to get ...
10 reviews - Add to Shopping List

**$8** new
from 18 sellers
Compare prices
30 nearby stores

Petpromise Comfort Wash Natural **Pet Shampoo** -- 16 fl oz
Includes oatmeal to help soothe and moisturize dry, itchy skin while Aloe Vera and Vitamin E nourish and restore a lustrous coat. Soap free formula will not impact Spot on

**$7** new
from 9 sellers
Compare prices

PETCO
Buy.com
Target
PetSmart.com
More »

flea ...
Add to Shopping List

30 nearby stores

(2 Pack)-Vermont Soap Organics-Chemical Free **Pet Shampoo**--2 Pack-( ...
... colors, or antimicrobial preservatives are used in Vermont Soap Organics **Pet Shampoo**, the possibility of sensitivity reactions is greatly reduced. ....
Add to Shopping List

**$19.96** new
Amazon.com
★★★★½ 4,187 seller ratings

Aubrey Organics Organimals **Pet Shampoo** for Dogs - 8 oz.
Made with Pennyroyal 100% Natural Ingredients Vegan Organimals Shampoo for Dogs cleans, deodorizes and conditions your dog's coat and helps keep it healthy and pest-free ...
Add to Shopping List

**$6** new
from 8 sellers
Compare prices
30 nearby stores

Petpromise Gentle Touch Natural **Pet Shampoo** -- 16 fl oz
Tearless formula contains natural fruits and Vitamin E brings moisture to your pet's skin and nourishment to the coat. Soap free formula will not impact Spot-on flea products. ...
Add to Shopping List

**$7** new
from 9 sellers
Compare prices
30 nearby stores

Petpromise Hypo Allergenic Natural **Pet Shampoo** -- 16 fl oz
Gentle coconut will help soothe sensitive skin while Aloe Vera and Vitamin E nourish and restore a lustrous coat. Soap free formula will not impact Spot-on flea products. ...
Add to Shopping List

**$7** new
from 9 sellers
Compare prices
30 nearby stores

FURminator Inc 00147 FURMNT No Wa
The Furminator Waterless deShedding Shampoo and Conditioner for Dogs and Cats works to release dirt, debris, dander and allergens to leave your pet with a fresh clean coat

**$8** new
from 22 sellers
Compare prices

36 reviews - Add to Shopping List

30 nearby stores

Earthbath **Pet Shampoo** Tea Tree Oil and Aloe 16 oz

Natural anti-inflammatory oils and soothing emollients help speed the healing of itchy, chafed skin and hot spots caused by flea bites, dandruff, or other dermatitis Your pet ...

10 reviews - Add to Shopping List

**$8** new
from 18 sellers

Compare prices

30 nearby stores

Searches related to: **"pet shampoo"**

pet **head** shampoo

**Refine**

Shop by brand

Earthbath

Aubrey Organics

Tomlyn

Brandess-Kalt-...

Lambert Kay

Sponsored Links

Pup-Peroni® Coupon
PupPeroni.com Save on Pup-Peroni® Dog Treats. Download a Free Printable Coupon.

**Pet Shampoo**
1800PetMeds.com Up To 25% Off **Pet Shampoo**. Free Shipping over $39. Order Now!

**Pet Shampoo**
www.ZorbX.com/Clean_Pet Pet Stinks? Wash Him With Our Safe And Guaranteed Bath Products!

1 2 3 4 5 6 7 8 9 10 **Next**

---

"pet shampoo" Search Products Search the Web

Accepts Google Checkout - Information for Merchants - Help

---

Google Home - Advertising Solutions - Business Solutions - Privacy - About Google

Google does not charge for inclusion in its search results and all advertisements are clearly marked.
Tax and shipping costs are estimates.

# EXHIBIT H

**EXHIBIT H**

To Second Declaration of Jolie Apicella

Applicant's Memorandum of Law In Opposition to
Opposer's Cross Motion for Summary Judgment

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

# RITE AID

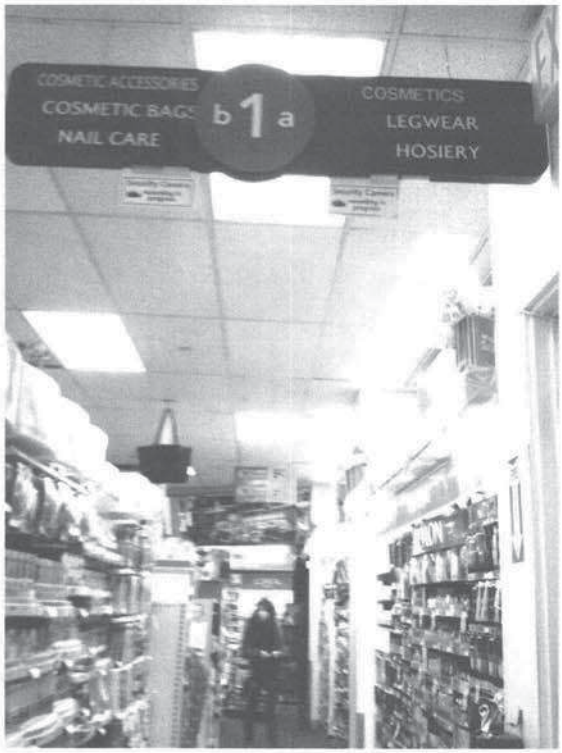
1
nail care
fragrances
cosmetic bags
cosmetics

2
professional hair care
hair styling
shampoo
bar soap

3
bath
skin care
hosiery
hair care

8
paperback books
batteries
pet
household appliances

# CVS


COSMETIC ACCESSORIES
COSMETIC BAGS
NAIL CARE
b 1 a
COSMETICS
LEGWEAR
HOSIERY

SALON HAIR CARE
HAIR STYLING
HAIR ACCESSORIES
a 3 b

BOOKS MAGAZINES
PET NEEDS
PAPER PLATES
b 10 a
CLEANERS
LAUNDRY NEEDS
PAPER GOODS

# EXHIBIT I

**EXHIBIT I**

To Second Declaration of Jolie Apicella

Applicant's Memorandum of Law In Opposition to
Opposer's Cross Motion for Summary Judgment

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

Search Results | Walgreens - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Search Favorites

Address http://www.walgreens.com/search/results.jsp?Ntt=dog+shampoo Go

Links Lexis Postini QE Citrix QE Webmail Quinn Emanue Quinn Training WestLaw Sign-On

Walgreens

→ Store Locator

Log in to access your profile or register

Username Password GO → need help?

pharmacy clinic health info photo shop search GO

beauty health & well being home medical personal care contact lens health shops seasonal view all save

Free Shipping at $25 & Easy Returns → Learn more

shopping list cart 0

Clear all selections

Search Results

Refine Your Results

Your search for "dog shampoo" returned 14 results.

Product Category

Cats (2)

Product Type

Flea (7)
Grooming (5)
Litter Box (1)
Tick & Deworming (2)

Brand

- Adams (2)
- Best Pet Health (1)
- Bio Spot (2)
- Canus (2)
- Hartz (2)
- Lambert Kay (2)
- Natural Chemistry (1)
- Scratchex (1)

Price

Select a price range

min to max

Special Values

- New Item (7)
- Web Exclusive (10)

Products (13) Articles and Videos (1)

13 Items Sort By: Top Sellers Items Per Page 12

View: Grid List Online | In Stores 1 | 2

Bio Spot Flea & Tick Shampoo for Dogs 12oz
Size/Count 12 0oz

Price$19.99

New Item
Availability:
✓ Online
! In Store Not Sold in Stores
Ships in 3 business days

ADD TO CART

Save to Shopping List

Hartz Ultra Guard Rid Flea & Tick Shampoo for Dogs, Fresh Scent
Size/Count 18 0oz

Price$5.99

Availability:
✓ Online Free Shipping Eligible
✓ In Store Find in Store
Ships in 1 to 2 business days

ADD TO CART

Save to Shopping List

Internet

reens - Microsoft Internet Explorer

s Tools Help

Search Favorites

Address http://www.walgreens.com/search/results.jsp?Ntt=dog+shampoo

QE Citrix QE Webmail Quinn Emanuel Quinn Training WestLaw Sign-On

Walgreens

→ Store Locator

Log in to access your profile or register

Username Password GO → need help?

pharmacy clinic health info photo shop

search GO

beauty health & well being home medical personal care contact lens health shops seasonal view all save weekly ad

Free Shipping at $25 & Easy Returns → Learn more

shopping list cart 0

Clear all selections

Home

Search Results

Refine Your Results

Product Category

Your search for "dog shampoo" returned 14 results.

Products (13) Articles and Videos (1)

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

----------X

| | |
|---|---|
| Borghese Trademarks, Inc. | **Opposition No.: 91189629** |
| Opposer, | Mark: PRINCE LORENZO BORGHESE'S LA DOLCE VITA |
| v. | |
| Multi Media Exposure, Inc. | Appl. Serial No.: 77/435,171 |
| Applicant. | **THIRD DECLARATION OF LORENZO BORGHESE** |

----------X

LORENZO BORGHESE, under penalty of perjury, hereby declares and says:

1. I am the Vice President of Applicant Multi-Media Exposure, Inc. and make this Declaration in support of Applicant's Memorandum of Law in opposition to Opposer's Cross Motion for Summary Judgment. I make this declaration based on personal knowledge.

2. In 2007, PetSmart approached me about creating a private label that would be sold exclusively at PetSmart stores and on PetSmart's internet website. In response to their request, I designed the LA DOLCE VITA brand of pet-care products especially for PetSmart.

3. In November, 2008, the LA DOLCE VITA product line launched under the name LA DOLCE VITA BY PRINCE LORENZO BORGHESE. PetSmart will also sell these same products under the name PRINCE LORENZO BORGHESE'S LA DOLCE VITA. The graphics for both versions of the trademark are substantively the same. Attached hereto as Exhibit A are true and correct copies of the current labels for the LA DOLCE VITA product line.

4. The font and style of the LA DOLCE VITA product labels are similar to and consistent with the labels on my Royal Treatment® and Italian Pet Spa™ product lines, which launched in 2002 (Royal Treatment Natural Pet Formulas) and 2007 (Italian Pet Spa), and which are not the subject of the application at issue in this matter. I personally and intentionally created a label for the LA DOLCE VITA brand that would look similar to my previous product lines, because I wanted to make my brands easily identifiable with me. The labels for Royal Treatment® and Italian

Pet Spa™ all use my full name. Attached hereto as Exhibit B are true and correct copies of the labels for the Royal Treatment® and Italian Pet Spa™ product lines.

5. The LA DOLCE VITA products are sold only in retail PetSmart stores. In the future, they will also be sold on PetSmart's website, <<http://www.petsmart.com>>, but they are not sold there at present. As a private-label line, they will not be sold anywhere other than PetSmart.

6. PetSmart selected me to create the LA DOLCE VITA product line for their stores because I have been making and selling pet-grooming products since 2002 and have earned notoriety in the pet-care industry. For example, I promoted and sold the Royal Treatment® brand of pet products on Home Shopping Network ("HSN") television for the past eight years. I am the top grossing pet vendor for sales of his Royal Treatment® line of products at the HSN and the only pet vendor on the HSN to hosts a one hour show and maintains a "branded web page." In connection with my knowledge of pet grooming and to promote my products, I have been featured in a number of national and international television programs and media articles. I am also often asked by various media outlets to make appearances and provide my opinion on pet care. I have worked with The American Society for the Prevention of Cruelty to Animals (ASPCA), The North Shore Animal League, The American Humane Association and The Animal Care and Control of New York City. In addition, I created and maintain a social networking pet site called Nuzzleplanet.com, <<http://nuzzleplanet.com>>, which is a free online community for pet lovers and their pets to meet, as well as an informational and retail site called Royalpetclub.com, <http://royalpetclub.com>>, which provides viewers with pet blogs, pet health articles, and subscribers with free weekly newsletter emails. I have posted some of the articles and clips from some of the television shows that have featured me on my Royal Pet Club website at http://www.royalpetclub.com/Press.htmlpress. Attached hereto as Exhibit C is a print out of the press page and select articles that are posted on this website.

7. PetSmart does not mention my grandmother, Marcella Borghese, or my family history to advertise, market, or otherwise promote the LA DOLCE VITA products.

8. I removed a reference to my grandmother, the late Marcella Borghese, from my website www.getroyaltreatment.com as a good faith gesture to resolve Borghese Trademark Inc.'s assertion that my mention of her name was somehow improper.

9. In past television appearances to promote my Royal Treatment® line of pet products, I have stated that people can use these products on themselves only to explain that the products are gentle and will not harm dog owners when applying the products to their pets. Human skin is less delicate and sensitive than dogs' skin and will not be irritated by my wholesome pet products. All my products, however, are designed only for use on animals. The textual information on my product labels makes clear that they are for pets, as does the explicit warning that reads, "FOR TOPICAL USE ON ANIMAL ONLY." Attached hereto as Exhibit D are true and correct copies of the portion of the label for the LA DOLCE VITA products that provides the product description and warning.

10. Borghese is my family's name. I am descended from an Italian noble family that has a history of prominent individuals, including popes, cardinals, and notable members of the aristocracy. Streets, museums, parks, gardens, and palaces in Rome, Italy are called "Borghese" after my ancestors.

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

Executed in College Station, Texas on the 10th day of March, 2010.

Lorenzo Borghese

# EXHIBIT A

**EXHIBIT A**

To Third Declaration of Lorenzo Borghese

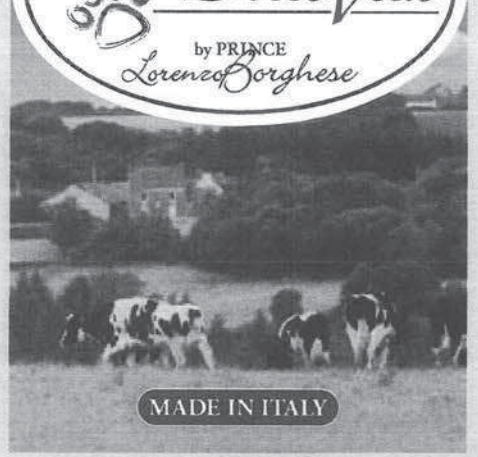
Applicant's Memorandum of Law In Opposition to
Opposer's Cross Motion for Summary Judgment

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

MOISTURIZING
# CREAM

VANILLA BEAN AND MILK

la Dolce Vita
by PRINCE
Lorenzo Borghese



MADE IN ITALY

1.7 fl.oz. 50 ml e

La Dolce Vita consists of scientifically formulated bath and body products for pets. All recipes are created in the hills of Italy using the highest quality ingredients from Mother Nature. This gentle cream moisturizes and soothes the paws, elbows and other dry spots. Quick drying formula helps to keep furniture safe from stains. It's the key to the good life! **TO USE:** Apply cream to fingertips and gently massage on dog's clean paw, elbows or other dry spots. Use several times a day, if needed. **CONTAINS: Vanilla, Milk Protein, Oat Protein, Silk and Almond Protein.**

WARNING: NOT A FOOD PRODUCT. FOR TOPICAL USE ON ANIMALS ONLY. KEEP AWAY FROM CHILDREN. DISCONTINUE USE IF IRRITATION DEVELOPS. STORE AT ROOM TEMPERATURE. AGAINST CRUELTY TO ANIMALS.

INGREDIENTS: AQUA (WATER), GLYCERIN, CYCLOPENTASILOXANE, PROPYLHEPTYL CAPRYLATE, PARFUM (FRAGRANCE), SIMMONDSIA CHINENSIS (SIMMONDSIA CHINENSIS (JOJOBA) SEED OIL), COCOGLYCERIDES, SODIUM POLYACRYLATE, PHENOXYETHANOL, MYRISTYL ALCOHOL, IMIDAZOLIDINYL UREA, OLUS, ALLANTOIN, PANTHENOL, HYDROLYZED SWEET ALMOND PROTEIN, HYDROLYZED MILK PROTEIN, HYDROLYZED OAT PROTEIN, HYDROLYZED SILK, TETRASODIUM EDTA, METHYLPARABEN, BUTYLPARABEN, ETHYLPARABEN, ISOBUTYLPABEN, PROPYLPARABEN, CI 15985 (FD&C YELLOW NO.6).

PS02-04-001 - DISTRIBUTED BY:
**MME, Inc.** - Bernardsville, NJ 07924

www.getroyaltreatment.com - www.nuzzleplanet.com

8 977369 000735

NO CRUELTY

PE

12 M

MOISTURIZING
# CREAM

MEDITERRANEAN SEA

la Dolce Vita
by PRINCE Lorenzo Borghese

1.7 fl.oz. 50 ml ℮

8 97739 00078 0

La Dolce Vita consists of scientifically formulated bath and body products for pets. All recipes are created in the hills of Italy using the highest quality ingredients from Mother Nature. This gentle cream moisturizes and soothes paws, elbows and other dry spots. Quick drying formula helps to keep furniture safe from stains. It's the key to the good life! **TO USE:** Apply cream to fingertips and gently massage on dog's clean paw, elbows or other dry spots. Use several times a day, if needed. **CONTAINS: Algae Peptides, Marine Trace Elements, Aloe Vera, Cucumber and Silk Proteins.**

WARNING: NOT A FOOD PRODUCT. FOR TOPICAL USE ON ANIMALS ONLY. KEEP AWAY FROM CHILDREN. DISCONTINUE USE IF IRRITATION DEVELOPS. STORE AT ROOM TEMPERATURE. AGAINST CRUELTY TO ANIMALS.

INGREDIENTS: AQUA (WATER), GLYCERIN, CYCLOPENTASILOXANE, PROPYLHEPTYL CAPRYLATE, PARFUM (FRAGRANCE), SIMMIONDSIA CHINENSIS (SIMMONDSIA CHINENSIS (JOJOBA) SEED OIL), COCOGLYCERIDES, SODIUM POLYACRYLATE, PHENOXYETHANOL, MYRISTYL ALCOHOL, IMIDAZOLIDINYL UREA, OLUS, ALLANTOIN, PANTHENOL, TETRASODIUM EDTA, CARRAGEENAN (CHONDRUS CRISPUS), ALOE BARBADENSIS EXTRACT (LEAF) EXTRACT, CUCUMIS SATIVUS EXTRACT (CUCUMIS SATIVUS (CUCUMBER) FRUIT EXTRACT), HYDROLYZED SILK, CALCIUM GLUCONATE, GLUCOSAMINE HCL, HYDROLYZED ACTIN, MANNITOL, SODIUM CHLORIDE, SODIUM GLUCURONATE, SORBITOL, METHYLPARABEN, BUTYLPARABEN, ETHYLPARABEN, ISOBUTYLPABEN, PROPYLPARABEN, CI 42090 (FD&C BLUE NO.1).

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ULTRA-MOISTURIZING
SPRITZ
TEARLESS
VANILLA BEAN AND MILK
la Dolce Vita
MADE IN ITALY
6.7 fl.oz.

La Dolce Vita consists of scientifically formulated bath and body products for pets. All recipes are created in the hills of Italy using the highest quality ingredients from Mother Nature. This bath spritz combines hydrating Milk Proteins and Italian Vanilla to moisturize the skin and soften the coat, keeping it smooth and shiny. Quick-drying and suitable for daily use, it keeps your dog refreshed, smelling fantastico and living the good life in between baths. **TO USE:** Shake product well and mist entire coat until lightly damp. Stroke through gently with soft bristle brush, comb or hand. Rinsing is not required. **CONTAINS: Milk Protein, Oat Protein, Silk Protein, Almond Protein and Vanilla.**

WARNING: PRODUCT IS BEST SUITED FOR DOGS. FOR TOPICAL USE ONLY. DISCONTINUE USE IF IRRITATION DEVELOPS. KEEP OUT OF CHILDREN'S REACH. STORE AT ROOM TEMPERATURE. AGAINST CRUELTY TO ANIMALS.

INGREDIENTS: AQUA (WA[illegible]), PEG-26-BUTETH-26, PEG-40 HYDROGENATED CASTOR [illegible] PARFUM (FRAGRANCE), PEG/PPG 20/6 DIMETHICONE, BUT[illegible] METHOXYDIBENZOYLMETHANE, ETHYLHEXYL METHOXY[illegible]NAMATE, HYDROLYZED OAT PROTEIN, HYDROLYZED S[illegible], HYDROLYZED SWEET ALMOND PROTEIN, DEXTRIN, VAN[illegible] PLANIFOLIA EXTRACT (VANILLA PLANIFOLIA FRUIT EXTR[illegible]), HYDROLYZED MILK PROTEIN, GLYCERIN, DMDM HYD[illegible]TOIN, IODOPROPYNYL BUTYL-CARBAMATE, CI 15985 ([illegible]C YELLOW NO.6).

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# EXHIBIT B

**EXHIBIT B**

To Third Declaration of Lorenzo Borghese

Applicant's Memorandum of Law In Opposition to
Opposer's Cross Motion for Summary Judgment

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

by PRINCE
Lorenzo Borghese
Royal Treatment
italian pet spa
ITALIAN
PINK
GRAPEFRUIT
CONDITIONER
MOIS URIZING
DET NGLER
100% ORGA C GRAPEFRUIT
MAD N ITALY
8.4 fl.oz 250 ml e

by PRINCE
Lorenzo Borghese

Royal Treatment
italian pet spa

# ITALIAN PINK GRAPEFRUIT

# CONDITIONER

MOISTURIZING
DETANGLER

100% ORGANIC GRAPEFRUIT

MADE IN ITALY

8.4 fl.oz. 250 ml e

by PRINCE
Lorenzo Borghese
ITALIAN
PET SPA
MADE IN ITALY
Italian Honey
& Lavender
DAILY SPRITZ
ULTRA-MOISTURIZING
250 ml e
8.4 fl oz
EXCLUSIVELY AT PETCO

by PRINCE
Lorenzo Borghese
ITALIAN
PET SPA
MADE IN ITALY

# EXHIBIT C

**EXHIBIT C**

To Third Declaration of Lorenzo Borghese

Applicant's Memorandum of Law In Opposition to
Opposer's Cross Motion for Summary Judgment

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

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**12:15:2009** - Royal Pet Club Featured in American Humane Review

**Fall 2009** - Filming in Central Park on Scene in the Pet Scene

**Fall 2009** - The National Humane Review writes about Prince Lorenzo Borghese and Royal Pet Club's Generous Donations with Free Orders

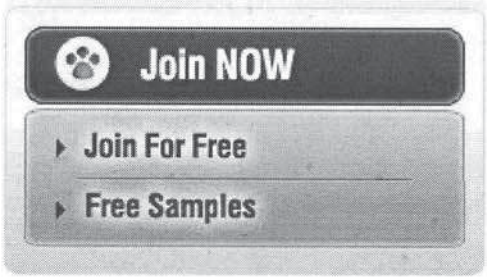
**Fall 2009** - Off Lead Animal & Behavior Magazine writes about Royal Pet Club

**09:11:2009** - Organic Italian Virgin Olive Oil Instant Bath Spritz in Haute or Not at PetMD.com

**09:11:2009** - People Pets Magazine writes about Prince Lorenzo Borghese and America's Next Top Dog: The Princess

**September 2009** - Orlando Style Magazine writes about Miss America's Outstanding Teen judged by Prince Lorenzo Borghese and ot

**Summer 2009** - Royal Pet Club appears in ASPCA Action Magazine




**08:18:2009** - Lorenzo Borghese on Fox News for America's Next Princess
**08:17:2009** - Royal Pet Club appears on American Humane Web Site
**08:17:2009** - Royal Pet Club appears on North Shore Animal League America Web Site
**08:17:2009** - America's Next Top Dog: The Princess in the Daily News' Gatecrash
**08:14:2009** - America's Next Princess on PIX Morning News
**08:13:2009** - Bachelor Prince Lorenzo Borghese unveils fun new reality series in Nose to the Ground at fetchdog.com
**08:11:2009** - Royal Pet Club appears in Haute or Not at PetMD.com
**08:04:2009** - America's Next Princess in Haute or Not at PetMD.com
**07:31:2009** - America's Next Princess on ABC News
**07:27:2009** - Web-based show AmericasNextPrincess.com in The New York Post
**05:30:2009** - Everyday with Rachael Ray

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**05:28:2008** - Lorenzo Borghese on ABC News
**05:05:2008** - Royal Treatment on ABC News
**Spring 2008** - Florida Dog 2008
**03:28:2008** - ABC - Good Morning America
**03:07:2008** - Royal Treatment on ABC News
**Winter:2008** - Feature in Pet Product Scoop

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**12:2007** - Feature in Florida Monthly
**02:2007**- Feature in Image
**Winter 2007** - Feature in Pet Elite
**Fall 2007** - Feature in Wired Pet
**06:04:2007** - Feature in Cosmetic World
**01:12:2007** - Feature in Home Accents

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2006 - Lorenzo Borghese, founder of The Royal Treatment Italian Pet Spa, on Ellen

2006 - Feature in Animal Fair

2006 - Feature in People Magazine

12:27:2006 - Feature in Global Chic Fashion Magazine

11:27:2006 - Lorenzo Borghese, founder of The Royal Treatment Italian Pet Spa, on Live! with Regis & Kelly

10:30:2006 - Feature in Entrepreneurs.About.com

10:20:2006 - Lorenzo Borghese, founder of The Royal Treatment Italian Pet Spa, on Jimmy Kimmel

10:16:2006 - Lorenzo Borghese, founder of The Royal Treatment Italian Pet Spa, on The Insider

10:2006 - Feature in Pet Style News

10:02:2006 - Lorenzo Borghese, founder of The Royal Treatment Italian Pet Spa, on Live! with Regis & Kelly

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11:01:2005 - Feature in Dog Fancy Magazine

10:01:2005 - Feature in BeautyNewsNYC.com

2005 - Feature in WWDBeautyBiz Magazine

08:01:2005 - Feature in Groomer to Groomer Magazine

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3:02:2004 - New feature in Animal Wellness Magazine

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12:02:2003 - Feature In Animal Wellness Magazine

11:02:2003 - Feature In Animal Fair Magazine

10:27:2003 - Feature In the Pampered Pet Section in Home Accents Today

10:16:2003 - Feature In the Fresh Picks Section in Quest Magazine

09:14:2003 - Before & After PIX

08:30:2006 - Feature in From House to Home

07:01:2003 - Royal Treatment Pet Products "Pampering Your Pooch" segment of WNBC-TV's TODAY IN NEW YORK

## Partners

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WORLD'S LARGEST NO-KILL RESCUE NURTURE ADOPTION SHELTER

The Prince is back, but this time, he's a dog. Bond, a wealthy Maltipoo, is on a 10-week mission to find his Princess with former ABC Bachelor, Prince Lorenzo Borghese, at the helm. The new web 10-week reality series, which had been called "America's Next Princess," launched on August 17th at 8 PM Eastern, at www.americasnextprincess.com. **Viewers were shocked as they tuned in *not* to see Lorenzo Borghese find *his* next Princess, but rather to find an adorable maltipoo looking for *his* next Princess**. This clever and hilarious webisode series pokes fun of reality shows and celebrities using dogs as characters. Once the show aired, the name was properly changed to: "America's Next Top Dog, The Princess."

Borghese starred on the 9th season of ABC's *The Bachelor*, and found love. But it didn't last. Now, Borghese is the executive producer and co-creator of his own web reality series in **an effort to raise awareness and money for two of Borghese's favorite not-for-profit entities, one of which is North Shore Animal League America**, the world's largest no-kill animal rescue and adoption organization and the home of the *Mutt-i-gree*™, America's shelter dog. As pets are Borghese's passion, the episodes draw light upon animals and their importance to each and every one of us.

Borghese is aiming to combat the neglect of animals in these tough economic times by **donating $1 to North Shore Animal League America for all other orders placed through August 17th, 2010 through his discount pet products retailer, RoyalPetClub.com**.

"This show is intended to make people laugh while bringing light on animals and contributing to causes that will give each and every animal a loving home," says Prince Lorenzo Borghese. "I really wanted to make a difference in the pet world, and what better way than draw light to these charities through humor," says Borghese. His RoyalPetClub.com will be showcasing the webisode series, and will be Prince Borghese's outlet to deliver funds to animal causes in these tough economic times.

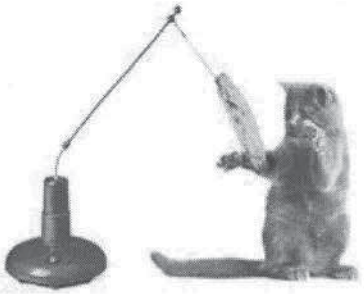
Honey and Oatmeal Shampoo 13.5 oz

Virgin Olive Oil Conditioner 8.4 oz

Lavender & Cashmere Bath Spritz 6.7 oz

Coconut and Vanilla Wipes

Hip & Joint Paw Gel



Swivel Squirrel

For more information about products from Royal Pet Club, please visit:
www.royalpetclub.com

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# The Prince And The Pawed Ones

## When it comes to Royal Treatment, it takes one to know one.

text | Kathryn Casey

Prince Lorenzo Borghese, the scion of the noble Italian family and modern-day beauty dynasty, has set his sights on the realm of pet care and introduced a line of products to revolutionize it.

Dubbed Royal Treatment, the line launched in January 2003 with four products: honey oatmeal shampoo and conditioning spray with olive oil and shea butter; liquid breath mints, and odor-neutralizing spray. Borghese hit on the idea for the line, which is primarily skin-care focused, when he found nothing efficacious for his own dog—a black lab named Belle—who was suffering from dry, irritated skin.

Borghese's object was twofold: optimize pet comfort and help pets smell less like pets. Unfortunately, he found pet cleanliness could be at odds with pet comfort. "Our pets have trouble relubricating their skin," Borghese explains, "because it isn't porous the way ours is." His Royal Treatment products, he says, are specifically pH-balanced for pets' skin and won't strip natural emollients, so pets can be bathed often. Moreover, his products rely on imported fragrance oils such as red currant from France for their fresh, natural scent. As a result, pets are walking room deodorizers rather than lovable affronts.

Today, the Royal Treatment line has grown into a whole suite designed to improve your favorite quadriped's quality of life, and includes nutritional supplements and beds made of orthopedic foam. The latter are available in toile, pink micro-velvet, and, for pets who dream of wilder days, buckskin, bobcat, and jaguar.

All Natural and Environmentally Friendly Formulas To Pamper Your Pet

# LORENZO BORGHESE'S ROYAL TREATMENT

by Meenah P

For Lorenzo Borghese, pets should and treated just as well as humans. With that i has created a new pet product line *Treatment Natural Pet Formulas*. Since he been in the cosmetics industry for some ti ago, for Borghese to enter into this f challenge was in creating the best animal products that was completely different better than those that already existed. Wo some of the best vets, chemists, and representatives available, *Royal Treat* become a premier line that is both all n environmentally friendly. They can co found at specialty pet boutiques and th *Home Shopping Network*.

Lorenzo Borghese is a dog owner b owns a 10 year old Black lab named has got to be one of the best and around, seeing as Borghese uses his to keep his claws and teeth. So, he h shampoos, conditioners, breath p odor-eating sprays available for this fall, the company will re include and release a whole new fragrances, like fresh currant for the vanilla for the winter, along with newer such as aloe paw wipes and flea zappers. *Treatment* is unique because it utilizes t ideas and processes available to best to a pe By using all natural ingredients a environmentally safe, pet owner money's worth since these pro longer and won't irritate your p rather. And every feature and bene product is explicitly stated on the b bottle. As Borghese states, "m owners seem to treat their pets humans than animals. Pets take care now it's time we take care of them. Th the best, so we need to give them the b

But this line isn't all for Borghese. h teaming up with another pet company animal sweaters, accessories, and co matching sets for all those pet needs. In S look out for bright, multi-colored rugby with pompoms attached or the iconic collar up your dog with. Each of these sweaters m Fleece with soft velour to be as soft and your dog. For Borghese, the reasoning dressing our pets is, "pets are already a statement. Pets should be as fashionable owners and wear bright, fun colors. Beside pet deserves a good piece of fine jewelry." S to watch for pet products on the *Home* Network and remember to pamper the ones

Animal Fair M

Animal Fair

Pet Friendly Wine

HOW TO UNDERSTAND WOMEN THROUGH THEIR CATS

HILARY DUFF CUP OF TEA

Reel Pets

# LORENZO BORGHESE

## The "Bachelor" Prince Talks About His Cosmetics Company, Love For Animals, And The Girl Of His Dreams

About.com Entrepreneurs

# Lorenzo Borghese: The Bachelor Prince, the Cosmetics Entrepreneur

From Scott Allen, former About.com Guide

Even without a title of "prince," Lorenzo Borghese would not fall into the category of "pauper." Recently in the news for his appearance on ABC's *The Bachelor*: Rome, Borghese is following in his grandmother's footsteps as a cosmetics entrepreneur and has created his own line of luxury bath and grooming products – only these are for pets.

**Heritage:**

Borghese's ancestors include Pope Paul V and Cardinal Scipione Borghese. His family has had an influence on Italian art, helping create St. Peter's Basilica. His family's name can be found throughout buildings in Italy, including the famed Villa Borghese, Rome's largest public park. Though Italian by birth, Borghese claims to only be able to speak "menu Italian." *The Bachelor* producers reportedly enrolled him in intensive Italian lessons before filming began.

**Growing Up:**

Although Borghese was born in 1972 in Milan, he only lived in Rome and Italy until he was five, when his family moved to Connecticut. He has lived in Manhattan since 1997. Borghese graduated from Rollins College in Winter Park, FL, and later received an MBA from Fordham University in New York.

**The Family Business:**

Borghese's ancestors created homemade cosmetics in their Italian gardens. His grandmother, Marcella Borghese created her own cosmetics, the Princess Marcella Borghese Cosmetics Line, which was eventually incorporated into cosmetics giant Revlon then later sold off to a group of Saudi investors in 1991.

**The Royal Treatment:**

When Belle, his black lab, did not respond well to other pet products, Borghese created his own, using all-natural ingredients in the family tradition. In 2003, Borghese started Royal Treatment, a line of luxury pet care products. Today, the company offers nearly 100 products ranging from shampoos and treats to beds and odor removers. The product development office remains in Italy but Borghese works from New Jersey. His products can be purchased from GetRoyalTreatment.com[1] and other outlets.

Borghese believes the key to success is having a good product that stands out from the many other pet products available. As founder and president of the company, he plays a prominent role in the selection of products to be produced. His company says Borghese is very hands-on, reviewing all labels and colors and smelling the products for approval. Future plans for Royal Treatment include expanding into Asia, launching new fragrances, and creating private label products for various pet stores.

**Other Ventures:**

Borghese's entrepreneurial side doesn't stop with pet cosmetics. Borghese is also a managing partner with his father, Francesco Borghese, at GT Partners, a private label Italian cosmetics company. This New Jersey company sells to major department stores. They have nine different cosmetics lines involving skin care treatment and bath and body products from Italy.

Borghese is also a director for Multimedia Exposure, Inc., a company that works with products for television shopping channels. His brother, Scipione (Skip), is the CEO of the company, which serves as an agent for Live and Taped DirecTV worldwide, specializing in television direct marketing, manufacturing and distributing of client products. MME is involved with manufacturing the raw products, managing the sales, and presenting them on air, both in infomercials and on the shopping networks.

**Following in the Family Footsteps:**

Sure, he's a prince, and now a famous prince after his appearance on *The Bachelor*. But Lorenzo Borghese still remains very active in his companies. All of his Royal Treatment products go through his New Jersey office for approval before hitting the market. Borghese's grandmother started an internationally known cosmetics line, and it's clear Borghese takes after her. Borghese shows that being an entrepreneur doesn't have to involve an entirely new idea – sometimes business success simply involves twisting a familiar business. GT Partners ships cosmetics worldwide. Royal Treatment still creates its recipes in Italy, using natural ingredients much like his ancestors and grandmother. Prince Borghese may be a prince and may be relying on a TV show to find his princess, but he's using his cosmetics history to help create a pet product empire.

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**Links in this article:**

1. http://www.getroyaltreatment.com/

ASPCA WE ARE THEIR VOICE.

## Press Release

### "The Bachelor" Finds True Love: Prince Lorenzo Borghese Adopts ASPCA Pooch

November 14, 2006

ASPCA Media Contact

NEW YORK, November 14, 2006—Prince Lorenzo Borghese, also known as ABC-TV's "The Bachelor," has found true love—in the form of an 8-week-old mixed-breed puppy that he adopted from the ASPCA® (The American Society for the Prevention of Cruelty to Animals®) in Manhattan late Monday afternoon.

The pup arrived with its mother and sister at the ASPCA when it was just two days old and fostered until he was ready for adoption. Prince Borghese calls the pup "Porcini"—because he's as "cute as a little mushroom."

###

Founded in 1866, the ASPCA® (The American Society for the Prevention of Cruelty to Animals®) is the first humane organization established in the Americas and serves as the nation's leading voice for animal welfare. One million supporters strong, the ASPCA's mission is to provide effective means for the prevention of cruelty to animals throughout the United States. As a 501 [c] [3] not-for-profit corporation, the ASPCA is a national leader in the areas of anti-cruelty, community outreach and animal health services. The ASPCA, which is headquartered in New York City, offers a wide range of programs, including a mobile clinic outreach initiative, its own humane law enforcement team, and a groundbreaking veterinary forensics team and mobile animal CSI unit. For more information, please visit www.aspca.org.

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Royal Treatment Natural Pet Formulas (www.getroyaltreatment.com) is the "pet" project of Prince Lorenzo Borghese, grandson of cosmetics creator Princess Marcella Borghese. Lorenzo created Royal Treatment two years ago for his own dog,Belle after extensive research and tapped family connections to develop and obtain the finest ingredients from around the world. The result is a line of pet products of exceptional quality that is more akin to a spa skin treatment for dogs.

Any shampoo can claim that it's all natural – the Food and Drug Administration doesn't regulate pet cleansers unless it's medicated. Also, pet shampoos are not required to list their ingredients on the label. However, Royal Treatment Natural Pet Formulas is sincerely faithful to their holistic philosophy. Their formulas are primarily human grade cosmetic ingredients with no harsh chemicals. Their highly popular Honey Dipped Banana and Oatmeal Tearless Shampoo contains 14 natural ingredients including Jojoba Seed Oil and Olive Oil. None of their product is the result of animal testing and all are vet approved.

Cats can also enjoy the royal treatment. Obviously most kitties hate baths and the water, but you can freshen their coats with the Cooling Cucumber Tearless Spritz or the Papaya and Aloe Wipes. These items are especially handy when you take your pet on vacation.

As for Darby's summer vacation, she loved her trip to the beach and brought home a keepsake, -- she still has her favorite driftwood in her toy box.

Royal Treatment also offer treats, clothes and bedding -- all available on their website www.getroyaltreatment.com.

Also available at
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New York, NY 10128

BeautyNewsNYC.com

Writer Nikki Moustaki interviews Borghese about his product line.

## Bachelor

from Cover

black Lab, Belle, who had itchy, dry skin. He wanted a shampoo that worked for her, and because his family is in the beauty product industry—Perlier, the number one bath and body line in Italy—he knew that he had the means to create something unique.

### Premier Doggy Cosmetics

"I created it for my dog because I couldn't stand the fact that she had dry skin, and considering my family is in cosmetics, it was sort of embarrassing. Not my dog looked bad and was uncomfortable," says Borghese.

"I had the resources and I had

Borghese's pets were inspiration for The Royal Treatment spa line.

a dog that needed products. I was living in an apartment in New York City and I hated walking into my place and smelling dog," he says. "I knew that using perfumes would make her smell even worse. I thought, why can't I find a product out there that works? That's what inspired me to sit down and do it."

Borghese was attending Fordham Business School in New York City as a finance major when he first thought of getting into canine products. He created a business plan for the pet industry in an entrepreneurship class and saw that it was growing at 15 percent a year. Additionally, he felt he could make a better product than anything else he could find.

His family had been selling its products on the Home Shopping Network for years, so he launched on HSN with one shampoo and one spritz, and they were the best-selling segment of the hour. Today, The Royal Treatment has 60 products in its line, including beds and supplements, and Borghese creates a new fragrance every three months.

"I have 26 different fragrance facilities," says Borghese. "The vanilla bean comes from Madagascar, and the red currants are grown in France. I love creating new formulas, and I like the research and development part of it, too.

"Honestly, I also get really fed up with the industry. It's not FDA regulated, like human cosmetics. Someone could say they have a natural product and in the ingredient list say it contains honey, aloe, and oatmeal, but obviously those aren't the only things in the products. You can't make a shampoo that way. Most of those are human shampoos, and they add lavender oil and call it a pet shampoo. Pets and people have different skin."

Borghese found a way to make something just for pets.

"Remember how the vet used to say not to bathe your dog more than once a month because it's bad for his skin? Well, it used to be that way because the shampoos dried the skin. This is my passion, creating something from scratch, like cooking Thanksgiving dinner. It feels great when it works."

### A Royal Family Heritage

The first user direction on The Royal Treatment shampoo bottles is to "remove pet's crown," a play on Borghese's royal title, though he says that he gets e-mails from consumers that don't understand that the directive is just supposed to be clever.

The Borghese family became Italian royalty in the early 1600s, when Pope Camillo Borghese gave his family royal titles. They were among the largest property holders in Rome, and with property came privileges. But Borghese is quick to point out that royal titles in Italy don't come with any power.

"It's just like calling someone 'Mrs.,'" he says. "I don't have 'prince' on my driver's license or my credit cards. I don't talk about it, and growing up I would never say anything to anyone about it. Now all my friends are realizing it and they're saying, 'Is this a joke?' I just tell them it's no big deal. If I can use it for the products and people like it, I think it's fun."

### All in a Day's Work

You might think that the life of a prince would be vastly different from your average pet shampoo magnate's life, but Borghese gets up in the morning

## A Day in the Life of an Italian Prince

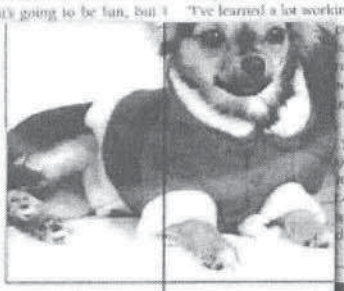
Owner of The Royal Treatment becomes the next TV 'Bachelor.'

By Nikki Moustaki

It is not easy being a prince. It's a full-time job keeping the royal crown polished and the royal subjects appeased, and then there's the many hours spent shampooing the royal hounds ... wait, shampooing what?

Well, in the case of Prince Lorenzo Borghese, dog shampoo and other spa products are a big part of his full-time job. Borghese, who lives a street throw from New York City's Central Park, owns and operates The Royal Treatment, a company he started in 2005 for his now-deceased

Bachelor, page 13



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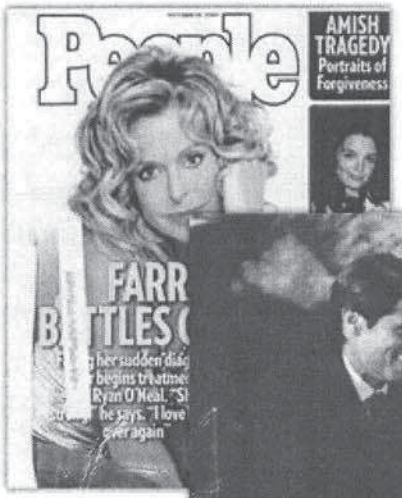


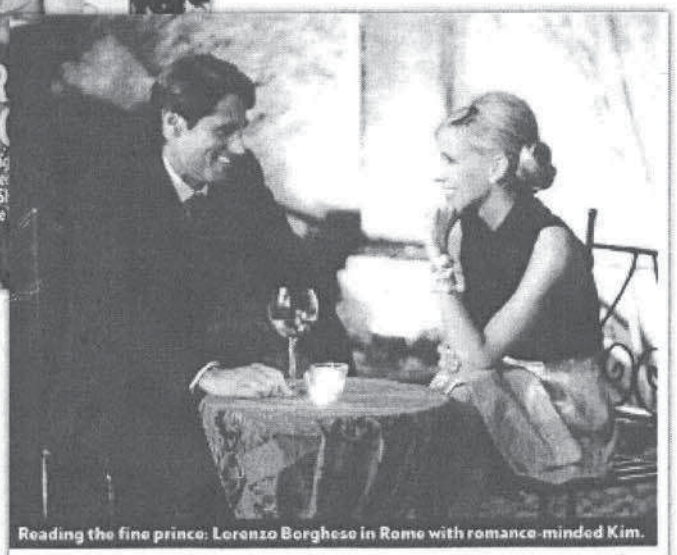

Reading the fine prince: Lorenzo Borghese in Rome with romance-minded Kim.

## The Bachelor: Rome

ABC (Mondays, 9 p.m. ET)

**REALITY** As a reality franchise, *The Bachelor* might be getting overripe. A damp ugliness is beginning to seep out. This time the eligible man has the cachet-licious name and title of Prince Lorenzo Borghese. He's aristocratically slim, but he grew up from the age of 5 in Connecticut, and as an adult he founded a company called Royal Treatment Pet Spa. That probably won't end up being chiseled into the ancient Borghese family crest in St. Peter's Basilica.

The premiere seemed more degenerate than romantic, with malcontent wannabe princesses peering down from a balcony as our boy Borghese, in the leafy garden below, flirted with several women. When some Italian beauties were ushered in as surprise rivals, the Americans looked as if they were ready to start clacking their tongues and letting loose some sort of primal sexual shriek. ★ ½

# EXHIBIT D

**EXHIBIT D**

To Third Declaration of Lorenzo Borghese

Applicant's Memorandum of Law In Opposition to
Opposer's Cross Motion for Summary Judgment

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

La Dolce Vita consists of scientifically formulated bath and body products for pets. All recipes are created in the hills of Italy using the highest quality ingredients from Mother Nature. This shampoo combines hydrating Milk Proteins, Italian Vanilla and a host of nature's finest ingredients for healthy looking skin and a clean, soft coat. Your best amico will be left incredibly clean and smelling magnifico! Ahhh...welcome to the good life! **TO USE:** Wet coat thoroughly with warm water. Apply liberally and massage. For irritated areas, dab onto skin and leave for two minutes. Rinse with warm water and towel dry. For best results, follow with Vanilla Bean and Milk Conditioner and refresh coat with Vanilla Bean and Milk Bath Spritz. **CONTAINS: Milk Protein, Oat Protein, Silk Protein, Almond Protein and Vanilla.**

WARNING: FOR TOPICAL USE ON ANIMALS ONLY. DISCONTINUE USE IF IRRITATION DEVELOPS. KEEP OUT OF REACH OF CHILDREN. STORE AT ROOM TEMPERATURE. AGAINST CRUELTY TO ANIMALS.

INGREDIENTS: AQUA (WATER), MAGNESIUM LAURETH SULFATE, PARFUM, PEG-120 METHYL GLUCOSE DIOLEATE, DISODIUM LAURETH SULFOSUCCINATE, PPG-26-BUTETH-26, PEG-40 HYDROGENATED CASTOR OIL, COCAMIDOPROPYL BETAINE, LAURETH-2, PEG/PPG-120/10 TRIMETHYLOLPROPANE TRIOLEATE, MAGNESIUM SULFATE, BUTYL METHOXYDIBENZOYLMETHANE, ETHYLHEXYL METHOXYCINNAMATE, VANILLA PLANIFOLIA EXTRACT, HYDROLYZED MILK PROTEIN, HYDROLYZED OAT PROTEIN, HYDROLYZED SILK, HYDROLYZED SWEET ALMOND PROTEIN, MAGNESIUM NITRATE, MAGNESIUM CHLORIDE, METHYLCHLORO-ISOHIAZOLINONE, METHYLISOTHIAZOLINONE, DEXTRIN, CI 15985 (FD&C YELLOW NO.6).

NO CRUELTY

8 97739 00070 4

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**www.getroyaltreatment.com**
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La Dolce Vita consists of scientifically formulated bath and body products for pets. All recipes are created in the hills of Italy using the highest quality ingredients from Mother Nature. This bath spritz combines hydrating Algae Peptides and Marine Trace Minerals to moisturize the skin and soften the coat, keeping it smooth and shiny. Quick-drying and suitable for daily use, it keeps your dog refreshed, smelling fantastico and living the good life in between baths. **TO USE:** Shake product well and mist entire coat until lightly damp. Stroke through gently with soft bristle brush, comb or hand. Rinsing is not required. **CONTAINS: Algae Peptides, Marine Trace Elements, Aloe Vera, Cucumber and Silk Proteins.**

WARNING: PRODUCT IS BEST SUITED FOR DOGS. FOR TOPICAL USE ONLY. DISCONTINUE USE IF IRRITATION DEVELOPS. KEEP OUT OF CHILDREN'S REACH. STORE AT ROOM TEMPERATURE. AGAINST CRUELTY TO ANIMALS.

INGREDIENTS: AQUA (WATER), PARFUM (FRAGRANCE), PEG-40 HYDROGENATED CASTOR OIL, PEG/PPG-20/6 DIMETHICONE, COCETH-7, PPG-1-PEG-9 LAURYL GLYCOL ETHER, DMDM HYDANTOIN, ALOE BARBADENSIS EXTRACT (LEAF) EXTRACT, ETHYLHEXYL METHOXYCINNAMATE, IODOPROPYNYL BUTYLCARBAMATE, GLYCERIN, CARRAGEENAN (CHONDRUS CRISPUS), SORBITOL, CUCUMIS SATIVUS EXTRACT (CUCUMIS SATIVUS (CUCUMBER) FRUIT EXTRACT), MANNITOL, SODIUM CHLORIDE, HYDROLYZED SILK, HYDROLYZED ACTIN, CALCIUM GLUCONATE, GLUCOSAMINE HCL, SODIUM GLUCURONATE, CI 42090 (FD&C BLUE NO.1).

NO CRUELTY

8 97739 00077 3

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