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

Proceeding	91200786
Party	Defendant Bonnie Tseng
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85155593

Filed: October 19, 2010

Mark: BEAUTV

Published for Opposition: March 22, 2011

UNITED GLOBAL MEDIA GROUP, INC.

Opposer,

v.

BONNIE TSENG, BEAUTV, INC.

Applicant

Opposition No. 91200786

APPLICANT'S AMENDED RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES

Interrogatory No. 1

Identify each person with knowledge of the facts set forth in the Opposition and Applicants Answer, or with knowledge of any facts pertinent to this action, and state the facts or subject matter of each such person's knowledge.

**Applicant's Response:**

Bonnie Tseng invented the BEAUTV designation in 1999; registered for BEAUTV.COM domain name and web address space in 1999, incorporated as BEAUTV, Inc. in the State of Georgia January 2000, applied for trademark protection in 2001; received trademark in 2002

Interrogatory No. 2

Identify and describe each product sold, and each service rendered, by Applicant under Applicant's Designation.

**Applicant's Response:**

No products have been sold. Web site using the name BEAUTV.COM is the primary portal for providing information and more specifically, editorial about beauty and beauty related products, reviews and testing of products, photography, artistic renderings to promote aspects of beauty products, and helpful information to web site visitors.

Interrogatory No. 3

State the exact date(s) on which Applicant will rely as to when use of Applicant's Designation commenced in connection with the sale or distribution of each item of goods and each service specified in answer to Interrogatory No.2.

**Applicant's Response:**

Applicant registered and obtained the BEAUTV.COM web site domain name and web space on July 30, 1999, and commenced publishing information and editorial about beauty through the web site.

Interrogatory No. 4

State the date on which Applicant first used Applicant's Designation in commerce for each good and service stated in answer to Interrogatory No.2

**Applicant's Response:**

Applicant first used designation BEAUTV for specific communications commencing in early 1999. Same answer as Interrogatory No. 3.

Interrogatory No. 5

State the basis for the dates identified in answer to Interrogatory Nos. 3 and 4.

**Applicant's Response:**

Applicant began providing information and expertise about beauty in 1996, was subsequently regularly published on a beauty related web site, provided beauty and beauty product expertise to the web site's online community, reported product evaluations to beauty related public relations firms, beauty brands and professionals, and the general public who accessed the information through the Internet.

Applicant subsequently invented the BEAUTV designation, business entity, corporate identity, associated web site and e-mail in 1999 as a specific identity to publish and promote original works of a specific style, provide expertise and gather and present information in various formats (including but not limited to editorial, original imagery, person to person interaction, verbal advice on beauty products) pertaining to the subject of beauty for the purpose of providing information about beauty.

Interrogatory No. 6

Identify all documents, purchase orders, invoices, labels, or any writing whatsoever which Applicant will rely upon to establish Applicant's Designation was in use in connection with providing information about beauty in commerce on October 19, 2010

**Applicant's Response:**

Web site and e-mail service were established and continuously available to the public since 1999, with no opposition from any party including Opposer. Supporting documents include:

1. Invoices for all related internet services and domain name registrations and renewals
2. State of Georgia corporate entity BEAUTV, Inc. initial registration in 2000 and annual renewal documents to date.

Interrogatory No. 7

Identify all documents, purchase orders, invoices, labels, or any writing whatsoever which Applicant will rely upon to establish Applicant's Designation was in use in connection with providing information about beauty in commerce on January 1, 1999.

**Applicant's Response:**

See previous answers. Original Articles and letters from PR firms requesting BEAUTV's editorial service date back to 1999.

Interrogatory No. 8

Identify all documents, purchase orders, invoices, labels, or any writing whatsoever which Applicant will rely upon to establish the date(s) specified in answer to Interrogatory Nos. 3 and 4.

**Applicant's Response:**

1. Invoices and associated documents for all related internet services and domain name registrations and renewals
2. State of Georgia corporate entity BEAUTV, Inc. initial registration in 2000 and annual renewal documents to date.
3. USPTO registration and associated documents for BEAUTV designation

Interrogatory No. 9

With respect to the first use(s) of Applicant's Designation in connection with the sale, distribution, or rendering of each item of goods or services identified in Interrogatory No. 2, state:

- (a) The manner in which Applicant's Designation was used, e.g., by affixation to containers, or labels, etc.;
- (b) If Applicant's Designation was printed on containers for the product or on labels, the name and address of the person(s) or organization which printed the term;

- (c) Whether the product or service was sold or rendered;
- (d) Whether the product or service was distributed free of charge;
- (e) The name and address of the person(s) or organization to whom the product or service was sold, distributed, or rendered;
- (f) Whether Applicant itself manufactured each of the items sold or distributed under Applicant's Designation
- (g) Whether the sale, distribution, or rendering of each item of goods or services under Applicants Designation has been continuous from the date specified in Interrogatory Nos. 3 and 4 to the present;
- (h) If the answer to Interrogatory 9(g) is in the affirmative, whether the circumstances described in answer to Interrogatories 9(a), 9(b), 9(c), 9(d), 9(f) prevailed throughout the period identified in Interrogatory 9(g);
- (i) If the circumstances described in answer to Interrogatories 9(a), 9(b), 9(c), 9(d), and 9(f) did not prevail throughout the period identified in Interrogatory 9(g), state how they changed, providing specific dates and names wherever requested; and
- (j) If the answer to Interrogatory 9(g) is in the negative, state the periods of time during which Applicant's Designation was not used by Applicant in connection with the sale, distribution, or rendering of any of the items of goods or services.

**Applicant's Responses:**

- a) BEAUTV has been used consistently since 1999 as both a business corporate identity for BEAUTV, INC. and associated internet identity BEAUTV.COM for the purpose of providing information about beauty. Including but not limited to:
  - 1. Domain name, BEAUTV.COM and associated web pages
  - 2. Domain Server address

3. E-mail domain
  4. Copyright reference
  5. Corporate Identity BEAUTV, Inc.
  6. Stationery
- b) Non-applicable
  - c) Services rendered through the Internet
  - d) Yes
  - e) General web site visitors, including multiple PR Firms and product brands who were provided editorial services. Representative sampling of the PR Firms and product brands will be provided on their original stationery which indicates names and addresses.
  - f) Non-applicable
  - g) Yes
  - h) Yes
  - i) Non-applicable
  - j) Non-applicable

Interrogatory No. 10

State why Applicant selected Applicant's Designation as a designation for each item of goods or category of services specified in application Serial No. 85155593, and the circumstances by which Applicant selected such designation.

**Applicant's Response:**

Same answer as Interrogatory No. 1

Interrogatory No. 11

Identify by name, address, and firm or corporate affiliation the person(s) who was primarily responsible for selecting Applicant's Designation as a designation.

**Applicant's Response:**

Bonnie Tseng created and registered the word BEAUTV as the designation for BEAUTV, Inc. and BEAUTV.COM

Interrogatory No. 12

Identify all documents, including but not limited to search reports, market surveys, interoffice memoranda, relating to the adoption of Applicant's Designation as a designation for each item of goods or category of services specified in Applicant's answer to Interrogatory No.2.

**Applicant's Response:**

Creation of designation began with the Applicant's writings

Interrogatory No. 13

Identify all channels of trade through which Applicant sells goods or render services bearing Applicant's Designation.

**Applicant's Response:**

BEAUTV is the designation associated with the web site and e-mail as well as the specific corporate identity for BEAUTV, Inc., which publishes and promotes original works and provides and gathers information in various formats (original imagery, person to person interaction, verbal advice on beauty products) pertaining to the subject of beauty.

Interrogatory No. 14

Identify and describe the channels of distribution in the United States of each item of goods and services distributed, sold, or rendered under Applicant's Designation.

**Applicant's Response:**

Same answer as Interrogatory No. 13

Interrogatory No. 15

Identify all purchasers by class (e.g. retailers, general public) of each item of goods and service distributed, sold, or rendered under Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "purchasers."

Interrogatory No. 16

Identify all businesses or individuals that have purchased goods sold or services rendered in connection with Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "purchased."

Interrogatory No. 17

List all geographical areas by city and state in which Applicant sells each item of goods or renders services under Applicant's Designation.

**Applicant's Response:**

Global, using the World Wide Web

Interrogatory No. 18

List all radio and/or TV stations in the United States where Applicant has advertised each good or service rendered in connection with Applicant's Designation and the dates thereof.

**Applicant's Response:**

Non-applicable

Interrogatory No. 19

Identify all media outlets, including but not limited to newspapers, magazines, trade journals, radio or television stations, and websites, through which Applicant has advertised each good or service offered in connection with Applicant's Designation and the publication dates thereof.

**Applicant's Response:**

Non-applicable

Interrogatory No. 20

State the amount expended by year in the United States in the advertisement of each item or category of goods or services used in connection with Application Designation.

**Applicant's Response:**

Fees and registration associated with BEAUTV.COM, and web access fees averaging \$300 annually

Interrogatory No. 21

Identify by name and address all person(s) or organization(s) who have been responsible for advertising the goods sold or services rendered under Applicant's Designation.

**Applicant's Response:**

Bonnie Tseng

Interrogatory No. 22

State the date on which Applicant first advertised any goods or services under Applicant's Designation and identify such goods or services.

**Applicant's Response:**

Web site BEAUTV.COM was established in 1999.

Interrogatory No. 23

State whether Applicant's Designation has ever been used in connection with television and radio production and broadcasting, including whether Applicant has ever used or printed the designation, or authorized the use or printing of the designation via the internet.

**Applicant's Response:**

To date, BEAUTV designation has not been used in connection with television and radio production and broadcasting. BEAUTV designation has been used since 1999 on the internet, specifically through the BEAUTV.COM web site.

Interrogatory No. 24

For each calendar year since commencement of use of Applicant's Designation, state the amount of sales by state by Applicant in the United States of each item of goods or services identified in response to Interrogatory No. 2.

**Applicant's Response:**

Not Applicable as to reference to "sales."

Interrogatory No. 25

Identify each person or company who has ever been responsible for bookkeeping or accounting with respect to all goods sold or services rendered under Applicant's Designation.

**Applicant's Response:**

Bonnie Tseng has been responsible for accounting of expenditures relating to business operations.

Interrogatory No. 26

Describe all instances of actual confusion known to Applicant between the source of products or services sold or rendered under Applicant's Designation and the source of goods sold or services provided under any other trademark, including without limitation Opposer's Marks.

**Applicant's Response:**

There has not been any known confusion between BEAUTV and the source of products and services provided under any other trademark, including but not limited to Opposer's Marks.

Interrogatory No. 27

Identify every person who conducted any searches to determine whether Applicant's Designation was available for use or registration.

**Applicant's Response:**

Bonnie Tseng searched prior to 1999 to determine whether BEAUTV designation was available for use and registration. USPTO Trademark Examining Attorney, who found no similar registered or pending mark. (EXHIBIT D)

Interrogatory No. 28

Describe any searches that Applicant conducted to determine whether Applicant's Designation was available to use or registration prior to or after commencing use of Applicant's Designation.

**Applicant's Response:**

Searches of the US Patent and Trademark office records, and business entities were searched to positively determine availability of the specific combination of letters comprising the BEAUTV designation prior to designation application and internet based communications. The BEAUTV designation was initially invented and solely used by Applicant since 1999 without opposition.

The USPTO Examining Attorney for the initial application also officially stated in 2001 upon granting the designation that there were no conflicting marks (EXHIBIT D)

Interrogatory No. 29

Describe the circumstances surrounding when Applicant's first become aware of Opposer's Marks

**Applicant's Response:**

Applicant discovered Opposer's marks upon receipt of Opposer's Counsel, Aaron Silverstein's e-mail in 2010. Applicant was previously unaware of Opposer's marks prior to such date.

Interrogatory No. 30

Identify everyone who has a license to use Applicant's Designation.

**Applicant's Response:**

Only BEAUTV, INC. and officers have reserved rights to use the BEAUTV designation.

Interrogatory No. 31

Explain Applicant's order processing, fulfillment, and payment process for each of Applicant's channels of trade.

**Applicant's Response:**

Non-applicable

Interrogatory No. 32

Identify all goods or services on which Applicant has a bonafide intent to use Applicant's Designation in the future.

**Applicant's Response:**

To date, plans for BEAUTV Designation intent to use are the same in use since 1999, which has been continuously associated with the internet identity, including web site, web site content, e-mail domain, person to person direct interactions, information gathering and presentation, as well as the specific corporate identity and business registration entity for BEAUTV, Inc.

Interrogatory No. 33

State all facts that support Applicant's contention that Applicant has a bonafide intent to use Applicant's Designation on every good or service identified in answer to the preceding interrogatory.

**Applicant's Response:**

The BEAUTV Designation has been in continuous use since 1999 in prior interrogatories, as evidenced by consistent annual fees paid for registration of business entity and all internet related fees and registrations.

Interrogatory No. 34

Describe Applicant's plans to expand the sale of goods, or rendering of services, under Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "expand the sale of goods."

Interrogatory No. 35

Identify every internet website through which Applicant has marketed goods or services under Applicant's Designation.

**Applicant's Response:**

BEAUTV.COM is the only web site that has been registered for BEAUTV, Inc.

Interrogatory No. 36

For each website identified in response to Interrogatory No. 29, state the total number of unique visitors, by state, for each year since Applicant commenced use of Applicant's Designation.

**Applicant's Response:**

Unknown

Interrogatory No. 37

Identify every wholesaler and retail store through which Applicant has sold goods or offered services in connection with Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "sold."

Interrogatory No. 38

Identify every instance in which Applicant's Designation has been mentioned in any publication.

**Applicant's Response:**

Unknown

Interrogatory No. 39

Identify everyone with whom you have discussed the dispute underlying this proceeding.

**Applicant's Response:**

This dispute has been discussed with USPTO Trademark Trial and Appeal Board employees who answer the phone lines for general questions regarding procedures, the Opposer's representative Attorney Aaron Silverstein, and in very non-specific or leading dialogue, Anne Linehan, USPTO Interlocutory Attorney.

Interrogatory No. 40

State the basis for Applicant's defense that the Opposer's Marks fail to pre-date the application filing of Applicant's Designation.

**Applicant's Response:**

All of Opposer's marks were filed for designation years after BEAUTV designation was granted in 2002 to Applicant without opposition or conflicting marks.

Interrogatory No. 41

State the basis for Applicant's defense that use of the Opposer's Marks fail to pre-date the use of Applicant's Designation.

**Applicant's Response:**

All of Opposer's marks were filed for Trademark designation years after BEAUTV designation was granted without opposition or conflicting marks in 2002. To date, there has not been any party's stated confusion of BEAUTV Designation with Opposers marks whatsoever. There has been no evidence provided that use of Opposer's marks pre-dated use of BEAUTV designation.

Interrogatory No. 42

If Applicant has obtained any statements or opinions regarding any of the issues in this proceeding, identify the person who made each statement or opinion, provide the date Applicant received each statement or opinion, state whether it was oral or in writing, and state the general topic of the statement or opinion.

**Applicant's Response:**

None

Interrogatory No. 43

Identify any and all documents responsive to the foregoing interrogatories which are lost and identify the date(s) the loss was first discovered, the person(s) who first discovered the loss and the person(s) most knowledgeable about the contents of such lost documents.

**Applicant's Response:**

None

Interrogatory No. 44

How many hours per month does Applicant spend running the business of selling goods or rendering services bearing Applicant's Designation?

**Applicant's Response:**

Approximately 30 hours per month.

Interrogatory No. 43

Identify all persons who participated in any way in the preparation of the answers or responses to these interrogatories and state specifically, with reference to interrogatory numbers, the area of participation of each such person.

**Applicant's Response:**

Bonnie Tseng

Dated October 3, 2012

BeauTV, Inc.



Bonnie Tseng, BeauTV, Inc.

3020 LaVista Ct.

Decatur, GA 30033

beautv@mindspring.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Response to OPPOSER'S FIRST SET OF INTERROGATORIES was served electronically and via prepaid US mail on October 3, 2012, to:

United Global Media Group, Inc.

c/o Aaron Silverstein

Saunders & Silverstein LLP

14 Cedar St., Suite 224

Amesbury, MA 01913-1831

asilverstein@massiplaw.com

A handwritten signature in black ink, appearing to read "Bonnie Tseng", written over a horizontal line.

Bonnie Tseng, BeauTV, Inc.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Applicant

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APPLICANT'S RESPONSE TO OPPOSER'S FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS AND THINGS

The following are answers to requests for production of documents and things. Copies of non-opposed documents as follows will be submitted via a combination of electronic and hard copy.

**Request No. 1**

All documents that Applicant was required to identify in response to Opposer's First Set of Interrogatories to Applicant, or from which information was obtained in preparing the responses to the First Set of Interrogatories.

**Applicant's Response:**

See EXHIBITS A-S

**Request No. 2**

All documents relating to the date(s) and manner in which Applicant first learned of Opposer's Marks and Opposer's use of Opposer's Marks.

**Applicant's Response:**

Refer to Opposer's initial Opposition Filing is the basis for which Applicant first learned of Opposer's Marks and Opposer's use of Opposer's Marks

**Request No. 3**

All documents relating to the selection, availability, adoption, creation, design, proposal to use, intent to use, attempt to register, or registration of Applicant's Designation, including without limitation, any minutes or notes from any meetings in which such topics were discussed.

**Applicant's Response:**

See EXHIBITS D, E, F

**Request No. 4**

All documents or other material relating to the use of Applicant's Designation in connection with providing information about beauty in commerce on October 19, 2010.

**Applicant's Response:**

See EXHIBITS G-L, for annual registration for corporation, BEAUTV, Inc., See EXHIBITS A-C for domain name and web hosting records from 1999-2012

**Request No. 5**

All documents or other materials relating to the use of the Applicant's Designation in connection with providing information about beauty in commerce on January 1, 1999.

**Applicant's Response:**

See EXHIBITS D, E, F, M-S

**Request No. 6**

All documents relating to any search or evaluation of any records conducted by or on behalf of Applicant to determine whether other persons had used or sought registration of any word or phrase similar to Applicant's Designation or whether Applicant's use of Applicant's Designation would conflict with the rights of any person.

**Applicant's Response:**

See EXHIBIT D "No Conflicting Marks Noted"

**Request No. 7**

Representative samples of the products sold, or services rendered, in connection with Applicant's Designation, including evidence of the dates of such samples.

**Applicant's Response:**

See EXHIBITS M-S, any services were rendered for trade or free.

**Request No. 8**

All documents or other materials on which Applicant's Designation has been or is intended to be displayed, including without limitation, sample products, packaging, cartons, labels, product merchandizing, web pages, advertisements, brochures, sales literature, signs, handbills, stationery, business cards, decals, badges, catalogs, computer screens, videos, or other materials.

**Applicant's Response:**

Designation has only been presented on web pages, e-mail addresses, and BEAUTV, Inc. stationery.

**Request No. 9**

All documents relating to the creation, design, development, printing or manufacture of any materials on which Applicant's Designation has ever been or is intended to be displayed, including,

without limitation, any correspondence, purchase orders, records of payment or invoices sent to or received from any person involved in such creation, design, development, or manufacture.

**Applicant's Response:**

None - all designs for materials bearing BEAUTV designation were self-created and self-manufactured.

**Request No. 10**

Representative samples of documents or other materials which identify, explain, or describe each of the products or services ever offered, rendered, or sold or intended for sale under Applicant's Designation.

**Applicant's Response:**

See EXHIBITS M-S for examples and confirmation of editorial requests and services

**Request No. 11**

All documents relating to the date and manner in which Applicant's Designation was first used in connection with the sale of each type of product or service offered for sale by Applicant.

**Applicant's Response:**

Not Applicable as to reference to "sale."

**Request No. 12**

All sales reports, financial statements, or other documents relating to the revenues Applicant has derived from the sale of each product, or rendering of each service, offered under Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "sale."

**Request No. 13**

All documents relating to the nature and amount of any and all advertising, development, or promotional expenditures incurred in connection with each product or service offered or planned to be offered under Applicant's Designation.

**Applicant's Response:**

All advertising is done in-house. Promotional expenses are comprised only of internet related fees for hosting services for BEAUTV web site.

**Request No. 14**

All documents relating to any use of Applicant's Designation in the field of providing information about beauty.

**Applicant's Response:**

“All documents” being too numerous, examples and confirmation of use of designation and the Public Relations firms requests and acknowledgement in regards to “provide information about beauty” are provided in EXHIBITS D, E, F, M-S

**Request No. 15**

Documents sufficient to show Applicant's total annual revenue from the sale of goods bearing Applicant's Designation, or services rendered under Applicant's Designation. for each year the designation has been in use.

**Applicant's Response:**

Not Applicable as to reference to “sale.”

**Request No. 16**

Documents sufficient to show Applicant's total annual advertising and marketing expenditures in connection with goods bearing Applicants Designation, or services rendered under Applicant's Designation, for each year in which the designation has been in use.

**Applicant's Response:**

Promotional expenses are comprised only of internet related fees for hosting services for BEAUTV web site, exemplified by EXHIBITS B-C.

**Request No. 17**

All documents relating to Applicant's Designation that were sent to or received from any advertising agency, public relations or media firm, or design firm.

**Applicant's Response:**

Public relations agencies regularly contacted BEAUTV, Inc. to assist their work as exemplified by EXHIBITS M, O, Q-S

**Request No. 18**

Representative samples of all advertisements or promotional materials relating to Applicant's Designation.

**Applicant's Response:**

Not applicable

**Request No. 19**

All documents relating to marketing plans, media plans, business plans or other strategic planning documents relating to Applicant's Designation, or products or services offered, sold, rendered. or intended for sale under Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "sold" and "sale."

**Request No. 20**

All documents relating to any meetings, correspondence, telephone calls, electronic communications, or other communications between Applicant and Opposer.

**Applicant's Response:**

There has been no direct communications between Applicant and Opposer other than Opposer's counsel, Aaron Silverstein initially contacting Applicant just prior to initiating Opposition, serving papers related to Opposition, and one phone discovery conference dated 11/2/11. Aaron Silverstein has contacted Applicant via e-mail once regarding this request, and was informed that Applicant had a serious illness.

**Request No. 21**

All documents relating to Applicant's Designation that Applicant has filed with or received from any federal, state, or local governmental office or regulatory agency, including without limitation, all documents filed or received in connection with any application to register, or any sale, purchase, assignment, or other conveyance of Applicant's Designation.

**Applicant's Response:**

Due to excessive request, representative examples of the continuous business registration are provided in EXHIBITS D, F, G, H, I, J, K, L.

**Request No. 22**

All documents relating to any third party use, registration, or application to register Applicant's Designation, Opposer's Marks, or any trademark which includes the term BEAUTY or any similar word or phrase, in any language.

**Applicant's Response:**

There has been no third party use or agreements.

**Request No. 23**

All documents relating to any objections made or considered by Applicant concerning use or registration of any mark containing Applicant's Designation, or any similar word or phrase, by any third party.

**Applicant's Response:**

There have been no objections, by any third party or other as to the use or registration of any mark containing Applicant's Designation other than by the Opposer.

**Request No. 24**

All documents relating to any press releases, newspaper articles, blogs, website, or other publications which mention Applicant's Designation or any of the products or services sold or offered under Applicant's Designation.

**Applicant's Response:**

"All documents" being to voluminous, a sample of the appreciation expressed by public relations agencies for Applicant's work can be found in EXHIBIT R

**Request No. 25**

All documents relating to the target audience for all advertisements or marketing materials containing Applicant's Designation.

**Applicant's Response:**

BEAUTV is for anyone without distinction by race, gender, location, or otherwise, who is interested in the subject of beauty.

**Request No. 26**

All documents relating to the classes or types of purchasers to whom products have been sold. or services have been rendered, or are planned to be sold or rendered, under Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "sold."

**Request No. 27**

All documents relating to the methods of sale or channels of trade or distribution, through which products or services have been sold or offered, or are planned to be sold or offered, under Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "sold." Services have only been offered via the Internet and in person.

**Request No. 28**

All documents relating to any survey, poll, or other research regarding Applicant's Designation, or the products or services offered, or planned to be offered, under Applicant's Designation.

**Applicant's Response:**

None

**Request No. 29**

All documents relating to the commercial impression created by Applicant's Designation.

**Applicant's Response:**

Example found in EXHIBIT R page 3 and EXHIBIT S page 2

**Request No. 30**

All documents relating to any communications between Applicant and any other person regarding Applicant's Designation, or this dispute.

**Applicant's Response:**

None

**Request No. 31**

Copies of all licenses, assignments, distributorship, franchise, or other agreements related to Applicant's Designation.

**Applicant's Response:**

None

**Request No. 32**

Documents sufficient to identify all prospective customers of products or services offered under Applicant's Designation to whom promotional materials have been sent, including the addresses of all such persons.

**Applicant's Response:**

Not Applicable as to reference to "customers."

**Request No. 33**

All documents relating to the date and manner in which Applicant's Designation was last used in connection with the sale of each type of product, or the rendering of each type of service, offered for sale.

**Applicant's Response:**

Not Applicable as to reference to "sale."

**Request No. 34**

All documents referring to any domain names ever owned by Applicant that contain the term BEAUTV, the word BEAUTY, or variations thereof and/or are used or intended to be used in connection with the sale or advertisement of products or services under Applicant's Designation, including without limitation all documents referring to such domain names.

**Applicant's Response:**

The only domain name owned by BEAUTV, INC. is BEAUTV.COM.

**Request No. 35**

All documents relating to the prosecution of U.S. Trademark Application Serial No. 85155593.

**Applicant's Response:**

Object due to excessive request for information that is already available and accessed by Opposer through the USPTO web site.

**Request No. 36**

All documents relating to the selection of services set forth in U.S. Trademark Application Serial No. 85155593.

**Applicant's Response:**

There are no new documents superseding the initial selection of service of "providing information about beauty" for the initial trademark BEAUTV granted to Applicant without opposition or conflicting marks in 2002.

**Request No. 37**

Documents sufficient to show all goods and services with which Applicant currently has actual use of Applicant's Designation.

**Applicant's Response:**

Applicant's designation is used on BEAUTV.COM and for BEAUTV, Inc. corporate identity.

Dated October 3, 2012

BeauTV, Inc.



Bonnie Tseng, BeauTV, Inc.  
3020 LaVista Ct.  
Decatur, GA 30033  
beautv@mindspring.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Response to OPPOSER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS was served electronically and via pre-paid US mail on October 3, 2012, to:

United Global Media Group, Inc.

c/o Aaron Silverstein

Saunders & Silverstein LLP

14 Cedar St., Suite 224

Amesbury, MA 01913-1831

asilverstein@massiplaw.com

A handwritten signature in black ink, appearing to read 'Bonnie Tseng', with a horizontal line underneath it.

Bonnie Tseng, BeauTV, Inc.