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

Proceeding	91192099
Party	Defendant McSweet, LLC
Correspondence Address	KATHERINE HENDRICKS HENDRICKS & LEWIS PLLC 901 5TH AVENUE, SUITE 4100 SEATTLE, WA 98164-2001 UNITED STATES cab@hllaw.com, kh@hllaw.com
Submission	Opposition/Response to Motion
Filer's Name	Caitlin A. Bellum
Filer's e-mail	cab@hllaw.com, kh@hllaw.com, maw@hllaw.com
Signature	/Caitlin A. Bellum/
Date	12/21/2010
Attachments	94588.PDF (95 pages)(2830999 bytes)

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

In the Matter of:
Application Serial No. 77/722,272
Published in the *Official Gazette*
September 1, 2009

McDONALD's CORPORATION,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91192099
	)	
McSWEET, LLC,	)	
	)	
Applicant.	)	

AFFIDAVIT OF CAITLIN A. BELLUM IN SUPPORT OF APPLICANT'S OPPOSITION TO OPPOSER'S MOTION TO WITHDRAW ITS RESPONSE TO APPLICANT'S REQUEST FOR ADMISSION NO. 105

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, Caitlin A. Bellum, being first duly sworn upon oath, depose and say:

1. I am over the age of 18 and am competent to make this affidavit and do so upon personal knowledge and belief. This affidavit is filed in support of Applicant's Opposition to Opposer's Motion to Withdraw its Response to Applicant's Request for Admission No. 105.

2. On Monday, August 30, 2010, on behalf of Applicant, I served Opposer with Applicant's First Set of Requests for Admission to Opposer. Attached hereto as Exhibit 1 is a true and complete copy of Applicant's First Set of Requests for Admission to Opposer.

3. On Tuesday, October 5, 2010, Opposer served Applicant with McDonald's

Objections and Responses to Applicant's First Set of Requests for Admission to Opposer. Attached hereto as Exhibit 2 is a true and complete copy of McDonald's Objections and Responses to Applicant's First Set of Requests for Admission to Opposer.

4. On November 17, 2010, Mike Turner ("Mr. Turner"), one of Opposer's attorneys, sent me an email requesting a meet and confer with Applicant to confer about Opposer's need to withdraw and supplement its response to Applicant's Request for Admission No. 105.

5. On November 18, 2010, Mr. Turner informed me that Opposer had just discovered that Opposer's "Arch Cards" are offered for sale at grocery stores. Mr. Turner provided me with an URL to McDonald's website regarding Arch Cards.

6. On December 1, 2010, on behalf of Applicant, I conferred with Lee James ("Mr. James") and John Cullis ("Mr. Cullis") about Opposer's planned 36(b) motion.

7. During the meet and confer, Mr. James and Mr. Cullis sought Applicant's consent to file its 36(b) motion. I informed Mr. James and Mr. Cullis that consent to a motion and the need for a meet and confer is not required for a 36(b) motion under TBMP 525. I also informed Mr. James and Mr. Cullis that because Applicant did not know what an "Arch Card" is and is unaware of the sale of "Arch Cards" in grocery stores, Applicant would not consent. Mr. James and Mr. Cullis offered to provide Applicant with evidence of such sales of "Arch Cards" in grocery stores. I welcomed such evidence, but advised Opposer that even if Opposer provided Applicant with evidence of such sales, Applicant will not consent to a motion that it has not had a chance to review. Mr. James and Mr. Cullis did not offer to provide Applicant with a draft of the motion that was filed by Opposer the very next day. Mr. James and Mr. Cullis asked if Applicant would oppose Opposer's motion. I informed Mr. James and Mr. Cullis that Applicant would not state whether or not it would oppose a motion until it has the opportunity to review the

motion. Again, Opposer did not offer to provide Applicant with a draft of the motion. Attached hereto as Exhibit 3 is a true and complete copy of correspondence between Opposer and Applicant regarding the substance of the December 1, 2010, meet and confer.

8. On December 1, 2010, Opposer filed its Motion to Withdraw its Response to Applicant's Request for Admission No. 105. Absent from Mike Turner's Declaration in Support of Opposer's Motion to Withdraw its Response to Applicant's Requests for Admission No. 105 are the photographs that purportedly show the display of Opposer's Arch Cards at two QFC Stores based in Seattle, Washington.

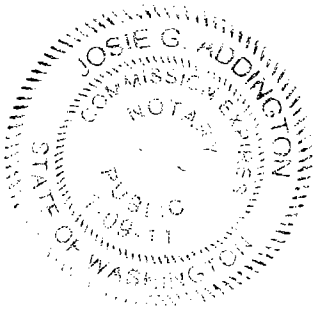
9. The ARCH CARD mark has been registered on the Principal Register of trademarks maintained by the United States Patent and Trade Office since June 20, 2006. The owner of the registered mark is McDonald's Corporation. Attached hereto as Exhibit 4 is a true and complete copy of information regarding the mark ARCH CARD found on the United States Patent and Trademark Office website.

Dated this 21st day of December, 2010

CAITLIN A. BELLUM

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

SUBSCRIBED AND SWORN TO before me on this 21st day of December 2010, by Caitlin A. Bellum.



PRINTED NAME: JOSIE G. ADDINGTON
NOTARY PUBLIC in and for the
State of Washington
Residing at: Edmonds, WA
My Appointment Expires: 1-9-2011

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **AFFIDAVIT OF CAITLIN A. BELLUM IN SUPPORT OF APPLICANT'S OPPOSITION TO OPPOSER'S MOTION TO WITHDRAW ITS RESPONSE TO APPLICANT'S REQUEST FOR ADMISSION NO. 105** has been served on opposing counsel by mailing said copy on December, 21, 2010, via First Class Mail, postage prepaid, and by email to:

Robert E. Browne, Esq.
Michael G. Kelber, Esq.
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MARK WASHBURN

EXHIBIT 1

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

In the Matter of:
Application Serial No. 77/722,272
Published in the *Official Gazette*
September 1, 2009

McDONALD's CORPORATION,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91192099
	)	
McSWEET, LLC,	)	
	)	
Applicant.	)	

APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and Trademark Rules 2.116 and 2.120(h), Applicant hereby propounds the following requests for admission to Opposer to be responded to separately and fully, in writing and under oath, and serve such answers on counsel for Applicant within thirty days of service of these requests for admission.

INSTRUCTIONS

1. In responding to these requests for admission, please furnish all information currently known or available to you or your attorneys.

2. Please record a separate response for each request for admission and request for admission subpart. Please set forth and identify the source of each answer separately by identifying each person who you know has personal knowledge of the facts or information forming the basis of the response which you give.

3. If you contend that any information is protected by privilege, identify the privilege relied on, the persons who have the requested information and any document which contains the information, including for each document:

a) the type of document;

b) the author;

c) the recipients;

d) the date;

e) the subject matter; and

f) the basis of the privilege.

4. If you are unable to respond fully to any request for admission herein, you should respond to the extent possible and provide an explanation as to why a full response is not possible.

5. All requests for admission herein are directed to that information or those documents within your possession, custody or control, or within the possession, custody or control of your agents, servants and employees and, unless privileged, your attorney. They are also directed to those firms, corporations, partnerships, or trusts that you control and to documents in the possession, custody or control of the employees, agents, trustees, guardians and/or representatives of such entities.

6. To the extent that you consider any of the following discovery requests objectionable, respond to as much of each request and each part thereof as is not, in your view, objectionable, as required by the Federal Rules of Civil Procedure. Separately state that part of

each request as to which you raise objection and specify, with particularity, the grounds for each such objection.

7. Please take specific and further note of the following provision of Rule 36(a)(4) of the Federal Rules of Civil Procedure, which is specifically incorporated into each and every request for admission propounded herein:

> If a matter is not admitted, the answer must specifically deny it or state in detail why the answering party cannot truthfully admit or deny it. A denial must fairly respond to the substance of the matter; and when good faith requires that a party qualify an answer or deny only a part of a matter, the answer must specify the part admitted and qualify or deny the rest. The answering party may assert lack of knowledge or information as a reason for failing to admit or deny only if the party states that it has made reasonable inquiry and that the information it knows or can readily obtain is insufficient to enable it to admit or deny.

7. Please take specific and further note of the following provision of Rule 36(a)(5) of the Federal Rules of Civil Procedure, which is specifically incorporated into each and every request for admission propounded herein:

> The grounds for objecting to a request must be stated. A party must not object solely on the ground that the request presents a genuine issue for trial.

8. The pertinent geographic territory with respect to which admissions are requested is the United States of America and its territories.

DEFINITIONS

The following definitions shall apply to these requests for admission and instructions thereto:

1. "Applicant" refers to McSweet, LLC and any affiliates, agents, employees, distributors and representatives.

2. "Opposer" and "you" refers to McDonald's Corporation, and any of its employees, distributors, franchisees, agents and representatives.

3. "Document" means the original and all non-identical copies of any writing of any kind, which is known by you to exist or to have existed or which at any time has been in your possession, custody, or control, including but not limited to letters, envelopes, forms, affidavits, correspondence, telegraphs, telecopies, telefaxes, paper communications, signed statements, tabulations, charts, memoranda, checks, appointment books, records, proposals, memoranda or other transcripts by mechanical device, by long hand or short hand recording, tape recorded or by electronic or by any other means, computer generated information, computer software, data stored in a computer, intra-office communications, inter-office communications, all summaries of all communications, telephonic or otherwise, microfiche, microfilm, lists, bulletins, calendars, circulars, desk pads, opinions, ledgers, minutes, agreements, journals, diaries, contracts, invoices, balance sheets, telephone messages or other messages, magazines, pamphlets, articles, notices, newspapers, studies, worksheets, telexes, cables and all other graphic materials, writings and instruments, however produced or reproduced. A document includes all documents appended thereto.

4. "Relating to" or "relate to" means constituting, discussing, mentioning, containing, analyzing, embodying, reflecting, identifying, incorporating, describing, commenting on, referring to, considering, recommending, dealing with or pertaining to in whole or in part.

5. "Person" means any natural person or any business, legal or governmental agency or association.

6. The connectors "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery requests all responses that might otherwise be construed to be outside its scope.

7. "Including" means including without limitation.

8. "Applicant's Mark" means the mark MCSWEET set forth in Serial No. 77/722,272.

9. "Opposer's Marks" means those marks identified in Opposer's Notice of Opposition, filed in this action, Opposition No. 91192099.

10. "Liquor store" means a store that specializes in the sale of alcoholic beverages.

11. "Bar" means a retail establishment that serves alcoholic drinks for consumption on the premises.

12. "Specialty store" means a store which specializes in a specific range of merchandise at a medium to high price range and provides high levels of service and expertise.

13. "Gourmet food store" means a store which specializes in the sale of food with ingredients of high quality, special presentation, and high sophistication, and products sold at a medium to high price range.

14. "Farmers' markets" means a market, held in a public space, in which a farmer or other purveyor can sell product and other products directly to members of the public.

15. "Grocery stores" means a store primarily for the retailing of food that deals in staple foodstuffs, meats, baked goods, produce, dairy products, and household supplies, and stocks different kinds of food and non-food products to sell to customers.

16. "Pickled cocktail onion" means an onion that has been preserved and flavored in a solution of brine or vinegar.

17. "Pickled giardiniera" means a mixture of carrots, celery, cucumbers, garlic, green beans and red pepper slices in brine or vinegar.

18. "Pickled garlic" means garlic that has been preserved and flavored in a solution of brine or vinegar.

19. "Pickled dilly beans" means beans that have been preserved and flavored in a solution of brine or vinegar and dill.

20. "Pickled asparagus" means asparagus that has been preserved and flavored in a solution of brine or vinegar.

21. "Distributor" means an independent firm, wholesaler, or other person that purchases good for resale to others, and assists the flow of goods to end-users.

22. "Consumer" means a person who purchases such goods for consumption by eating or drinking.

23. "Cocktail garnish" means a slice of fruit or vegetable used to decorate or dramatize an alcoholic or non-alcoholic drink.

24. "Restaurant" means a business establishment where meals or refreshments may be purchased.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1. Admit that Opposer does not promote, offer, and distribute goods under its Marks to liquor stores.

RESPONSE:

REQUEST FOR ADMISSION NO. 2. Admit that Opposer does not promote, offer, and distribute goods under its Marks to bars.

RESPONSE:

REQUEST FOR ADMISSION NO. 3. Admit that Opposer does not sell or offer goods under Opposer's Marks to customers over the Internet.

RESPONSE:

REQUEST FOR ADMISSION NO. 4. Admit that no goods sold under Opposer's Marks are alcoholic beverages.

RESPONSE:

REQUEST FOR ADMISSION NO. 5. Admit that Opposer does not sell or offer goods under Opposer's Marks to customers by mail or mail order.

RESPONSE:

REQUEST FOR ADMISSION NO. 6. Admit that Opposer does not sell alcoholic beverages under Opposer's Marks.

RESPONSE:

REQUEST FOR ADMISSION NO. 7. Admit that Opposer does not promote or sell cocktail garnishes under Opposer's Marks.

RESPONSE:

REQUEST FOR ADMISSION NO. 8. Admit that Opposer does not promote, offer, or sell goods under its Marks for use in alcoholic beverages.

RESPONSE:

REQUEST FOR ADMISSION NO. 9. Admit that Opposer is not aware of any instances of actual confusion as to the source of Opposer's and Applicant's goods.

RESPONSE:

REQUEST FOR ADMISSION NO. 10. Admit that Opposer does not promote, offer, or distribute goods under its Marks to specialty stores.

RESPONSE:

REQUEST FOR ADMISSION NO. 11. Admit that Opposer does not promote, offer, or distribute goods under its Marks to gourmet food stores.

RESPONSE:

REQUEST FOR ADMISSION NO. 12. Admit that Opposer does not sell separately pickled goods.

RESPONSE:

REQUEST FOR ADMISSION NO. 13. Admit that Opposer does not distribute pickled goods for resale by others.

RESPONSE:

REQUEST FOR ADMISSION NO. 14. Admit that Opposer does not sell or distribute goods under its Marks that include asparagus as an ingredient.

RESPONSE:

REQUEST FOR ADMISSION NO. 15. Admit that Opposer does not sell or distribute goods which include "MCSWEET" within the name of the good.

RESPONSE:

REQUEST FOR ADMISSION NO. 16. Admit that no goods sold or distributed under Opposer's Marks include the term "MCSWEET" within the good's description on packaging, menus, or labels.

RESPONSE:

REQUEST FOR ADMISSION NO. 17. Admit that Opposer does not own or license any marks, registered or unregistered, that include the term "MCSWEET."

RESPONSE:

REQUEST FOR ADMISSION NO. 18. Admit that no goods sold under Opposer's Marks are promoted, offered or distributed to farmers' markets.

RESPONSE:

REQUEST FOR ADMISSION NO. 19. Admit that Opposer does not sell or distribute goods that are packaged in glass jars at the time of sale.

RESPONSE:

REQUEST FOR ADMISSION NO. 20. Admit that MCCHICKEN goods are sold only in McDonald's restaurants.

RESPONSE:

REQUEST FOR ADMISSION NO. 21. Admit that MCDOUBLE goods are sold only in McDonald's restaurants.

RESPONSE:

REQUEST FOR ADMISSION NO. 22. Admit that MCRIB goods are sold only in McDonald's restaurants.

RESPONSE:

REQUEST FOR ADMISSION NO. 23. Admit that MCMUFFIN goods are sold only in McDonald's restaurants.

RESPONSE:

REQUEST FOR ADMISSION NO. 24. Admit that MCFLURRY goods are sold only in McDonald's restaurants.

RESPONSE:

REQUEST FOR ADMISSION NO. 25. Admit that MCGRIDDLES goods are sold only in McDonald's restaurants.

RESPONSE:

REQUEST FOR ADMISSION NO. 26. Admit that MCCAFE goods are sold only in McDonald's restaurants.

RESPONSE:

REQUEST FOR ADMISSION NO. 27. Admit that MCSKILLET goods are sold only in McDonald's restaurants.

RESPONSE:

REQUEST FOR ADMISSION NO. 28. Admit that Opposer does not sell or distribute pickled cocktail onions.

RESPONSE:

REQUEST FOR ADMISSION NO. 29. Admit that Opposer does not sell or distribute pickled giardiniera.

RESPONSE:

REQUEST FOR ADMISSION NO. 30. Admit that Opposer does not sell or distribute pickled garlic.

RESPONSE:

REQUEST FOR ADMISSION NO. 31. Admit that Opposer does not sell or distribute pickled beans.

RESPONSE:

REQUEST FOR ADMISSION NO. 32. Admit that Opposer does not sell or distribute pickled asparagus.

RESPONSE:

REQUEST FOR ADMISSION NO. 33. Admit that Opposer does not offer for sale pickled cocktail onions in combination with any other product.

RESPONSE:

REQUEST FOR ADMISSION NO. 34. Admit that Opposer does not offer for sale pickled giardiniera in combination with any other product.

RESPONSE:

REQUEST FOR ADMISSION NO. 35. Admit that Opposer does not offer for sale pickled garlic in combination with any other product.

RESPONSE:

REQUEST FOR ADMISSION NO. 36. Admit that Opposer does not offer for sale pickled dilly beans in combination with any other product.

RESPONSE:

REQUEST FOR ADMISSION NO. 37. Admit that Opposer does not offer for sale pickled asparagus in combination with any other product.

RESPONSE:

REQUEST FOR ADMISSION NO. 38. Admit that Opposer does not sell goods under Opposer's Marks to distributors.

RESPONSE:

REQUEST FOR ADMISSION NO. 39. Admit that Opposer does not sell its MCCHICKEN products to distributors.

RESPONSE:

REQUEST FOR ADMISSION NO. 40. Admit that Opposer does not sell its MCDOUBLE products to distributors.

RESPONSE:

REQUEST FOR ADMISSION NO. 41. Admit that Opposer does not sell its MCRIB products to distributors.

RESPONSE:

REQUEST FOR ADMISSION NO. 42. Admit that Opposer does not sell its MCMUFFIN products to distributors.

RESPONSE:

REQUEST FOR ADMISSION NO. 43. Admit that Opposer does not sell its MCFLURRY products to distributors.

RESPONSE:

REQUEST FOR ADMISSION NO. 44. Admit that Opposer does not sell its MCGRIDDLES products to distributors.

RESPONSE:

REQUEST FOR ADMISSION NO. 45. Admit that Opposer does not sell its MCCAFE products to distributors.

RESPONSE:

REQUEST FOR ADMISSION NO. 46. Admit that Opposer does not sell its MCSKILLET products to distributors.

RESPONSE:

REQUEST FOR ADMISSION NO. 47. Admit that Opposer sells goods under its Marks only to consumers.

RESPONSE:

REQUEST FOR ADMISSION NO. 48. Admit that Opposer sells MCCHICKEN products only to consumers.

RESPONSE:

REQUEST FOR ADMISSION NO. 49. Admit that Opposer sells MCDOUBLE products only to consumers.

RESPONSE:

REQUEST FOR ADMISSION NO. 50. Admit that Opposer sells MCRIB products only to consumers.

RESPONSE:

REQUEST FOR ADMISSION NO. 51. Admit that Opposer sells MCMUFFIN products only to consumers.

RESPONSE:

REQUEST FOR ADMISSION NO. 52. Admit that Opposer sells MCFLURRY products only to consumers.

RESPONSE:

REQUEST FOR ADMISSION NO. 53. Admit that Opposer sells MCGRIDDLES products only to consumers.

RESPONSE:

REQUEST FOR ADMISSION NO. 54. Admit that Opposer sells MCCAFE products only to consumers.

RESPONSE:

REQUEST FOR ADMISSION NO. 55. Admit that Opposer sells MCSKILLET products only to consumers.

RESPONSE:

REQUEST FOR ADMISSION NO. 56. Admit that Opposer does not sell MCCHICKEN products to grocery stores for resale to consumers.

RESPONSE:

REQUEST FOR ADMISSION NO. 57. Admit that Opposer does not sell MCCHICKEN products to liquor stores for resale to consumers.

RESPONSE

REQUEST FOR ADMISSION NO. 58. Admit that Opposer does not sell MCCHICKEN products to bars for resale to consumers.

RESPONSE

REQUEST FOR ADMISSION NO. 59. Admit that Opposer does not sell MCCHICKEN products via the Internet.

RESPONSE

REQUEST FOR ADMISSION NO. 60. Admit that Opposer does not sell MCCHICKEN products to specialty stores.

RESPONSE

REQUEST FOR ADMISSION NO. 61. Admit that Opposer does not sell MCCHICKEN products to gourmet stores.

RESPONSE

REQUEST FOR ADMISSION NO. 62. Admit that Opposer does not sell MCDOUBLE products to grocery stores.

RESPONSE:

REQUEST FOR ADMISSION NO. 63. Admit that Opposer does not sell MCDOUBLE products to liquor stores.

RESPONSE

REQUEST FOR ADMISSION NO. 64. Admit that Opposer does not sell MCDOUBLE products to bars.

RESPONSE

REQUEST FOR ADMISSION NO. 65. Admit that Opposer does not sell MCDOUBLE products to distributors via the Internet.

RESPONSE

REQUEST FOR ADMISSION NO. 66. Admit that Opposer does not sell MCDOUBLE products to specialty stores.

RESPONSE

REQUEST FOR ADMISSION NO. 67. Admit that Opposer does not sell MCDOUBLE products to gourmet stores.

RESPONSE

REQUEST FOR ADMISSION NO. 68. Admit that Opposer does not sell MCRIB products to grocery stores.

RESPONSE:

REQUEST FOR ADMISSION NO. 69. Admit that Opposer does not sell MCRIB products to liquor stores.

RESPONSE

REQUEST FOR ADMISSION NO. 70. Admit that Opposer does not sell MCRIB products to bars.

RESPONSE

REQUEST FOR ADMISSION NO. 71. Admit that Opposer does not sell MCRIB products to via the Internet.

RESPONSE

REQUEST FOR ADMISSION NO. 72. Admit that Opposer does not sell MCRIB products to specialty stores.

RESPONSE

REQUEST FOR ADMISSION NO. 73. Admit that Opposer does not sell MCRIB products to gourmet food stores.

RESPONSE

REQUEST FOR ADMISSION NO. 74. Admit that Opposer does not sell MCMUFFIN products to grocery stores.

RESPONSE:

REQUEST FOR ADMISSION NO. 75. Admit that Opposer does not sell MCMUFFIN products to liquor stores.

RESPONSE

REQUEST FOR ADMISSION NO. 76. Admit that Opposer does not sell MCMUFFIN products to bars.

RESPONSE

REQUEST FOR ADMISSION NO. 77. Admit that Opposer does not sell MCMUFFIN products via the Internet.

RESPONSE

REQUEST FOR ADMISSION NO. 78. Admit that Opposer does not sell MCMUFFIN products to specialty stores.

RESPONSE

REQUEST FOR ADMISSION NO. 79. Admit that Opposer does not sell MCMUFFIN products to gourmet stores.

RESPONSE

REQUEST FOR ADMISSION NO. 80. Admit that Opposer does not sell MCFLURRY products to grocery stores.

RESPONSE:

REQUEST FOR ADMISSION NO. 81. Admit that Opposer does not sell MCFLURRY products to liquor stores.

RESPONSE

REQUEST FOR ADMISSION NO. 82. Admit that Opposer does not sell MCFLURRY products to bars.

RESPONSE

REQUEST FOR ADMISSION NO. 83. Admit that Opposer does not sell MCFLURRY products via the Internet.

RESPONSE

REQUEST FOR ADMISSION NO. 84. Admit that Opposer does not sell MCFLURRY products to specialty stores.

RESPONSE

REQUEST FOR ADMISSION NO. 85. Admit that Opposer does not sell MCFLURRY products to gourmet stores.

RESPONSE:

REQUEST FOR ADMISSION NO. 86. Admit that Opposer does not sell MCGRIDDLES products to grocery stores.

RESPONSE:

REQUEST FOR ADMISSION NO. 87. Admit that Opposer does not sell MCGRIDDLES products to liquor stores.

RESPONSE

REQUEST FOR ADMISSION NO. 88. Admit that Opposer does not sell MCGRIDDLES products to bars.

RESPONSE

REQUEST FOR ADMISSION NO. 89. Admit that Opposer does not sell MCGRIDDLES products via the Internet.

RESPONSE

REQUEST FOR ADMISSION NO. 90. Admit that Opposer does not sell MCGRIDDLES products to specialty stores.

RESPONSE

REQUEST FOR ADMISSION NO. 91. Admit that Opposer does not sell MCGRIDDLES products to gourmet stores.

RESPONSE:

REQUEST FOR ADMISSION NO. 92. Admit that Opposer does not sell MCCAFE products to grocery stores.

RESPONSE:

REQUEST FOR ADMISSION NO. 93. Admit that Opposer does not sell MCCAFE products to liquor stores.

RESPONSE

REQUEST FOR ADMISSION NO. 94. Admit that Opposer does not sell MCCAFE products to bars.

RESPONSE

REQUEST FOR ADMISSION NO. 95. Admit that Opposer does not sell MCCAFE products via the Internet.

RESPONSE

REQUEST FOR ADMISSION NO. 96. Admit that Opposer does not sell MCCAFE products to specialty stores.

RESPONSE

REQUEST FOR ADMISSION NO. 97. Admit that Opposer does not sell MCCAFE products to gourmet stores.

RESPONSE:

REQUEST FOR ADMISSION NO. 98. Admit that Opposer does not sell MCSKILLET products to grocery stores.

RESPONSE:

REQUEST FOR ADMISSION NO. 99. Admit that Opposer does not sell MCSKILLET products to liquor stores.

RESPONSE

REQUEST FOR ADMISSION NO. 100. Admit that Opposer does not sell MCSKILLET products to bars.

RESPONSE

REQUEST FOR ADMISSION NO. 101. Admit that Opposer does not sell MCSKILLET products via the Internet.

RESPONSE

REQUEST FOR ADMISSION NO. 102. Admit that Opposer does not sell MCSKILLET products to specialty stores.

RESPONSE

REQUEST FOR ADMISSION NO. 103. Admit that Opposer does not sell MCSKILLET products to gourmet stores.

RESPONSE:

REQUEST FOR ADMISSION NO. 104. Admit that Opposer is a food service retailer.

RESPONSE:

REQUEST FOR ADMISSION NO. 105. Admit that Opposer has not sold or distributed goods to grocery stores for the purpose of making the goods available to grocery store customers in either the meat, fresh produce, dairy, or baked goods department, or along the shelf space reserved for canned, packaged and frozen goods, or among the various non-food items such as household cleaners, alcohol, pharmacy products and pet supplies.

RESPONSE:

Respectfully submitted,

HENDRICKS & LEWIS

By: Kate Hendricks

Katherine Hendricks, Esq.
Caitlin A. Oliphant, Esq.
901 Fifth Avenue, Suite 4100
Seattle, Washington 98164
Telephone: (206) 624-1933
Attorneys for Applicant McSweet, LLC

Date: August 30, 2010

VERIFICATION

STATE OF)
) ss.
COUNTY OF)

The undersigned, being first duly sworn on oath, deposes and says:

I, _____ am the _____ of McDonald's Corporation, the Opposer herein, and as such am authorized to and do make this verification for and in its behalf; and that I have read the foregoing interrogatories and the answers thereto, know the contents thereof and believe the same to be true.

By: _____
Its: _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2010, by _____.

_____
Printed Name: _____
NOTARY PUBLIC in and for the
State of: _____
Residing at: _____
My Appointment Expires: _____

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Applicant's First Set of Requests for Admission to Opposer has been served on opposing counsel by mailing said copy on August 30, 2010, via U.S. Mail, First Class, postage prepaid to:

Robert E. Browne, Esq.
Lawrence E. James, Jr.
John A. Cullis, Esq.
Neal, Gerber & Eisenberg, LLP
2 North LaSalle Street, Suite 2200
Chicago, IL 60602

And via email to:

Lawrence E. James, Jr., Esq., ljames@ngelaw.com
Robert E. Browne, Esq., rbrowne@ngelaw.com
John A. Cullis, Esq. jcullis@ngelaw.com

Lisa Schaefer
LISA SCHAEFER

EXHIBIT 2

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

In the Matter of: Application Serial No. 77/722,272 Published in the *Official Gazette* September 1, 2009	)	
McDONALD's CORPORATION	)	
Opposer,	)	
v.	)	Opposition No. 91192099
McSWEET, LLC,	)	
Applicant.	)	

McDONALD'S OBJECTIONS AND RESPONSES TO APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER

Opposer, McDonald's Corporation ("McDonald's"), by and through its attorneys, and pursuant to Rule 2.120 of the Trademark Rules of Practice and Rules 26 and 36 of the Federal Rules of Civil Procedure, hereby provides its Responses to Applicant's First Set of Requests for Admission.

BASES UPON WHICH OBJECTIONS AND RESPONSES ARE MADE

McDonald's ongoing investigation of the underlying facts relating to this case, discovery, and preparation for trial is underway. Therefore, the responses contained herein are based only upon such information and documents that are presently available and specifically known to McDonald's.

Further discovery, independent investigation, legal research and analysis may supply additional facts, add meaning to known facts, and establish entirely new factual conclusions and

legal contentions, which may require additions to, changes in, and variations from these responses. McDonald's reserves the right to withdraw or amend its responses to reflect discovered information or documents which it may later recall, locate, or discover, or as additional facts are ascertained, analyses are completed and contentions are made.

General Objections

Each of these general objections is incorporated by reference in each of McDonald's specific responses and objections to the Requests propounded by Applicant.

1. McDonald's generally objects to these Requests for Admissions, definitions and instructions insofar as they purport to impose discovery obligations broader than and inconsistent with those set forth by the Federal Rules of Civil Procedure.

2. McDonald's generally objects to these Requests for Admissions to the extent they seek information that is not relevant to any disputed issue in this case.

3. McDonald's generally objects to these Requests for Admissions to the extent that any Request for Admission seeks information protected under the attorney work product doctrine or attorney-client privilege.

4. McDonald's generally objects to each Request for Admission as overly broad and unduly burdensome to the extent it seeks information without limits as to time and geography. McDonald's limits its answers to the United States.

5. 5. McDonald's generally objects to Applicant's definition of "Opposer" as set forth in its First Set of Requests to Opposer as it is broader in scope than the definition of a "party" under the Federal Rules of Civil Procedure. In particular, McDonald's objects to the extent that "employees," "distributors," "licensees" and "franchisees" are considered separate entities under the law. Consequently, McDonald's answers only on behalf of McDonald's

Corporation.

6. McDonald's generally objects to Applicant's definition of "Opposer's Marks" to the extent that it fails to include McDonald's judicially recognized and pled family of "Mc" formative marks.

7. McDonald's generally objects to Applicant's definitions of the terms "liquor store," "bar," "specialty store," "gourmet food store," "farmers' markets," "grocery stores," "distributor," "consumer," "cocktail garnish," or "restaurant" on the grounds that the definitions set forth by Applicant are vague and subject to multiple interpretations.

8. McDonald's further generally objects to Applicant's definitions of the terms "liquor store," "bar," "specialty store," "gourmet food store," "farmers' markets," "grocery stores," "distributor," "consumer," "cocktail garnish," or "restaurant" on the ground that the definitions set forth by Applicant are arbitrary and either narrower, broader, or different than the common understanding of these terms and, therefore, the use of those definitions is confusing and potentially deceptive.

Without waiving any of these General Objections, McDonald's responds to Applicant's First Request for Admissions as follows, incorporating each and every one of the foregoing General Objections into each respective Response below.

OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1. Admit that Opposer does not promote, offer, and distribute goods under its Marks to liquor stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to distribution of products to liquor stores. Subject to and without waiving any of its objections, McDonald's states that it promotes, offers and distribute goods to all classes of consumers

including proprietors, owners, and employees of liquor stores, and therefore denies that it does not promote, offer and distribute goods under its marks to liquor stores.

REQUEST FOR ADMISSION NO. 2. Admit that Opposer does not promote, offer, and distribute goods under its Marks to bars.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to distribution of products to bars. Subject to and without waiving any of its objections, McDonald's states that it promotes, offers and distributes goods to all classes of consumers including proprietors, owners, and employees of bars and, therefore, McDonald's denies that it does not promote, offer, and distribute goods under its marks to bars.

REQUEST FOR ADMISSION NO. 3. Admit that Opposer does not sell or offer goods under Opposer's Marks to customers over the Internet.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to sales of products via any specific means, such as over the Internet. McDonald's further objects to this Request as vague as to what is meant by "sell or offer goods . . . over the Internet." Subject to and without waiving any of its objections, McDonald's denies that it does not sell or offer goods under its marks to customers over the Internet.

REQUEST FOR ADMISSION NO. 4. Admit that no goods sold under Opposer's Marks are alcoholic beverages.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because Applicant's goods are not alcoholic beverages. Subject to and without waiving any of its objections, McDonald's admits that no goods sold under its marks are alcoholic beverages.

REQUEST FOR ADMISSION NO. 5. Admit that Opposer does not sell or offer goods under Opposer's Marks to customers by mail or mail order.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application are limited to sales of goods to customers by mail or mail order. Subject to and without waiving any of its objections, McDonald's denies that it does not sell or offer goods under its marks to customers by mail or mail order.

REQUEST FOR ADMISSION NO. 6. Admit that Opposer does not sell alcoholic beverages under Opposer's Marks.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because Applicant's goods are not alcoholic beverages. Subject to and without waiving any of its objections, McDonald's admits that it does not sell alcoholic beverages under its marks.

REQUEST FOR ADMISSION NO. 7. Admit that Opposer does not promote or sell cocktail garnishes under Opposer's Marks.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because the goods identified in Applicant's applications are not limited to cocktail garnishes. McDonald's further objects to the definition of "cocktail garnishes" as used in this Request. Subject to and without waiving any of its objections, McDonald's admits that it does not promote or sell "cocktail garnishes" as individual items.

REQUEST FOR ADMISSION NO. 8. Admit that Opposer does not promote, offer, or sell goods under its Marks for use in alcoholic beverages.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because the goods identified in Applicant's applications are not limited to uses in alcoholic beverages. Subject to and without waiving any of its objections, McDonald's admits that it does not specifically promote, offer or sell goods under its marks for use in alcoholic beverages.

REQUEST FOR ADMISSION NO. 9. Admit that Opposer is not aware of any instances of actual confusion as to the source of Opposer's and Applicant's goods.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as overly broad and irrelevant to the extent it includes any instance of actual confusion as to the source of McDonald's and Applicant's goods with respect to any third party's goods. McDonald's further objects to this Request as vague because it is unclear whether it pertains to confusion as to the source of both McDonald's goods and Applicant's goods or whether confusion as to the source of either Applicant's or McDonald's goods would suffice. The relevant issue in this proceeding is whether a likelihood of confusion exists between Applicant's mark and McDonald's marks. Subject to and without waiving its general objections, to the extent McDonald's understands this Request as being limited to instances of actual confusion as to whether Applicant's Mark is somehow affiliated with McDonald's or its marks, this Request is denied.

REQUEST FOR ADMISSION NO. 10. Admit that Opposer does not promote, offer, or distribute goods under its Marks to specialty stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because the goods identified in Applicant's applications are not limited to distribution via specialty stores. Subject to and without waiving any of its objections, McDonald's denies that it does not promote, offer, and distribute goods under its marks to specialty stores as "specialty stores" is defined by Applicant. McDonald's further answers that it promotes, offers and distributes goods to all classes of consumers including proprietors, owners, and employees of specialty stores.

REQUEST FOR ADMISSION NO. 11. Admit that Opposer does not promote, offer, or distribute goods under its Marks to gourmet food stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because the goods identified in Applicant's applications are not limited to distribution

via gourmet food stores. Subject to and without waiving any of its objections, McDonald's denies that it does not promote, offer, and distribute goods under its marks to gourmet food stores as "gourmet food stores" is defined by Applicant. McDonald's further answers that it promotes, offers and distributes goods to all classes of consumers including proprietors, owners, and employees of gourmet food stores.

REQUEST FOR ADMISSION NO. 12. Admit that Opposer does not sell separately pickled goods.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as vague as to the phrase "sell separately pickled goods." Subject to and without waiving any of its objections, McDonald's admits that it does not sell pickled goods apart from its sandwiches, some of which contain pickles.

REQUEST FOR ADMISSION NO. 13. Admit that Opposer does not distribute pickled goods for resale by others.

RESPONSE: Subject to and without waiving any of its general objections, McDonald's admits that it does not distribute pickled goods for resale by others.

REQUEST FOR ADMISSION NO. 14. Admit that Opposer does not sell or distribute goods under its Marks that include asparagus as an ingredient.

RESPONSE: Subject to and without waiving any of its general objections, McDonald's admits that it does not presently sell or distribute goods under its marks that include asparagus as an ingredient.

REQUEST FOR ADMISSION NO. 15. Admit that Opposer does not sell or distribute goods which include "MCSWEET" within the name of the good.

RESPONSE: In addition to its general objections, McDonald's objects to this request as irrelevant. Subject to and without waiving any of its objections, McDonald's admits that it does not presently sell or distribute goods that include the entire term MCSWEET as a whole within the name of the good. Any remaining portion of this Request is denied.

REQUEST FOR ADMISSION NO. 16. Admit that no goods sold or distributed under Opposer's Marks include the term "MCSWEET" within the good's description on packaging, menus, or labels.

RESPONSE: Subject to and without waiving any of its general objections, McDonald's admits that it does not presently sell or distribute under its marks goods having a description that includes the term MCSWEET as a whole within the description of that product on packaging, menus and labels. Any remaining portion of this Request is denied.

REQUEST FOR ADMISSION NO. 17. Admit that Opposer does not own or license any marks, registered or unregistered, that include the term "MCSWEET."

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant and overbroad. Subject to and without waiving any of its objections, McDonald's admits that it does not presently license any marks, registered or unregistered, that include the specific term McSWEET as a whole. However, the term McSWEET, when used in connection with food or beverage products falls within McDonald's famous family of "Mc" prefix marks, and therefore McDonald's denies that it does not own any marks, registered or unregistered, that include the term McSWEET.

REQUEST FOR ADMISSION NO. 18. Admit that no goods sold under Opposer's Marks are promoted, offered or distributed to farmers' markets.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because the goods identified in Applicant's applications are not limited to distribution via farmers markets. Subject to and without waiving any of its objections, McDonald's answers that it promotes, offers and distributes goods to all classes of consumers including proprietors, owners, and employees of gourmet farmer's markets and therefore denies that no goods sold under its marks are promoted, offered or distributed to farmers' markets. Answering further, McDonald's states that many of the types of goods as those sold under McDonald's marks are promoted, offered or distributed to farmer's markets.

REQUEST FOR ADMISSION NO. 19. Admit that Opposer does not sell or distribute goods that are packaged in glass jars at the time of sale.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because the goods identified in Applicant's applications are not limited to goods packed in glass jars at the time of sale. Subject to and without waiving any of its objections, McDonald's admits that it does not sell or distribute goods that are packaged in glass jars at the time of sale to consumers; however, McDonald's company-owned and franchised restaurants do sell souvenir glassware.

REQUEST FOR ADMISSION NO. 20. Admit that MCCHICKEN goods are sold only in McDonald's restaurants.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application are limited to goods sold via a particular distribution channel. Subject to and without waiving any of its objections, McDonald's denies that its McCHICKEN branded goods are sold only in McDonald's restaurants. Answering further, McDonald's states that its McCHICKEN branded sandwiches are sold not only in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 21. Admit that MCDOUBLE goods are sold only in McDonald's restaurants.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application are limited to goods sold via a particular distribution channel. Subject to and without waiving any of its objections, McDonald's denies that its McDOUBLE branded goods are sold only in McDonald's

restaurants. Answering further, McDonald's states that its McDOUBLE branded sandwiches are sold not only in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 22. Admit that MCRIB goods are sold only in McDonald's restaurants.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application are limited to goods sold via a particular distribution channel. Subject to and without waiving any of its objections, McDonald's denies that its McRIB branded goods are sold only in McDonald's restaurants. Answering further, McDonald's states that its McRIB branded sandwiches are sold not only in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 23. Admit that MCMUFFIN goods are sold only in McDonald's restaurants.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application are limited to goods sold via a particular distribution channel. Subject to and without waiving any of its objections, McDonald's denies that its McMUFFIN branded goods are sold only in McDonald's restaurants. Answering further, McDonald's states that its McMUFFIN branded sandwiches are sold not only in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in

airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 24. Admit that MCFLURRY goods are sold only in McDonald's restaurants.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application are limited to goods sold via a particular distribution channel. Subject to and without waiving any of its objections, McDonald's denies that its McFLURRY branded goods are sold only in McDonald's restaurants. Answering further, McDonald's states that its McFLURRY branded goods are sold not only in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 25. Admit that MCGRIDDLES goods are sold only in McDonald's restaurants.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application are limited to goods sold via a particular distribution channel. Subject to and without waiving any of its objections, McDonald's denies that its McGRIDDLES branded goods are sold only in McDonald's restaurants. Answering further, McDonald's states that its McGRIDDLES branded goods are sold not only in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 26. Admit that MCCAFE goods are sold only in McDonald's restaurants.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application are limited to goods sold via a particular distribution channel. Subject to and without waiving any of its objections, McDonald's denies that its McCAFE branded goods are sold only in McDonald's restaurants. Answering further, states that its McCAFE branded goods are sold not only in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 27. Admit that MCSKILLET goods are sold only in McDonald's restaurants.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application are limited to goods sold via a particular distribution channel. Subject to and without waiving any of its objections, McDonald's denies that its McSKILLET branded goods are sold only in McDonald's restaurants. Answering further, McDonald's states that its McSKILLET branded goods are sold not only in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 28. Admit that Opposer does not sell or distribute pickled cocktail onions.

RESPONSE: Subject to and without waiving any of its general objections, McDonald's admits that McDonald's does not presently sell or distribute pickled cocktail onions.

REQUEST FOR ADMISSION NO. 29. Admit that Opposer does not sell or distribute pickled giardiniera.

RESPONSE: Subject to and without waiving any of its general objections, McDonald's admits that McDonald's does not presently sell or distribute pickled giardiniera.

REQUEST FOR ADMISSION NO. 30. Admit that Opposer does not sell or distribute pickled garlic.

RESPONSE: Subject to and without waiving any of its general objections, McDonald's admits that it does not presently sell or distribute pickled garlic.

REQUEST FOR ADMISSION NO. 31. Admit that Opposer does not sell or distribute pickled beans.

RESPONSE: Subject to and without waiving any of its general objections, McDonald's admits that it does not presently sell or distribute pickled beans.

REQUEST FOR ADMISSION NO. 32. Admit that Opposer does not sell or distribute pickled asparagus.

RESPONSE: Subject to and without waiving any of its general objections, McDonald's admits that it does not presently sell or distribute pickled asparagus.

REQUEST FOR ADMISSION NO. 33. Admit that Opposer does not offer for sale pickled cocktail onions in combination with any other product.

RESPONSE: Subject to and without waiving any of its general objections, McDonald's admits that it presently does not offer for sale pickled cocktail onions in combination with any other product.

REQUEST FOR ADMISSION NO. 34. Admit that Opposer does not offer for sale pickled giardiniera in combination with any other product.

RESPONSE: Subject to and without waiving any of its general objections, McDonald's admits that it presently does not offer for sale pickled giardiniera in combination with any other product.

REQUEST FOR ADMISSION NO. 35. Admit that Opposer does not offer for sale pickled garlic in combination with any other product.

RESPONSE: Subject to and without waiving any of its general objections, McDonald's admits that it presently does not offer for sale pickled garlic in combination with any other product.

REQUEST FOR ADMISSION NO. 36. Admit that Opposer does not offer for sale pickled dilly beans in combination with any other product.

RESPONSE: Subject to and without waiving any of its general objections, McDonald's admits that it presently does not offer for sale pickled dilly beans in combination with any other product.

REQUEST FOR ADMISSION NO. 37. Admit that Opposer does not offer for sale pickled asparagus in combination with any other product.

RESPONSE: Subject to and without waiving any of its general objections, McDonld's admits that it presently does not offer for sale pickled asparagus in combination with any other product.

REQUEST FOR ADMISSION NO. 38. Admit that Opposer does not sell goods under Opposer's Marks to distributors.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to distributors. Subject to and without waiving any of its objections, McDonald's admits that it does not sell goods under its marks to distributors.

REQUEST FOR ADMISSION NO. 39. Admit that Opposer does not sell its MCCHICKEN products to distributors.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to distributors. Subject to and without waiving any of its objections, McDonald's admits that it does not sell its McCHICKEN branded products to distributors.

REQUEST FOR ADMISSION NO. 40. Admit that Opposer does not sell its MCDOUBLE products to distributors.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application are limited to goods sold to distributors. Subject to and without waiving any of its objections, McDonald's admits that it does not sell McDOUBLE branded products to distributors.

REQUEST FOR ADMISSION NO. 41. Admit that Opposer does not sell its MCRIB products to distributors.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to distributors. Subject to and without waiving any of its objections, McDonald's admits that it does not sell McRIB branded products to distributors.

REQUEST FOR ADMISSION NO. 42. Admit that Opposer does not sell its MCMUFFIN products to distributors.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to distributors. Subject to and without waiving any of its objections, McDonald's admits that it does not sell McMUFFIN branded products to distributors.

REQUEST FOR ADMISSION NO. 43. Admit that Opposer does not sell its MCFLURRY products to distributors.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to distributors. Subject to and without waiving any of its objections, McDonald's admits that it does not sell McFLURRY branded products to distributors.

REQUEST FOR ADMISSION NO. 44. Admit that Opposer does not sell its MCGRIDDLES products to distributors.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to

goods sold to distributors. Subject to and without waiving any of its objections, McDonald's admits that it does not sell McGRIDDLES branded products to distributors.

REQUEST FOR ADMISSION NO. 45. Admit that Opposer does not sell its MCCAFE products to distributors.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to distributors. Subject to and without waiving any of its objections, McDonald's admits that it does not sell McCAFE branded products to distributors.

REQUEST FOR ADMISSION NO. 46. Admit that Opposer does not sell its MCSKILLET products to distributors.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to distributors. Subject to and without waiving any of its objections, McDonald's admits that it does not sell McSKILLET branded products to distributors.

REQUEST FOR ADMISSION NO. 47. Admit that Opposer sells goods under its Marks only to consumers.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to consumers. Subject to and without waiving any of its objections and based on Applicant's definition of "consumers," McDonald's denies that it sells goods under its marks only to consumers.

REQUEST FOR ADMISSION NO. 48. Admit that Opposer sells MCCHICKEN products only to consumers.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to

goods sold to consumers. Subject to and without waiving any of its objections, McDonald's admits that it sells MCCHICKEN branded products only to consumers.

REQUEST FOR ADMISSION NO. 49. Admit that Opposer sells MCDOUBLE products only to consumers.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to consumers. Subject to and without waiving any of its objections, McDonald's admits that it sells McDOUBLE branded products only to consumers.

REQUEST FOR ADMISSION NO. 50. Admit that Opposer sells MCRIB products only to consumers.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to consumers. Subject to and without waiving any of its objections, McDonald's admits that it sells McRIB branded products only to consumers.

REQUEST FOR ADMISSION NO. 51. Admit that Opposer sells MCMUFFIN products only to consumers.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to consumers. Subject to and without waiving any of its objections, McDonald's admits that it sells McMUFFIN branded products only to consumers.

REQUEST FOR ADMISSION NO. 52. Admit that Opposer sells MCFLURRY products only to consumers.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to consumers. Subject to and without waiving any of its objections, McDonald's admits that it sells McFLURRY branded products only to consumers.

REQUEST FOR ADMISSION NO. 53. Admit that Opposer sells MCGRIDDLES products only to consumers.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to consumers. Subject to and without waiving any of its objections, McDonald's admits that it sells McGRIDDLES branded products only to consumers.

REQUEST FOR ADMISSION NO. 54. Admit that Opposer sells MCCAFE products only to consumers.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to consumers. Subject to and without waiving any of its objections, McDonald's admits that it sells McCAFE branded products only to consumers.

REQUEST FOR ADMISSION NO. 55. Admit that Opposer sells MCSKILLET products only to consumers.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to consumers. Subject to and without waiving any of its objections, McDonald's admits that it sells McSKILLET branded products only to consumers.

REQUEST FOR ADMISSION NO. 56. Admit that Opposer does not sell MCCHICKEN products to grocery stores for resale to consumers.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to grocery stores for resale to consumers. Subject to and without waiving its objections, McDonald's admits that it does not presently sell products under the McCHICKEN mark to grocery stores for resale to consumers. Answering further, McDonald's states that its McCHICKEN branded products are sold not only to consumers in free-standing McDonald's

branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues. McDonald's further answers that it promotes, offers and distributes its McCHICKEN branded products to all classes of consumers including proprietors, owners, and employees of grocery stores.

REQUEST FOR ADMISSION NO. 57. Admit that Opposer does not sell MCCHICKEN products to liquor stores for resale to consumers.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to liquor stores for resale to consumers. Subject to and without waiving its objections, McDonald's admits that it does not sell McCHICKEN branded products to liquor stores for resale to consumers. Answering further, McDonald's states that its McCHICKEN branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues. McDonald's further answers that it sells its McCHICKEN branded products to all classes of consumers including proprietors, owners, and employees of liquor stores.

REQUEST FOR ADMISSION NO. 58. Admit that Opposer does not sell MCCHICKEN products to bars for resale to consumers.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to bars for resale to consumers. Subject to and without waiving its objections,

McDonald's admits that it does not sell its McCHICKEN branded products to bars for resale to consumers. Answering further, McDonald's states that its McCHICKEN branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues. McDonald's further answers that it sells its McCHICKEN branded products to all classes of consumers including proprietors, owners, and employees of bars.

REQUEST FOR ADMISSION NO. 59. Admit that Opposer does not sell MCCHICKEN products via the Internet.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold via the Internet. Subject to and without waiving its objections, McDonald's denies that it does not sell McCHICKEN branded products via the Internet.

REQUEST FOR ADMISSION NO. 60. Admit that Opposer does not sell MCCHICKEN products to specialty stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to specialty stores. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McCHICKEN mark in specialty stores. McDonald's further answers that it sells its McCHICKEN branded products to all classes of consumers including proprietors, owners, and employees of specialty stores, and therefore denies that it does not sell its McCHICKEN branded products to specialty stores. Answering further, McDonald's states that its McCHICKEN branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations

operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 61. Admit that Opposer does not sell MCCHICKEN products to gourmet stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to gourmet stores. McDonald's further objects to this Request as vague as to the meaning of "gourmet stores." Subject to and without waiving its objections, based on Applicant's definition of "gourmet food stores" and to the extent that "gourmet stores" is ascribed a meaning similar to Applicant's definition of "gourmet food stores," McDonald's admits that it does not sell products under its McCHICKEN mark in gourmet stores. McDonald's further answers that it sells its McCHICKEN branded products to all classes of consumers including proprietors, owners, and employees of gourmet stores, and therefore denies that it does not sell its McCHICKEN branded products to gourmet stores. Answering further, McDonald's states that its McCHICKEN branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 62. Admit that Opposer does not sell MCDOUBLE products to grocery stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to grocery stores. Subject to and without waiving its objections, McDonald's admits

that it does not sell products under the McDOUBLE mark in grocery stores. McDonald's further answers that it sells its McDOUBLE branded products to all classes of consumers including proprietors, owners, and employees of grocery stores, and therefore denies that it does not sell its McDOUBLE branded products to grocery stores. Answering further, McDonald's states that its McDOUBLE branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 63. Admit that Opposer does not sell MCDOUBLE products to liquor stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to liquor stores. Subject to and without waiving any of its objections, McDonald's admits that it does not sell products under its McDOUBLE mark in liquor stores. McDonald's further answers that it sells its McDOUBLE branded products to all classes of consumers including proprietors, owners, and employees of liquor stores, and therefore denies that it does not sell McDOUBLE branded products to liquor stores. Answering further, McDonald's states that its McDOUBLE branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 64. Admit that Opposer does not sell MCDOUBLE products to bars.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to bars. Subject to and without waiving any of its objections, McDonald's admits that it does not sell products under its McDOUBLE mark in bars. McDonald's further answers that it sells its McDOUBLE branded products to all classes of consumers including proprietors, owners, and employees of bars, and therefore denies that it does not sell McDOUBLE branded products to bars. Answering further, McDonald's states that its McDOUBLE branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 65. Admit that Opposer does not sell MCDOUBLE products to distributors via the Internet.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to distributors via the Internet. Subject to and without waiving its objections, McDonald's admits that it does not sell McDOUBLE branded products to distributors via the Internet.

REQUEST FOR ADMISSION NO. 66. Admit that Opposer does not sell MCDOUBLE products to specialty stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to specialty stores. Subject to and without waiving any of its objections, McDonald's admits that it does not sell products under its McDOUBLE mark in specialty stores. McDonald's further answers that it sells McDOUBLE branded products to all classes of consumers including

proprietors, owners and employees of specialty stores, and therefore denies that it does not sell McDOUBLE branded products to specialty stores. Answering further, McDonald's states that its McDOUBLE branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 67. Admit that Opposer does not sell MCDOUBLE products to gourmet stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to gourmet stores. McDonald's further objects to this Request as vague based on the term "gourmet stores." Subject to and without waiving its objections, based on Applicant's definition of "gourmet food stores" and to the extent that "gourmet stores" is ascribed a meaning similar to Applicant's definition of "gourmet food stores," McDonald's admits that it does not sell products under its McDOUBLE mark in gourmet stores. McDonald's further answers that it sells McDOUBLE branded products to all classes of consumers, including proprietors, owners and employees of gourmet food stores, and therefore, denies that it does not sell McDOUBLE banded products to gourmet food stores. Answering further, McDonald's states that its McDOUBLE branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 68. Admit that Opposer does not sell MCRIB products to grocery stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to grocery stores. Subject to and without waiving its objections, McDonald's admits that it does not presently sell products under its McRIB mark in grocery stores. McDonald's further answers that it sells McRIB branded products to all classes of consumers including proprietors, owners, and employees of grocery stores and therefore denies that it does not sell McRIB branded products to grocery stores. Answering further, McDonald's states that its McRIB branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 69. Admit that Opposer does not sell McRIB products to liquor stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to liquor stores. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McRIB mark in liquor stores. McDonald's further answers that it sells McRIB branded products to all classes of consumers including proprietors, owners, and employees of liquor stores, and therefore denies that it does not sell McRIB branded products to liquor stores. Answering further, McDonald's states that its McRIB branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or

franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 70. Admit that Opposer does not sell MCRIB products to bars.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to bars. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McRIB mark in bars. McDonald's further answers that it sells its McRIB branded products to all classes of consumers including proprietors, owners, and employees of bars and therefore denies that it does not sell McRIB branded products to bars. Answering further, McDonald's states that its McRIB branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 71. Admit that Opposer does not sell MCRIB products to via the Internet.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold via the Internet. McDonald's further objects to this Request as vague as incomprehensible as to the phrase "to via the Internet" and therefore, subject to and without waiving any of its objections, this is denied.

REQUEST FOR ADMISSION NO. 72. Admit that Opposer does not sell McRIB products to specialty stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to specialty stores. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McRIB mark in specialty stores. McDonald's further answers that it sells its McRIB branded products to all classes of consumers including proprietors, owners, and employees of specialty stores and therefore denies that it does not sell McRIB branded products to specialty stores. Answering further, McDonald's states that its McRIB branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 73. Admit that Opposer does not sell MCRIB products to gourmet food stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to gourmet food stores. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McRIB mark in gourmet food stores. McDonald's further answers that it sells its McRIB branded products to all classes of consumers including proprietors, owners, and employees of gourmet food stores and therefore denies that it does not sell McRIB branded products to gourmet food stores. Answering further, McDonald's states that its McRIB branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest

stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 74. Admit that Opposer does not sell MCMUFFIN products to grocery stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to grocery stores. Subject to and without waiving its objections, McDonald's admits that it does not presently sell products under its McMUFFIN mark in grocery stores. McDonald's further answers that it sells McMUFFIN branded products to all classes of consumers including proprietors, owners, and employees of grocery stores, and therefore denies that it does not sell McMUFFIN branded products to grocery stores. Answering further McDonald's states that its McMUFFIN branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 75. Admit that Opposer does not sell MCMUFFIN products to liquor stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to liquor stores. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McMUFFIN mark in liquor stores. McDonald's further answers that it sells McMUFFIN branded products to all classes of consumers including proprietors, owners, and employees of liquor stores, and therefore denies that it does not sell McMUFFIN branded products to liquor stores. Answering further, McDonald's states that its

McMUFFIN branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 76. Admit that Opposer does not sell MCMUFFIN products to bars.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to bars. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McMUFFIN mark in bars. McDonald's further answers that it sells its McMUFFIN branded products to all classes of consumers including proprietors, owners, and employees of bars and therefore denies that it does not sell its McMUFFIN branded products to bars. Answering further, McDonald's states that its McMUFFIN branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 77. Admit that Opposer does not sell MCMUFFIN products via the Internet.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold via the Internet. Subject to and without waiving any of its objections, McDonald's denies that it does not sell McMUFFIN branded products via the Internet.

REQUEST FOR ADMISSION NO. 78. Admit that Opposer does not sell MCMUFFIN products to specialty stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to specialty stores. Subject to and without waiving any of its objections, McDonald's admits that it does not sell products under its McMUFFIN mark in specialty stores. McDonald's further answers that it sells McMUFFIN branded products to all classes of consumers including proprietors, owners, and employees of specialty stores and therefore denies that it does not sell its McMUFFIN branded products to specialty stores. Answering further, McDonald's states that its McMUFFIN branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 79. Admit that Opposer does not sell MCMUFFIN products to gourmet stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to gourmet stores. McDonald's further objects to this Request as vague as to the term "gourmet stores." Subject to and without waiving any of its objections, based on Applicant's definition of "gourmet food stores" and to the extent that "gourmet stores" is ascribed a meaning similar to Applicant's definition of "gourmet food stores," McDonald's admits that it does not sell products under its McMUFFIN mark in gourmet stores. McDonald's further answers that it sells McMUFFIN branded products to all classes of consumers including proprietors, owners, and employees of gourmet stores and therefore denies that it does not sell its McMUFFIN

branded products to gourmet stores. Answering further, McDonald's states that its McMUFFIN branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 80. Admit that Opposer does not sell MCFLURRY products to grocery stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to grocery stores. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McFLURRY mark in grocery stores. McDonald's further answers that it sells McFLURRY branded products to all classes of consumers including proprietors, owners, and employees of grocery stores, and therefore denies that it does not sell McFLURRY branded products to grocery stores. Answering further, McDonald's states that its McFLURRY branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 81. Admit that Opposer does not sell MCFLURRY products to liquor stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to liquor stores. Subject to and without waiving its objections, McDonald's admits

that it does not sell products under its McFLURRY mark in liquor stores. McDonald's further answers that it sells McFLURRY branded products to all classes of consumers including proprietors, owners, and employees of liquor stores, and therefore denies that it does not sell McFLURRY branded products to liquor stores. Answering further, McDonald's states that its McFLURRY branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 82. Admit that Opposer does not sell MCFLURRY products to bars.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to bars. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McFLURRY mark in bars. McDonald's further answers that it sells McFLURRY branded products to all classes of consumers including proprietors, owners, and employees of liquor stores, and therefore denies that it does not sell McFLURRY branded products to liquor stores. Answering further, McDonald's states that its McFLURRY branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 83. Admit that Opposer does not sell MCFLURRY products via the Internet.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold via the Internet. Subject to and without waiving any of its objections, McDonald's denies that it does not sell McFLURRY products via the Internet.

REQUEST FOR ADMISSION NO. 84. Admit that Opposer does not sell MCFLURRY products to specialty stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to specialty stores. Subject to and without waiving any of its objections, McDonald's admits that it does not sell products under its McFLURRY mark in specialty stores. McDonald's further answers that it sells McFLURRY branded products to all classes of consumers including proprietors, owners, and employees of specialty stores, and therefore denies that it does not sell McFLURRY branded products to specialty stores. Answering further, McDonald's states that its McFLURRY branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 85. Admit that Opposer does not sell MCFLURRY products to gourmet stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to gourmet stores. McDonald's further objects to this Request as vague as to the meaning of "gourmet stores." Subject to and without waiving any of its objections, based on Applicant's definition of "gourmet food stores" and to the extent that "gourmet stores" is

ascribed a meaning similar to Applicant's definition of "gourmet food stores," McDonald's admits that it does not sell products under its McFLURRY mark in gourmet stores. McDonald's further answers that it sells McFLURRY branded products to all classes of consumers including proprietors, owners, and employees of gourmet stores, and therefore denies that it does not sell McFLURRY branded products to gourmet stores. Answering further, McDonald's states that its McFLURRY branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 86. Admit that Opposer does not sell MCGRIDDLES products to grocery stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to grocery stores. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McGRIDDLES marks in grocery stores. McDonald's further answers that it sells McGRIDDLES branded products to all classes of consumers including proprietors, owners, and employees of grocery stores, and therefore denies that it does not sell McGRIDDLES branded products to grocery stores. Answering further, McDonald's states that its McGRIDDLES branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 87. Admit that Opposer does not sell MCGRIDDLES products to liquor stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to liquor stores. Subject to and without waiving its objections, McDonald's admits that it does not sell its products under its McGRIDDLES mark in liquor stores. McDonald's further answers that it sells McGRIDDLES branded products to all classes of consumers including proprietors, owners, and employees of liquor stores, and therefore denies that it does not sell McGRIDDLES branded products to liquor stores. Answering further, McDonald's states that its McGRIDDLES branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 88. Admit that Opposer does not sell MCGRIDDLES products to bars.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to bars. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McGRIDDLES marks in bars. McDonald's further answers that it sells McGRIDDLES branded products to all classes of consumers including proprietors, owners, and employees of bars, and therefore denies that it does not sell McGRIDDLES branded products to bars. Answering further, McDonald's states that its McGRIDDLES branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or

franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 89. Admit that Opposer does not sell MCGRIDDLES products via the Internet.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold via the Internet. Subject to and without waiving any of its objections, McDonald's denies that it does not sell McGRIDDLES products via the Internet.

REQUEST FOR ADMISSION NO. 90. Admit that Opposer does not sell MCGRIDDLES products to specialty stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to specialty stores. Subject to and without waiving any of its objections, McDonald's admits that it does not sell products under its McGRIDDLES mark in specialty stores. McDonald's further answers that it sells McGRIDDLES branded products to all classes of consumers including proprietors, owners, and employees of specialty stores, and therefore denies that it does not sell McGRIDDLES branded products to specialty stores. Answering further, McDonald's states that its McGRIDDLES branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 91. Admit that Opposer does not sell MCGRIDDLES products to gourmet stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to gourmet stores. McDonald's further objects to this Request as vague as to the term "gourmet stores." Subject to and without waiving any of its objections, to the extent that "gourmet stores" is ascribed a meaning similar to Applicant's definition of "gourmet food stores," McDonald's admits that it does not sell products under its McGRIDDLES marks in gourmet stores. McDonald's further answers that it sells McGRIDDLES branded products to all classes of consumers including proprietors, owners, and employees of gourmet stores, and therefore denies that it does not sell McGRIDDLES branded products to gourmet stores. Answering further, McDonald's states that its McGRIDDLES branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 92. Admit that Opposer does not sell MCCAFE products to grocery stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to grocery stores. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McCAFE mark in grocery stores. McDonald's further answers that it sells McCAFE branded products to all classes of consumers including proprietors, owners, and employees of grocery stores, and therefore denies that it does not sell McCAFE branded products to grocery stores. Answering further, McDonald's states that its McCAFE branded products are sold not only to consumers in free-standing McDonald's branded

restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 93. Admit that Opposer does not sell MCCAFE products to liquor stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to liquor stores. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McCAFE mark in liquor stores. McDonald's further answers that it sells McCAFE branded products to all classes of consumers including proprietors, owners, and employees of liquor stores, and therefore denies that it does not sell McCAFE branded products to liquor stores. Answering further, McDonald's states that its McCAFE branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 94. Admit that Opposer does not sell MCCAFE products to bars.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to bars. Subject to and without waiving any of its objections, McDonald's admits that it does not sell products under its McCAFE mark in bars. McDonald's further answers that it sells McCAFE branded products to all classes of consumers including proprietors, owners, and

employees of bars, and therefore denies that it does not sell McCAFE branded products to bars. Answering further, McDonald's states that its McCAFE branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 95. Admit that Opposer does not sell MCCAFE products via the Internet.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold via the Internet. Subject to and without waiving any of its objections, McDonald's denies that it does not sell McCAFE products via the Internet.

REQUEST FOR ADMISSION NO. 96. Admit that Opposer does not sell MCCAFE products to specialty stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to specialty stores. Subject to and without waiving any of its objections, McDonald's admits that it does not sell products under its McCAFE mark in specialty stores. McDonald's further answers that it sells McCAFE branded products to all classes of consumers including proprietors, owners, and employees of specialty stores, and therefore denies that it does not sell McCAFE branded products to specialty stores. Answering further, McDonald's states that its McCAFE branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-

Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 97. Admit that Opposer does not sell MCCAFE products to gourmet stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to gourmet stores. McDonald's further objects to this Request as vague as to the term "gourmet stores." Subject to and without waiving any of its objections, to the extent that "gourmet stores" is ascribed a meaning similar to Applicant's definition of "gourmet food stores," McDonald's admits that it does not sell products under its McCAFE mark in gourmet stores. McDonald's further answers that it sells McCAFE branded products to all classes of consumers including proprietors, owners, and employees of gourmet stores, and therefore denies that it does not sell McCAFE branded products to gourmet stores. Answering further, McDonald's states that its McCAFE branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 98. Admit that Opposer does not sell MCSKILLET products to grocery stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to grocery stores. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McSKILLET mark in grocery stores. McDonald's further answers that it sells McSKILLET branded products to all classes of consumers including

proprietors, owners, and employees of grocery stores, and therefore denies that it does not sell McSKILLET branded products to grocery stores. Answering further, McDonald's states that its McSKILLET branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 99. Admit that Opposer does not sell MCSKILLET products to liquor stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to liquor stores. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McSKILLET mark in liquor stores. McDonald's further answers that it sells McSKILLET branded products to all classes of consumers including proprietors, owners, and employees of liquor stores, and therefore denies that it does not sell McSKILLET branded products to liquor stores. Answering further, McDonald's states that its McSKILLET branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 100. Admit that Opposer does not sell MCSKILLET products to bars.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to

goods sold to bars. Subject to and without waiving its objections, McDonald's admits that it does not sell products under its McSKILLET mark in bars. McDonald's further answers that it sells McSKILLET branded products to all classes of consumers including proprietors, owners, and employees of bars, and therefore denies that it does not sell McSKILLET branded products to bars. Answering further, McDonald's states that its McSKILLET branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 101. Admit that Opposer does not sell MCSKILLET products via the Internet.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to distributors via the Internet. Subject to and without waiving any of its objections, McDonald's admits that it does not presently sell McSKILLET branded products via the Internet.

REQUEST FOR ADMISSION NO. 102. Admit that Opposer does not sell MCSKILLET products to specialty stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to specialty stores. Subject to and without waiving any of its objections, McDonald's further answers that it sells McSKILLET branded products to all classes of consumers including proprietors, owners, and employees of specialty stores, and therefore denies that it does not sell McSKILLET branded products to specialty stores. Answering further, McDonald's states that its McSKILLET branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by

McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 103. Admit that Opposer does not sell MCSKILLET products to gourmet stores.

RESPONSE: In addition to its general objections, McDonald's objects to this Request as irrelevant because neither McDonald's registrations nor Applicant's application is limited to goods sold to gourmet stores. McDonald's further objects to this Request as vague based on the term "gourmet stores." Subject to and without waiving any of its objections, to the extent that "gourmet stores" is ascribed a meaning similar to Applicant's definition of "gourmet food stores," McDonald's admits that it does not sell products under its McSKILLET mark in gourmet food stores. McDonald's further answers that it sells McSKILLET branded products to all classes of consumers including proprietors, owners, and employees of gourmet stores, and therefore denies that it does not sell McSKILLET branded products to gourmet stores. Answering further, McDonald's states that its McSKILLET branded products are sold not only to consumers in free-standing McDonald's branded restaurants, but also in McDonald's branded outlets or other locations operated by McDonald's subsidiaries or franchisees that are located in airports, shopping malls, highway rest stops, Wal-Mart stores, hospitals, museums, casino-hotels, stadiums and train stations among other buildings and venues.

REQUEST FOR ADMISSION NO. 104. Admit that Opposer is a food service retailer.

RESPONSE: Subject to and without waiving any of its general objections, McDonald's admits that it is primarily a food service retailer, although there are other facets to McDonald's business.

REQUEST FOR ADMISSION NO. 105. Admit that Opposer has not sold or distributed goods to grocery stores for the purpose of making the goods available to grocery store customers in either the meat, fresh produce, dairy, or baked goods department, or along the shelf

space reserved for canned, packaged and frozen goods, or among the various non-food items such as household cleaners, alcohol, pharmacy products and pet supplies.

RESPONSE: Subject to and without waiving any of its general objections, McDonald's admits that it does not presently sell or distribute goods to grocery stores for the purpose of making the goods available to grocery store customers in either the meat, fresh produce, dairy, or baked goods department, or along the shelf space reserved for canned, packaged and frozen goods, or among the various non-food items such as household cleaners, alcohol, pharmacy products and pet supplies.

Dated: October 5, 2010

Respectfully submitted,
McDONALD'S CORPORATION

By: /John A. Cullis/

Robert E. Browne
Michael G. Kelber
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Opposer's Objections and Responses to Applicant's First Set of Requests for Admission to Opposer, has been served on opposing counsel by mailing said copy on October 5, 2010, via U.S. Mail, First Class, postage prepaid to:

Katherine Hendricks
HENDRICKS & LEWIS PLLC
901 Fifth Ave., Ste 4100
Seattle, WA 98164

/Lawrence E. James, Jr./
Lawrence E. James Jr.

NGEDOCS: 1742339.2

EXHIBIT 3

NEAL ▪ GERBER ▪ EISENBERG

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Attorney at Law

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ljames@ngelaw.com

December 2, 2010

VIA EMAIL

Caitlin A. Bellum
Katherine Hendricks
Hendricks & Lewis, PLLC
901 Fifth Avenue, Suite 4100
Seattle, Washington 98164

Re: McDonald's Corporation v. McSweet, LLC, Proceeding No. 91192099

Dear Caitlin:

We write to confirm the substance of our November 30, 2010 telephone conversation concerning the parties' meet and confer regarding (1) Opposer's Motion to Withdraw its Admission to Applicant's Request for Admission No. 105 and (2) the proposed approach for modifying the protective order in Opposition No. 91178758 ("McSweet I") and for the terms of a protective order in Opposition No. 91192099 ("McSweet II").

Motion to Withdraw Admission No. 105

Opposer asked if Applicant would consent to the withdrawal of the admission to RFA No. 105, which Applicant refused to provide. Opposer also asked if Applicant intended to oppose the motion. In response, Applicant would not state whether or not it would oppose the Motion. Applicant's purported reason for refusing its consent was that Applicant did not have knowledge whether Opposer's Arch Cards are sold in grocery stores. However, when Opposer's counsel offered to provide evidence of such sales, and asked what, if any, evidence would be necessary for Applicant to consent to the motion, Applicant's counsel refused to answer stating that Applicant would not provide its consent regardless of whether Opposer could provide evidence of sales of Arch Cards in grocery stores.

Protective Orders

The parties discussed the protective orders for both this proceeding and McSweet I and agreed that (1) there should be two separate protective orders, one for McSweet I and another for McSweet II; (2) that the parties have previously agreed that the documents produced to date in McSweet I will be treated as having been produced in McSweet II. The parties have not reached an agreement as to whether documents produced in McSweet II may be treated as having been produced in McSweet I, nor have they agreed that documents produced in the future in McSweet I may be treated as having been produced in McSweet II. Opposer raised the issue of whether Applicant would agree that the documents produced in McSweet II could be treated as having also been produced in McSweet I and whether documents produced in the future in McSweet I

may be treated as having been produced in McSweet II, in order to minimize the costs of producing documents in both proceedings. Applicant voiced its concerns that it did not want to agree to permit such documents produced in one proceeding to be used in the other proceeding because it believed that certain documents in McSweet II may not be relevant to McSweet I, and vice versa, and it was concerned that by agreeing so it would waive relevance objections. Opposer proposed that to alleviate that concern the protective order could include language expressly stating that by agreeing that the documents produced in one proceeding could be used and would be treated as having been produced in the other proceeding, that neither party would waive any relevance objections. Applicant agreed to consider that proposal and provide Opposer with a response to that proposal.

We look forward to your response as to whether the inclusion of language in the protective orders indicating that parties do not waive any relevance arguments by agreeing to consider documents produced in one proceeding as having been produced in the other, will alleviate Applicant's concerns.

Sincerely,

Lawrence E. James, Jr.

LEJ

NGEDOCS: 1754735.1

HENDRICKS & LEWIS PLLC
901 Fifth Avenue Suite 4100 Seattle, Washington 98164
TEL: (206) 624-1933 FAX: (206) 583-2716 WEB: www.hllaw.com

December 3, 2010

Lawrence James, Esq.
Neal, Gerber & Eisenberg LLP
Two North LaSalle Street • Suite 2200
Chicago, Illinois 60602-3801

Re: *McDonald's Corporation v. McSweet, LLC*, Proceeding No. 91192099

Dear Mr. James:

This letter is in response to your December 1, 2010, letter about our November 30, 2010, telephone conversation concerning the parties' meet and confer regarding (1) Opposer's 36(b) motion to withdraw its admission to Applicant's Request for Admission No. 105 and (2) the proposed modification to the protective order in Opposition No. 91178758 ("McSweet I") and for the terms of a protective order in Opposition No. 91192099 ("McSweet II").

Opposer's 36(b) Motion to Withdraw Admission No 105

Your letter was a complete mischaracterization of the substance of our conversation about your request for Applicant's "consent" to Opposer's 36(b) motion. As we discussed during the meet and confer, Applicant refused to Opposer's request to consent to the motion for several reasons.

First, Applicant informed Opposer that it was confused as to why Opposer was seeking consent, as consent to a motion and the need for a meet and confer is not required for a 36(b) motion under TBMP 525.

Second, Applicant informed Opposer that because Applicant does not know what an "Arch Card" is and is unaware of the sale of "Arch Cards" in grocery stores, Applicant will not consent to something of which it has no knowledge. In response, Opposer stated that the URL link (http://www.mcdonalds.com/us/en/services/arch_card.html) to McDonald's website that Mike Turner provided to Applicant should be enough evidence to prove that "Arch Cards" are sold in grocery stores. When Applicant disagreed, Opposer offered to provide Applicant with evidence of such sales of "Arch Cards" in grocery stores. Applicant welcomed such evidence.

Third, I advised you that even if Opposer provided Applicant with evidence of such sales, Applicant will not consent to a motion that it has not had a chance to review. Opposer did not offer to provide Applicant with a draft of the motion that was filed the very next day.

Opposer then asked if Applicant would oppose Opposer's motion. I told you I would not know until Applicant has the opportunity to review the motion. Again, Opposer did not offer to provide Applicant with a draft of the motion.

At this point, John Cullis began yelling at me, stating that during the 10 years of his practice as an attorney he has never come across an opposing party that has been so "difficult." In response, I told you and Mr. Cullis that such a statement was unfair and unreasonable and a waste of time as it went completely off topic for which the meet and confer was intended. It was inappropriate for Opposer to use the meet and confer as an opportunity to attempt to bully Applicant into consenting to Opposer's motion, especially when Applicant repeatedly explained to Opposer that consent was not necessary and explained why it would not consent.

Protective Orders

In principal, we are in agreement that documents produced in McSweet II may be treated as having been produced in McSweet I and that all documents produced in the future in McSweet I may be treated as having been produced in McSweet II with the notion that the protective order in McSweet I and McSweet II be modified to include language that expressly states that by agreeing that the documents produced in one proceeding could be used and would be treated as having been produced in the other proceeding, neither party would waive any relevant objections and all documents must be necessary to such proceeding. We are not agreeing that McSweet II can be used as a vehicle for obtaining discovery for the stayed McSweet I or McSweet I to be used to obtain discovery for McSweet II, even if the circumstances of the cases were to make that possible.

However, we reserve the right to object to this proposal until Opposer provides Applicant with a modification letter and modified protective order for each proceeding and until both parties come to an agreement regarding the precise language used in each protective order.

We look forward to receiving from you a modification letter and modified protective order regarding such proposal for McSweet I and McSweet II.

Sincerely,

HENDRICKS & LEWIS, PLLC

Caitlin A. Bellum

EXHIBIT 4

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Dec 21 04:05:46 EST 2010

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

Record 1 out of 1

 (Use the "Back" button of the Internet Browser to return to TESS)

ARCH CARD

Word Mark	**ARCH CARD**
Goods and Services	IC 009. US 021 023 026 036 038. G & S: ENCODED ELECTRONIC DEBIT AND STORED-VALUE CARDS. FIRST USE: 20051129. FIRST USE IN COMMERCE: 20051129
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78665577
Filing Date	July 7, 2005
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	March 28, 2006
Registration Number	3106716
Registration Date	June 20, 2006
Owner	(REGISTRANT) MCDONALD'S CORPORATION CORPORATION DELAWARE ONE MCDONALD'S PLAZA OAK BROOK ILLINOIS 60523
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CARD" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE