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Filing date: **03/22/2012**

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

Proceeding	91200084
Party	Plaintiff LIFETECH RESOURCES, LLC
Correspondence Address	KAREN MCDANIEL MERCHANT & GOULD PC 80 S 8TH STREET, SUITE 3200 PO BOX 2910 MINNEAPOLIS, MN 55402 UNITED STATES dockmpls@merchantgould.com, dmattessich@merchantgould.com
Submission	Motion to Compel Discovery
Filer's Name	Danielle I. Mattessich
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Signature	/daniellemattessich/
Date	03/22/2012
Attachments	myskin mot comp_20120322150425.pdf ( 3 pages )(73304 bytes ) Motion to Compel - Exhibits A and B.PDF ( 21 pages )(825497 bytes )

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

_____	)	
Lifetech Resources, LLC,	)	Opposition No. 91200084
	)	
Opposer,	)	Mark: <b>SKINTELLIGENCE</b>
	)	
v.	)	Serial No.: 77/960706
	)	
MySkin, Inc.,	)	Filing Date: March 17, 2010
	)	
Applicant.	)	Published: Feb. 1, 2011
_____	)	

**MOTION TO COMPEL RESPONSES TO INTERROGATORIES**  
**AND DOCUMENT REQUESTS AND TO SUSPEND PROCEEDINGS**

On February 6, 2012, Opposer, Lifetech Resources, LLC (“Lifetech”), served Opposer’s First Set of Interrogatories, Opposer’s First Set of Requests for Production of Documents, and Opposer’s First Set of Admissions, on Applicant, MySkin, Inc. (“MySkin”). A copy of Opposer’s First Set of Interrogatories is attached hereto as Exhibit A. A copy of Opposer’s First Set of Requests for the Production of Documents is attached hereto as Exhibit B.

Accounting for the fact that Lifetech served the discovery requests by first class mail, MySkin’s responses were due by March 12, 2012. To date, MySkin has not served any discovery responses or objections to the interrogatories, document requests or admission requests. Pursuant to Fed. R. Civ. P. 36, Opposer’s First Set of Admissions is now admitted. Accordingly, Lifetech hereby moves to compel MySkin to respond to the interrogatories and document requests and provide the requested documents pursuant to 37 C.F.R. § 2.120(e).

Counsel for Lifetech has made a good faith effort, by correspondence sent via email and via express mail, to resolve the issues raised by this Motion to Compel and has been unable to receive a reply from Applicant. Lifetech therefore respectfully requests that its Motion to Compel be granted.

Lifetech also respectfully requests that the above-referenced proceedings be suspended pending a decision by the Trademark Trial and Appeal Board on Lifetech's Motion to Compel discovery responses.

Respectfully submitted,

LIFETECH RESOURCES, LLC

By its Attorneys,



Date: March 22, 2012

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Karen McDaniel  
Danielle I. Mattessich  
MERCHANT & GOULD P.C.  
80 South Eighth Street, Suite 3200  
Minneapolis, MN 55402-2215  
(612) 332-5300

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND DOCUMENT REQUESTS AND TO SUSPEND PROCEEDINGS was served upon MySkin, Inc. by First Class Mail on this 22nd day of March, 2012, addressed to:

Rajiv Ranjan  
MySkin Inc.  
123 Town Square Place, Suite #324  
Jersey City, NJ 07310



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Danielle I. Mattessich

# **EXHIBIT A**

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

LIFETECH RESOURCES, LLC	)	
Opposer,	)	Opposition No. 91200084
	)	
v.	)	Mark: <b>SKINTELLIGENCE</b>
	)	
MYSKIN, INC.,	)	App. No.: 77/960706
	)	App. Filing Date: March 17, 2010
Applicant.	)	

**OPPOSER'S FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Opposer hereby serves Opposer's First Set of Interrogatories and requests that Applicant respond to the Interrogatories under oath within the time provided by the Federal Rules of Civil Procedure and Trademark Rules of Practice.

**DEFINITIONS AND INSTRUCTIONS**

The following Definitions and Instructions shall apply to these Interrogatories:

(1) "Opposer" means Opposer, Lifetech Resources, LLC, its predecessors in interest, successors in interest, licensees, parents, subsidiaries, divisions and related organizations and their officers, directors, employees, agents, representatives, and all other Persons acting or purporting to act on their behalf, as the context hereof may require.

(2) "Applicant" means, the Applicant, mySkin, Inc., its predecessors in interest, its successors in interest, licensees, parents, subsidiaries, divisions and related organizations and their officers, directors, employees, agents, representatives, and all other Persons acting or purporting to act on its behalf, as the context hereof may require.

(3) "Person" means any individual, sole proprietorship, partnership, firm, corporation, joint venture, association, or other entity.

(4) "Document" means any medium in the possession, custody, or control of Applicant upon which intelligence or information is recorded or from which intelligence or information can be obtained, including by way of illustration, but not by way of limitation, the following items: Letters, reports, communications, including internal company communications; preliminary notes and drafts; telegrams; telexes; faxes; memoranda; summaries of records of telephone conversations; routing (or buck) slips; magnetic media from which audible or visual information can be obtained, such as tapes, discs, or the like; diaries; graphs; notebooks; charts; plans; artists' drawings; positive or negative prints of photographic pictures, motion or still, including excised frames of motion pictures; minutes of records of conferences and meetings, including meetings of directors, executive committees and financial committees; lists of Persons attending meetings or conferences; expressions or statements of policy; reports or summaries of investigations, opinions, or reports of consultants; non-privileged communications with attorneys; records of summaries of negotiations; contracts and agreements; brochures; pamphlets; advertisements; circulars; trade letters; press releases; drafts of any documents; and revisions of drafts of any documents. For purposes of these interrogatories, "Document" shall also mean any of the foregoing not in Applicant's possession, custody or control, the existence of which is known to Applicant. For purposes of these interrogatories, any such Document bearing on any sheet or side thereof any marks of any kind, such as initials, stamped indicia, comments or notations, which was not part of the originally created Document, is to be considered and identified as a separate Document.

(5) "Thing" means any physical object other than a Document.

(6) "Trademark" and "mark" mean trademark, service mark, or design mark.

(7) "Opposer's mark" means the SKINTELLIGENCE mark identified in U.S.

Registration No. 1,783,801.

(8) "Opposer's goods" mean the goods identified in U.S. Registration No. 1,783,801,

namely:

Cosmetics, namely, skin cleanser preparations, skin freshener preparations, skin moisturizer, toning lotion, emollient cream, toning mask, shaving cleanser preparations, eye toning gel, face makeup body shampoo, hair shampoo, hair conditioner, in International Class 3.

(9) "Applicant's mark" means the mark SKINTELLIGENCE identified in U.S.

Application No. 77/960706.

(10) "Applicant's goods" or Applicant's "computer products in the field of skincare"

mean the goods identified in U.S. Application No.77/960706, namely:

Communications software for connecting to standalone and networked computers consisting of grouping and recommendation algorithms for grouping people based on skin characteristics and providing recommendations for skin care products; computer hardware and peripheral devices and computer software for data communication and translating and transmitting data sold therewith; computer hardware and software, for use with medical patient monitoring equipment, for receiving, processing, transmitting and displaying data; computer software and hardware for grouping people having similar characteristics and recommending products and regimens; computer programs for categorizing persons into various skin profiles and recommending products and regimens for skin care; computer software for controlling and managing patient medical information; computer software for use in managing medical records and patient information and for medical practice management; computer software for the medical field, namely, for scheduling, registration, workflow, processing, reporting, and billing; computer software for organizing and viewing digital images and photographs; computer software for transmitting, distributing, disseminating, receiving, and displaying of medical images and medical documents over local area networks, wide area networks, and global computer networks; computer software for grouping people based on skin characteristics and recommending skin care products and regimens; portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, image, and audio files; remote control telemetering machines and apparatus; electronic communications systems comprised of computer hardware and software for the transmission of data between two points. optical communications systems comprised of optical and electronic hardware and computer software for

the transmission of data between two points; communication software for providing access to the internet; computer search engine software; computer software for application and database integration; computer software for creating searchable databases of information and data; computer software for wireless content delivery; computer software platforms for grouping people based on skin characteristics and recommending products and regimens for skin care; computer software that provides web-based access to applications and services through a web operating system or portal interface; interactive computer kiosks comprising computers, computer hardware, computer peripherals, and computer operating software, for use in grouping people based on skin characteristics and recommendation of products and regimens for skin care; medical software for grouping people based on skin characteristics and recommendation of products and regimens for skin care; computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; computer hardware and computer software programs for the integration of text, audio, graphics, still images and moving pictures into an interactive delivery for multimedia applications; computer software for the databasing, visualization, manipulation, virtual reality immersion and integration of geographic information with on-line member communities; database management software for grouping and retrieving information about groups of people who have similar skin characteristics for recommendation of products and regimens for skin care; graphical user interface software, in International Class 9.

(11) "Specify" means to provide full and detailed information.

(12) Where identification of any Document or Thing is required by use of the word "Identify," such identification should be sufficient to support a request for the production of the Document or Thing under Rule 34 of the Federal Rules of Civil Procedure, and should include by way of illustration but without limitation the following information, even if Applicant intends to object to the production of said Document or Thing:

- (a) the type of the Document or Thing, i.e., whether it is a letter, memorandum, report, drawing, chart, etc.;
- (b) the general subject matter of the Document or Thing;
- (c) the name of the creator of the Document or Thing;
- (d) any numerical designation appearing on the Document or Thing, such as a drawing number, sample number or file references; and

- (e) if the Document or Thing is not in Applicant's possession, custody, or control, the identity, as defined herein below, of the Person having possession, custody or control of said Document or Thing.

(13) Where the identification of a Document or Thing is required by use of the word "Identify," Applicant may, in lieu of identification, at the time Applicant serves its answers to these interrogatories, mail to Opposer the original of such Document or Thing, or a legible copy or photograph of such Document or Thing, suitably labeled and marked to show to which Interrogatory each Document or Thing is being produced in lieu of identification.

(14) Where the identification of any individual Person is required by use of the word "Identify," such identification should be sufficient to identify the Person in a notice of taking the deposition of such Person, and should include without limitation the following information concerning such Person:

- (a) full name;
- (b) business address;
- (c) job title;
- (d) employer or professional affiliations; and
- (e) home address.

(15) Where the identification of any Person, other than an individual, is required by use of the word "Identify," such identification should be sufficient to identify the Person in a notice of taking the deposition of such Person, and should include without limitation the following information concerning such Person:

- (a) the full name or title;
- (b) principal place of business;

- (c) nature or type of entity;
- (d) the state of incorporation or registration; and
- (e) the principal business conducted by such Person.

(16) If Applicant is aware that a Document or Thing (or a group of Documents or Things) once existed but has been destroyed, Applicant is requested to state when the Document or Thing (or group of Documents or Things) was destroyed, who destroyed it, why it was destroyed, and the circumstances under which it was destroyed.

(17) These Interrogatories shall be deemed continuous and Applicant shall be obligated to change, supplement and amend its answers hereto as prescribed by Rule 26(e) of the Federal Rules of Civil Procedure.

(18) The words “and” and “or” shall be construed conjunctively or disjunctively as necessary to bring within the interrogatories all information which might otherwise be construed as outside their scope.

(19) The singular shall include the plural and the present tense shall include the past tense and vice versa in order to bring within the scope of the interrogatory all information which might otherwise be construed to be outside its scope.

(20) If Applicant objects to any of the interrogatories below based on a claim of privilege or a claim that such interrogatories require the disclosure of attorney work product, state the nature of the privilege claimed and the nature of the information over which privilege is claimed.

### **INTERROGATORIES**

1. Identify each Person having knowledge about the clearance, selection and adoption of Applicant's mark.

2. Identify the Person having the greatest knowledge about advertising, promotion and the intended use (or use, if applicable) of Applicant's mark in the United States.
3. Specify the date when Applicant first adopted or intended to use Applicant's mark, and when Applicant first used the designation "SKINTELLIGENCE" on Applicant's goods (if applicable).
4. Identify and describe each and every good or service in connection with which Applicant has used or intends to use Applicant's mark and state the period of time during which the SKINTELLIGENCE mark was or is used for each such good or service.
5. Specify the date of first use in commerce in the United States of Applicant's mark in connection with each good or service to be identified in response to Interrogatory No. 4, the manner of such use or intended use, the geographic territory in which such use has occurred or is intended to occur, and the types or classes of customers who were exposed to such use, and identify all Documents referring or relating to such first use.
6. Specify the channels of trade currently used or intended to be used by Applicant for marketing, promoting and selling Applicant's goods or services on or in connection with Applicant's mark.
7. Identify each person or agency that has participated in the creation, advertising and/or promotion of Applicant's mark, and the period of time during which each such person or agency has participated.
8. Identify each person having information relating to any formal or informal trademark searches or investigations, which relate to the term SKINTELLIGENCE, whether alone, in combination with other terms or with different spellings/pronunciations, and identify all documents relating to the searches or investigations.

9. State Applicant's yearly expenditures to date with respect to the advertising and promotion of Applicant's mark in conjunction with any goods or services since sales first began under Applicant's mark.
10. Describe the circumstances under which Applicant first became aware of Opposer's use or registration of Opposer's mark and identify all persons involved.
11. Specify the approximate gross revenue including, but not limited to, projected revenue generated by sales of Applicant's goods or services under Applicant's mark for each year since such sales began to the present.
12. Identify all instances in which any person has been or claimed to be confused, mistaken, or deceived as to the relationship between Applicant and any other entity, or as to the products or services of Applicant and any other entity.
13. Identify all trade shows at which Applicant has attended or promoted its goods and services under Applicant's mark, and all trade shows it plans to attend in the future to promote Applicant's mark.
14. Identify each person that Applicant expects to call as a witness in this proceeding, and state the subject matter on which such witness is expected to testify.
15. Fully state the factual basis for the contention stated in Paragraph 17 of Applicant's Affirmative Defenses in Applicant's Answer to Opposer's Petition for Cancellation.
16. Fully state the factual basis for the contention stated in Paragraph 20 of Applicant's Affirmative Defenses in Applicant's Answer to Opposer's Petition for Cancellation.
17. Identify with specificity all physical or online business establishments in which Applicant will provide goods or services in connection with Applicant's mark, and fully provide the names and addresses of all such entities.

18. Identify with specificity any other circumstances in which Applicant's mark has been used in the marketplace as a trademark, outside of the places mentioned in response to Paragraph 17 of Opposer's Interrogatories.
19. Specify whether Applicant intends to expand the goods offered under Applicant's mark to other goods or services, other channels of trade, or other geographic territories, and identify all documents relating or referring to such expansion.
20. Describe with specificity how Applicant created the mark and why SKINTELLIGENCE was the brand name chosen as the trademark for Applicant's goods.
21. Describe with specificity the features of Applicant's SKINTELLIGENCE products.
22. Explain with specificity how Applicant's goods will be used in the marketplace.
23. Explain with specificity who will be the primary users of Applicant's goods in the marketplace.
24. Explain with specificity if Applicant's goods will feature computerized on-line ordering services in the field of skin care products.

LIFETECH RESOURCES, LLC

By its attorneys,



Karen McDaniel  
Danielle I. Mattessich  
MERCHANT & GOULD P.C.  
80 South Eighth Street, Suite 3200  
Minneapolis, Minnesota 55402-2215  
Telephone: (612) 332-5300  
dmattessich@merchantgould.com

Date: Feb. 6, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing OPPOSER'S FIRST SET OF INTERROGATORIES was served upon the following attorney of record for Applicant by First Class Mail, postage pre-paid, this 6<sup>th</sup> day of February, 2012:

Rajiv Ranjan  
Director – IPR, MySkin, Inc.  
MySkin Inc.  
123 Town Square Place, Suite #324  
Jersey City, NJ 07310

  
Amanda Avery

# **EXHIBIT B**

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

LIFETECH RESOURCES, LLC Opposer,	)	
	)	Opposition No. 91200084
v.	)	Mark: <b>SKINTELLIGENCE</b>
	)	
MYSKIN, INC.,	)	App. No.: 77/960706
	)	App. Filing Date: March 17, 2010
Applicant.	)	

**OPPOSER'S FIRST REQUEST**  
**FOR PRODUCTION OF DOCUMENTS AND THINGS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Opposer requests that Applicant produce and mail to Opposer's attorney, within the time specified by the Federal Rules of Civil Procedure and the Trademark Rules of Practice, copies of the following Documents and Things which are in Applicant's possession, custody, or control.

**DEFINITIONS AND INSTRUCTIONS**

The Definitions and Instructions included in Opposer's First Set of Interrogatories are incorporated herein by reference.

(1) These requests shall be deemed continuous and Applicant shall be obligated to change, supplement and amend its answers hereto, if and when filed, as prescribed by Rule 26(e) of the Federal Rules of Civil Procedure.

(2) If Applicant objects to the production of any document, which falls within a request based on a claim of privilege or a claim that such documents constitute attorney work product, the following information is requested:

(a) The date of the document;

(b) The name of the document's originator, the name of the person to whom it is addressed and the names of all persons who were shown copies;

(c) A general description of the type of document and the subject matter to which it pertains; and

(d) The basis for withholding the document.

**DOCUMENTS AND THINGS TO BE PRODUCED**

1. All Documents and Things referring or relating to the dates of first use and first use in commerce (or in the alternative if use has not yet commenced, the date of intended use) in the United States by Applicant of Applicant's mark on or in connection with Applicant's goods.
2. All documents relating to Applicant's creation, consideration, design, development, selection, adoption, availability, and registration or attempts to register, both in the United States and abroad, of Applicant's mark.
3. All documents relating to any market studies, surveys, focus groups, or other studies, which relate to the use or advice against use of Applicant's mark for Applicant's goods.
4. All documents including those filed with the United States Patent and Trademark Office relating to Applicant's decision to offer for sale goods under Applicant's mark.
5. Representative samples of Documents and Things referring or relating to the dates of the most recent use in commerce, if applicable, in the United States by Applicant of Applicant's mark in connection with Applicant's goods.
6. All documents which disclose the length of time during which Applicant has offered goods or services under Applicant's mark in the U.S., if applicable.

7. All Documents and Things referring or relating to instances in which a person has been confused, deceived, or mistaken about the source of (a) Opposer's mark, believing it to be Applicant's mark, or (b) Applicant's mark, believing it to be Opposer's mark, or (c) Opposer's mark or Applicant's mark, believing that Opposer and Applicant were a single entity or related entities.
8. All Documents and Things ever sent or received by Applicant regarding any allegations by Applicant that others have infringed Applicant's mark, or regarding any allegations by another Person that Applicant has infringed another Person's mark by Applicant's use of Applicant's mark.
9. All Documents and Things referring or relating to inter party state or federal Trademark Office proceedings, or inter party state or federal court proceedings, in which Applicant's mark was involved.
10. All Documents and Things referring or relating to polls, studies, surveys or investigations conducted by or for Applicant relating to Applicant's mark or to Opposer's mark.
11. All Documents and Things, including statements to Applicant's customers and shareholders, referring or relating to Applicant's goods under Applicant's mark.
12. Representative samples of different advertisements, press releases, catalogs, brochures, point of purchase materials, web pages, training manuals, instruction manuals, or other advertising means or media in which Applicant's mark has been used, is used, or will be used by Applicant.
13. All correspondence with any advertising or sales agent relating in any way to Applicant's mark.

14. Documents from which Opposer can determine the amount of money that Applicant has expended or intends to expend on advertising Applicant's mark in the United States.
15. All documents evidencing Applicant's current or planned use of Applicant's mark.
16. All documents evidencing Applicant's intended use of Applicant's mark on "computer hardware and peripheral devices and computer software for data communication and translating and transmitting data sold therewith."
17. All documents evidencing Applicant's intended use of Applicant's mark on "computer hardware and software, for use with medical patient monitoring equipment, for receiving, processing, transmitting and displaying data."
18. All documents evidencing Applicant's intended use of Applicant's mark on "computer software for controlling and managing patient medical information."
19. All documents evidencing Applicant's intended use of Applicant's mark on "computer software for use in managing medical records and patient information and for medical practice management."
20. All documents evidencing Applicant's intended use of Applicant's mark on "computer software for the medical field, namely, for scheduling, registration, workflow, processing, reporting, and billing."
21. All documents evidencing Applicant's intended use of Applicant's mark on "portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, image, and audio files."
22. All documents evidencing Applicant's intended use of Applicant's mark on "remote control telemetering machines and apparatus."

23. All documents evidencing Applicant's intended use of Applicant's mark on "optical communications systems comprised of optical and electronic hardware and computer software for the transmission of data between two points."
24. All documents evidencing Applicant's intended use of Applicant's mark on "communication software for providing access to the internet."
25. All documents evidencing Applicant's intended use of Applicant's mark on "computer search engine software."
26. All documents evidencing Applicant's intended use of Applicant's mark on "computer software for wireless content delivery."
27. All documents evidencing how Applicant drafted the description of goods in its SKINTELLIGENCE application.
28. Each and every contract, agreement, or other understanding, written and oral, between Applicant and any other entity concerning use of Applicant's mark or variations thereof, including, but not limited to, all license, franchise, and distribution agreements with any persons or entities in the cosmetics industry.
29. All documents related to any instances in which a third party has objected to the use or intended use and/or registration of Applicant's mark by Applicant.
30. All documents, which relate to the circumstances under which Applicant first became aware of Opposer's use of Opposer's mark.
31. All communications between Applicant and any other person which refer to Opposer, Opposer's mark, and/or Opposer's goods.
32. Each and every search conducted by or on behalf of Applicant regarding use of Applicant's mark or other designations that include the term SKINTELLIGENCE, or derivations thereof.

33. All Documents referring or relating to applications to register Applicant's mark, or any registrations to Applicant's mark, in the United States, not including the information that is readily available on the USPTO's TDR system.
34. All Documents referring or relating to applications to register any mark that includes the term "SKINTELLIGENCE.
35. All documents which disclose the territorial areas where Applicant offers goods or plans to offer goods under Applicant's mark and the length of time during which each of such goods have been offered in each territory.
36. All documents which disclose the channels of trade through which Applicant offers or intends to offer goods under Applicant's mark.
37. All documents, which disclose representative customers who have purchased (or intend to purchase) Applicant's goods offered under Applicant's mark including, but not limited to, reports regarding customer demographics.
38. All documents, which disclose representative customers who have utilized (or intend to utilize) Applicant's goods offered under Applicant's mark including, but not limited to, reports regarding customer demographics.
39. All documents which relate to Applicant's past, present or future marketing plans or strategies for goods or services offered under Applicant's mark, including but not limited to, dollar amount expenditures, target markets, channels of trade, and demographic studies.
40. All Documents and Things from which the price of Applicant's goods provided in connection with Applicant's mark, and the volume of sales of such goods to date, can be determined.

41. All documents or letters prepared or considered by any experts employed by Applicant in connection with his or her formation of an opinion concerning the subject matter of this Opposition.
42. All Documents and Things identified in Applicant's Responses to Opposer's First Set of Interrogatories.
43. All Documents and Things which Applicant believes provide any support for each refusal to admit (or deny) in the accompanying Opposer's First Set of Requests for Admissions.
44. All Documents and Things which Applicant believes provide any support for each refusal to admit (or deny) in Applicant's Answer to Opposer's Notice of Opposition.
45. All Documents and Things related to any litigation, oppositions, cancellations or other similar trademark proceedings in which Applicant has been involved as a party or witness.
46. All Documents and Things showing use of Applicant's mark in connection with Applicant's goods.
47. All Documents and Things showing use of Applicant's mark in connection with Applicant's goods in business establishments(whether brick and mortar or online).
48. All Documents and Things referring or relating to Applicant's communications with its licensees and/or franchisee's regarding their use of Applicant's mark.
49. All Documents and Things referring or relating to any plans or considerations by Applicant of expanding the use of Applicant's mark in any way, including to other goods and services, through other channels of trade, or through other retail or wholesale outlets.
50. All Documents and Things referring or relating to any rejections of labels for Applicant's goods that bears the designation "SKINTELLIGENCE."

51. All Documents and Things referring or relating to any variations of packaging for Applicant's goods, in the past, present, and future, that bears the designation "SKINTELLIGENCE."
52. All Documents and Things referring or relating to any variations of software testing for Applicant's goods, in the past, present, and future, that bears the designation.
53. All Documents and Things that Applicant will use to support its Affirmative Defense that "Opposer's mark is not famous."
54. All Documents and Things that Applicant will use to support its Affirmative Defense that there is no likelihood of confusion between Applicant's mark and Opposer's mark.
55. All Documents and Things that Applicant will use to support its Affirmative Defense that Opposer's claims are barred by the Doctrine of Unclean Hands.
56. All Documents and Things that Applicant will use to support its Affirmative Defense that Opposer has failed to adequately maintain, police or enforce its rights in connection with Opposer's mark.
57. All Documents and Things that Applicant will use to support its defense in this case.

LIFETECH RESOURCES, LLC

By its attorneys,

Date: Feb. 6, 2012

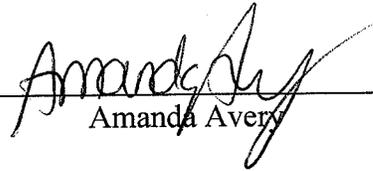


Karen McDaniel  
Danielle I. Mattessich  
MERCHANT & GOULD P.C.  
80 South Eighth Street, Suite 3200  
Minneapolis, Minnesota 55402-2215  
Telephone: (612) 332-5300  
dmattessich@merchantgould.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing OPPOSER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS was served upon the Applicant by First Class Mail, postage pre-paid, this 6th day of February 2012:

Rajiv Ranjan  
Director – IPR, MySkin, Inc.  
MySkin Inc.  
123 Town Square Place, Suite #324  
Jersey City, NJ 07310

  
Amanda Avery