

ESTTA Tracking number: **ESTTA505874**

Filing date: **11/15/2012**

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

Proceeding	91200786
Party	Defendant Bonnie Tseng
Correspondence Address	BONNIE TSENG BEAUTV INC 3020 LAVISTA COURT DECATUR, GA 30033-1102 UNITED STATES bonnietseng@mindspring.com, beautv@mindspring.com
Submission	Motion to Compel Discovery
Filer's Name	Bonnie Tseng
Filer's e-mail	bonnietseng@mindspring.com, beautv@mindspring.com
Signature	/bonnietseng/
Date	11/15/2012
Attachments	BEAUTV-motion-to-compel-Admissions.pdf (7 pages)(259918 bytes) BEAUTV_CompelAdmissions_EXHIBIT-B.pdf (20 pages)(4250179 bytes) BEAUTV_CompelAdmissions_EXHIBIT-A.pdf (16 pages)(1668078 bytes)

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

Applicant.

Opposition No. 91200786

APPLICANT'S MOTION TO COMPEL OPPOSER'S FULL RESPONSES TO
REQUEST FOR ADMISSIONS

Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure and Trademark Board Manual of Procedure ("TBMP") §§411.0 1 and 411.02. Applicant respectfully moves for the Board to compel Opposer, United Global Media Group ("UGMG") to respond fully and completely to Applicant's Request for Admissions.

Opposer has refused to provide complete, factual or truthful responses to Request for Admissions. Thus, a motion to compel is warranted.

I. BACKGROUND

The Opposer commenced this proceeding by filing a notice of opposition against Applicant's application to register the mark BEAUTV (Serial No. 85/155,593) on July 20, 2011 despite no prior opposition to Applicant's previously registered trademark, BEAUTV. Applicant denied that there is a likelihood of confusion, and asserted prior common law rights and designations, including but not limited to prior trademark registration for BEAUTV (2001), longstanding corporate entity BEAUTV, Inc. (2000), and web site domain www.beautv.com (1999).

On October 15, 2012, Applicant served Opposer with written discovery, Applicant's Request for Admissions. On November 14, 2012, Applicant received Opposer's responses to Applicant's Request for Admissions, which were materially incomplete or lacking in fact or truth. Opposer's discovery responses as denials or objections are wholly inadequate and lack fact or truth. Due to Discovery closing on November 15, Applicant has no choice but to compel complete and factual answers.

It has become readily apparent from Opposer's conduct and communications that Opposer is not cooperating for the discovery process in regards to Applicant's requests and has rejected opportunities to resolve matters without damaging the Applicant. Accordingly, Applicant has been left with little choice but to file this motion.

II. AN ORDER COMPELLING OPPOSER'S DISCOVERY RESPONSES IS APPROPRIATE

A. Opposer Improperly Objects to Relevant Request for Admissions, and Responses Are Incomplete or not Truthful or Factual

In responding to validly served requests, a party has a duty to provide full and complete answers to all inquiries that fall within the liberal scope of discovery authorized by the Federal Rules. *See* TBMP § 405.04(b).

Opposer has refused to provide any information or admissions with respect to numerous basic requests for admission on the basis of but not limited to the following objection: "Object as being vague, ambiguous, and unintelligible," and in some cases adding "UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence." The Applicant's Request for Admissions includes reasonable and clear requests for admission of basic information within the admissible scope of knowledge of the Opposer, and reasonable in the scope of discovery for determining a valid opposition. Opposer also denies admissions of

knowledge of documents and facts previously provided by the Applicant in response to Opposer's Discovery, and is suppressing or concealing valid requested information. For example, Applicant's prior Production of Documents and Things in response to Opposer's Discovery confirm the continuous use and registration (web (1999), corporate entity (2000), and subsequent trademark designation (2001)) of the Applicant's created word, BEAUTV dating back to 1999 (*See Exhibit B, Applicant's Response to Opposer's Request for Documents and Things*), yet Opposer fails to adequately respond with a truthful answer affirming the fact. (*See Exhibit. A. Opposer's Responses to Request for Admissions*). Each of the requested admissions, however, are clearly relevant as they ask for Opposer's knowledge of Applicant's first use and material differences between Applicant's mark and Opposer's marks. None of Opposer's objections or denials have merit, and thus Opposer should be compelled to provide complete answers to the requests for admissions as they are reasonable and germane to the case.

Finally, confidentiality is not a basis to refuse to disclose relevant information. Discovery in this case is being conducted under the Board's Standard Protective Order.

B. Opposer Has Produced No Valid Answers to Applicant's Request for Admissions and Denies or Objects to Admissions of Factual or Truthful Information, Thus Complete Responses to Admissions Must be Compelled

To date, Opposer has produced no meaningful responses in response to Applicant's Request for Admissions for even the most basic requests. Applicant has attempted to cooperate with Opposer to obtain the information it needs, but Opposer has refused to provide meaningful responses to even the most basic requests for admissions that pertain to the nature or grounds of Opposer's opposition. Thus, the Board should compel Opposer to produce complete answers as they are within the scope of discovery and the ability of Opposer to answer.

Judging from Opposer's responses, Opposer denies basic knowledge of facts relevant to

their grounds for Opposition and demonstrates an unwillingness to comply with reasonable discovery procedures. Opposer claims validity of Opposition and executes excessive requests for information and motions, yet fails to produce basic information germane to their opposition or the validity of the opposition.

All of the Applicant's Requests for Admission are clearly relevant and applicable to many key issues of the case. For example, in Exhibit A, Applicant's Request No.16, "Admit that Applicant's BEAUTV mark was previously granted Trademark protection, unopposed, prior to Trademark applications for Opposer's marks." Opposer denied the request. Applicant previously provided Opposer documents stating such facts in Opposer's Discovery, which clearly indicate prior use and registration without confusion with any of Opposer's marks, yet Opposer denies these basic requests germane to Opposer's opposition, stating that the request is "vague, ambiguous, and unintelligible," and "objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence." Also reference Opposer's responses to Request for Admissions Nos. 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 where Opposer references similar objections when the Request for Admission is clearly stated.

Applicant's requests are clearly applicable and relevant in all Requests for Admissions, and Opposer should be compelled to produce complete and valid responses to all Request for Admissions.

Finally, confidentiality is not a ground to withhold meaningful answers to request for admissions as most requests are for basic admissions of knowledge of information germane to the Opposer's previously stated grounds for opposition. If Opposer believes information to be sensitive, it can be appropriately designated under the Standard Protective Order, to which both parties are bound.

III. CONCLUSION

For the foregoing reasons, Applicant respectfully requests that Opposer be compelled to produce complete factual responses.

TBMP § 523.02 CERTIFICATION

Applicant hereby certifies that it made a good faith effort to obtain valid information and due to the timing of submission of the Opposer's incomplete responses, the afternoon before close of discovery, the parties were unable to reach an agreement in the matter before close of Discovery, thus Applicant has no option but to compel complete answers by Opposer to Applicant's Request for Admissions.

Respectfully submitted,

Dated: November 15, 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 APPLICANT'S MOTION TO COMPEL OPPOSER'S FULL RESPONSES TO REQUEST FOR ADMISSIONS was served electronically on November 15, 2012, and a copy sent via pre-paid US mail on November 16, 2012, to:

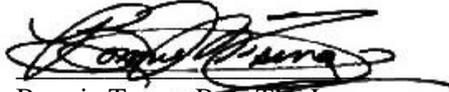
United Global Media Group, Inc.
c/o Aaron Silverstein
Saunders & Silverstein LLP
14 Cedar St., Suite 224
Amesbury, MA 01913-1831
asilverstein@massiplaw.com



Bonnie Tseng, BeauTV, Inc.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via ESTTA on November 15, 2012, to the United States Patent and Trademark Office.



Bonnie Tseng, BeauTV, Inc.

EXHIBIT B

In the Matter of

Applicant's Motion to Compel Opposer's Full Responses
to Applicant's Request for Admissions

Previously Provided Documents and Things in response
to Opposer's Discovery

provided by Applicant October 2012

Initial Domain Registration in 1999 done with assistance by an internet company, Tachonix

NSI - WHOIS Search Results

9/6/00 1:56 PM



> HOME > MAKE CHANGES > PRODUCTS & SERVICES > SITE MAP > HELP

WHOIS

> Back to [Home Page](#)

Pick any door to find what you've won!

1 2 3 4 5

Search Results

WHOIS Lookup Sponsored by

CLICK HERE Get your **FREE** Guide to SSL encryption.

Registrant:
Tachonix, Inc. ([BH28332](#))
3214 Chattahoochee Cir.
Roswell, GA 30075
US

Domain Name: BEAUTV.COM

Administrative Contact, Technical Contact, Zone Contact, Billing Contact:
Hood, James ([JH28332](#)) jhood@TACHONIX.COM
Tachonix, Inc.
3214 Chattahoochee Cir.
Roswell, GA 30075
7706509499 (FAX) 7706500693

Record last updated on 30-Jul-1999.
Record expires on 30-Jul-2001.
Record created on 30-Jul-1999.
Database last updated on 5-Sep-2000 14:29:55 EDT.

Domain servers in listed order:

NS.TACHONIX.COM [208.152.204.193](#)
NS.ABRAXIS.NET [216.47.64.201](#)

Look up another domain name using WHOIS:



To look up a NIC handle, host name, or registrant, use the keywords below:

- To search by [NIC handle](#) (or [contact](#)), type "handle WA3509"
- To search by [name](#), type "name lastname, firstname"
- To search by [company name](#), type "name The Sample Corporation"
- To search by [domain name](#), type "example.com"
- To search by [IP address](#), type "host 121.23.2.7"
- To search by [host](#) or [nameserver](#) name, type "host ns1.worldnic.com"

For advanced WHOIS search instructions please see our [WHOIS Help](#).

Search our [dot com directory](#) to find businesses online.

Use IdNames' services [register your name](#) in more than 50 countries.

Domain registration renewal with Network Solutions after the initial internet company transferred preliminary registration to BeauTV, Inc. as agreed.

4915



WEB ADDRESS REGISTRATION INVOICE

Tseng, Bonnie
 BeauTV, Inc.
 3020 Lavista Ct
 Decatur, GA 30033-1102

Send Payments To:
 Network Solutions, Inc.
 PO Box 17305
 Baltimore, MD 21297-0525

Invoice Date: 06-NOV-00
Tax ID: 52-1146119



900288953060070003

Invoice Number: 28895306	Web Address: BEAUTV.COM	
Due Date: 08-DEC-2000	Period Covered: 02-NOV-2000 - 02-NOV-2002	Amount Due: \$70.00 US Dollars
<p><i>Thank you for registering the Web address shown above. Timely receipt of payment will ensure registration services for the period noted above. By this payment, Registrant agrees to the terms and conditions of the current Service Agreement. This payment is non-refundable.</i></p> <p>To Pay By Credit Card or Confirm Payment: We accept all major credit cards 24 hours per day, seven days a week. Go to www.networksolutions.com/payments to use Network Solutions' Secure On-Line Payment System.</p> <p style="text-align: center;">Or:</p> <p>Call 1-888-771-3000 toll-free from the United States, Canada, Puerto Rico and the U.S. Virgin Islands. Outside of these areas, call 1-402-496-9798.</p> <p>To Pay By Check: Make check payable to Network Solutions, Inc. in US Dollars, drawn on a US Bank, and return the check and payment stub in the enclosed remittance envelope.</p> <p>Attention Business Account Program Members: To pay using the funds in your debit account send e-mail to accounts@networksolutions.com with the Web address, invoice number, and 16-digit Account Number you were assigned when you established your debit account.</p> <p style="text-align: center;"><i>For billing inquiries, write us from www.networksolutions.com/help/contactus.html, or call 1-800-779-1710 from the United States and Canada. Outside of these areas, call 1-703-742-4777 Monday through Friday from 7:00am to 9:00pm Eastern Time.</i></p> <p style="text-align: center;">Retain this portion for your records.</p>		

Detach this stub and return with payment. If you pay for multiple invoices with one check, please send all payment stubs with your check. Please write your invoice number(s) on your check!

SEND PAYMENTS TO:
 NETWORK SOLUTIONS, INC.
 PO BOX 17305
 BALTIMORE, MD 21297-0525



Tseng, Bonnie
 BeauTV, Inc.
 3020 Lavista Ct
 Decatur, GA 30033-1102

Make check payable to:
 Network Solutions, Inc.

Invoice Number: 28895306	Due Date: 08-DEC-2000	Amount Enclosed: \$70.00 USD
------------------------------------	---------------------------------	--

WI110616.TXT 001106

900288953060070003



[LIVE HELP](#)

My Account

Billing

- Billing Password
- Cancel Account
- **Charges**
- Payment Method

Resources

- Settings
- Legal Details
- Logout

[Set As Start Page](#)

Here is a summary of the charges that have been processed for your account. To view an itemized invoice for any of the charges shown below, please select the Invoice ID.

Summary of Charges

Invoice ID	Invoice Date	Amount Billed	Amount Due
188685	1/24/2006	\$14.95	\$0.00
184204	12/24/2005	\$14.95	\$0.00
179821	11/24/2005	\$14.95	\$0.00
175448	10/24/2005	\$14.95	\$0.00
171091	9/24/2005	\$14.95	\$0.00
166673	8/24/2005	\$14.95	\$0.00
162248	7/24/2005	\$14.95	\$0.00
157860	6/24/2005	\$14.95	\$0.00
153461	5/24/2005	\$14.95	\$0.00
149082	4/24/2005	\$14.95	\$0.00
144709	3/24/2005	\$14.95	\$0.00
140357	2/24/2005	\$14.95	\$0.00
136035	1/24/2005	\$14.95	\$0.00
131739	12/24/2004	\$14.95	\$0.00
127603	11/24/2004	\$14.95	\$0.00
123483	10/24/2004	\$19.95	\$0.00
119311	9/24/2004	\$19.95	\$0.00
115278	8/24/2004	\$19.95	\$0.00
111177	7/26/2004	\$19.95	\$0.00
107056	6/24/2004	\$19.95	\$0.00

Support

Website

Tools



Internet hosting documentation for second internet provider. Third and current Internet provider is GoDaddy

customer.infoquest.com | Billing Charges

2/7/06 9:26 PM

102642	5/24/2004	\$19.95	\$0.00
98802	4/26/2004	\$19.95	\$0.00
94720	3/24/2004	\$19.95	\$0.00
90738	2/24/2004	\$19.95	\$0.00
86822	1/25/2004	\$19.95	\$0.00
83010	12/24/2003	\$19.95	\$0.00
79185	11/24/2003	\$19.95	\$0.00
75386	10/24/2003	\$19.95	\$0.00
71623	9/24/2003	\$19.95	\$0.00
67883	8/25/2003	\$19.95	\$0.00
64252	7/24/2003	\$19.95	\$0.00
60639	6/24/2003	\$19.95	\$0.00
57005	5/25/2003	\$19.95	\$0.00
53480	4/24/2003	\$19.95	\$0.00
50036	3/24/2003	\$19.95	\$0.00
46755	2/24/2003	\$19.95	\$0.00
43438	1/24/2003	\$19.95	\$0.00
40239	12/24/2002	\$19.95	\$0.00
37190	11/24/2002	\$19.95	\$0.00
34087	10/24/2002	\$19.95	\$0.00
31069	9/24/2002	\$19.95	\$0.00
27996	8/24/2002	\$19.95	\$0.00
25258	7/24/2002	\$19.95	\$0.00
22428	6/24/2002	\$19.95	\$0.00
19911	5/24/2002	\$19.95	\$0.00
17512	4/24/2002	\$19.95	\$0.00
15230	3/24/2002	\$19.95	\$0.00
13141	2/24/2002	\$19.95	\$0.00
11153	1/24/2002	\$19.95	\$0.00
9273	12/24/2001	\$19.95	\$0.00
7588	11/24/2001	\$19.95	\$0.00
6018	10/24/2001	\$19.95	\$0.00

Next Billing Date: Friday, February 24, 2006.

Copyright © 2006, InfoQuest Technologies, Inc. All rights reserved.

My Account **Hi, Bonnie** | [Log Out](#)

24/7 Support: **(480) 505-8877** ? Help
[Hablamos Español](#)

All Products ▾

Cart ⁰ ▾

Domain Names

Websites & Hosting

Web Tools

[Commercials](#) | [Daily Deals](#)

My Account

BONNIE TSENG

Customer Number:

[Contact Support](#) | [Update Security Settings](#) | [My Help](#)

Account Alerts

[View all 2 messages](#)

Take a short customer survey. [Get Started!](#)

[Click here to redeem](#) your in-store credit.

[Products](#)

[Payments](#)

[Renewals](#)

[Account Summary](#)

[Settings](#)

Product Billing

Payment Methods

Order History

Pending Orders

Gift Card Balance

In-Store Credit

Billing Sync

Advertising Credits

Domain Registration Defaults >

Account Administrator >

Order History

Search For Receipts

By Domain Name:

By Product Type:

GO

Web Hosting Recurring Fees & Accessories

GO

Go Daddy

[Printable Version](#)

Receipt#: 485447296

DATE: 9/23/2012 2:39:44 AM

Customer #: 898287

Billing Information

Bonnie Tseng
 3020 LaVista Court
 Decatur, GA 30033
 US
 Daytime Phone: 4049152359
 Email: bonnietseng@mindspring.com

Name: Bonnie M Teeng

Paid: Visa (\$3.99)

Account Number: #####0726

Label	Name	Attributes	Unit Price	Tax	Qty	Extra Price	Total
10064	Hosting - Shared - Economy - Windows - Renewal - Monthly (recurring) Length: 1 Month(s)		\$5.99	\$3.99	150	00\$3.99	
10067	Bandwidth Renewal (recurring) Length: 1		\$0.00	\$0.00	150	00\$0.00	

Order History

[Google Ad Credits](#)

1 2

Receipt #	Date	Amount
485447296	9/23/2012	\$3.99
456249939	8/23/2012	\$3.99
446791741	7/23/2012	\$3.99
437928584	6/23/2012	\$3.99
428889098	5/23/2012	\$3.99
420298855	4/23/2012	\$3.99
411214634	3/23/2012	\$3.99
402658404	2/23/2012	\$3.99
393767755	1/23/2012	\$3.99
385604804	12/23/2011	\$3.99
377614460	11/23/2011	\$3.99
369333274	10/23/2011	\$3.99
361591335	9/23/2011	\$3.99
353620069	8/23/2011	\$3.99
345638932	7/23/2011	\$3.99
337165012	6/23/2011	\$3.99
330102117	5/23/2011	\$3.99
322893300	4/23/2011	\$3.99
314823958	3/23/2011	\$3.99
307483065	2/23/2011	\$3.99
299852669	1/23/2011	\$3.99
292722455	12/23/2010	\$3.99
285925918	11/23/2010	\$3.99
278914670	10/23/2010	\$3.99
272173614	9/23/2010	\$3.99
264739950	8/23/2010	\$3.99
256940358	7/23/2010	\$3.99
250268620	6/23/2010	\$3.99
243697405	5/23/2010	\$3.99
237172809	4/23/2010	\$3.99
230567609	3/23/2010	\$3.99
224166027	2/23/2010	\$3.99
217496468	1/23/2010	\$3.99
211319283	12/23/2009	\$3.99
205470616	11/23/2009	\$3.99
199517700	10/23/2009	\$3.99
193659944	9/23/2009	\$3.99
187859598	8/23/2009	\$3.99
182106474	7/23/2009	\$3.99
176449833	6/23/2009	\$3.99

Subtotal: \$3.99

Shipping & Handling:

Tax: \$0.00

Total (United States Dollars): \$3.99

*to download any software purchased please go to ["My Downloads"](#)

My Account [Hi, Bonnie](#) | [Log Out](#)

24/7 Support: **(480) 505-8877** ? Help
[Hablamos Español](#)

All Products ▾

Cart ⁰ ▾

Domain Names

Websites & Hosting

Web Tools

[Commercials](#) | [Daily Deals](#)

Search

My Account

BONNIE TSENG

[Contact Support](#) | [Update Security Settings](#) | [My Help](#)

Account Alerts

[View all 2 messages](#)

Take a short customer survey. [Get Started!](#)

[Click here to redeem](#) your in-store credit.

[Products](#)

[Payments](#)

[Renewals](#)

[Account Summary](#)

[Settings](#)

Product Billing

Payment Methods

Order History

Pending Orders

Gift Card Balance

In-Store Credit

Billing Sync

Advertising Credits

Domain Registration
 Defaults >

Account
 Administrator >

Order History

Search For Receipts

By Domain Name: **GO** By Product Type: **GO**
 Web Hosting Recurring Fees & Accessories ▾

Go Daddy

[-- Printable Version --](#)

Receipt#: 170981494

DATE: 5/23/2009 7:44:06 AM

Customer #: 898287

Billing Information

Bonnie Tseng
 3020 LaVista Court
 Decatur, GA 30033
 US
 Daytime Phone: 4049152359
 Email: bonnietseng@mindspring.com

Name: Bonnie M Tseng
 Paid: Visa (\$3.99)
 Account Number: #####6055

Label	Name	Attributes	Unit Price	Today's Price	Qty	Extra Disc.	Total Price
10064-1	Economy Hosting - Windows - Renewal - Monthly Length: 1 Month(s)		\$4.99	\$3.99	1	\$0.00	\$3.99
10067-1	Bandwidth Renewal Length: 1		\$0.00	\$0.00	1	\$0.00	\$0.00
Subtotal: \$3.99							
Shipping & Handling:							
Tax: \$0.00							
Total (United States Dollars): \$3.99							

* to download any software purchased please go to ["My Downloads"](#)

Order History

[Google® Ad Credits](#)

Receipt #	Date	Amount
170981494	5/23/2009	\$3.99
166336962	4/29/2009	\$3.99
160203362	3/23/2009	\$3.99
154954174	2/23/2009	\$3.99
149542682	1/23/2009	\$3.99
144549117	12/23/2008	\$3.99
139802477	11/23/2008	\$3.99
134971644	10/23/2008	\$3.99
130251984	9/23/2008	\$3.99
125667692	8/23/2008	\$3.99
120815017	7/23/2008	\$3.99
116354645	6/23/2008	\$3.99
112076824	5/23/2008	\$3.99
107889197	4/23/2008	\$3.99
103688761	3/23/2008	\$3.99
99635771	2/23/2008	\$3.99
95531413	1/23/2008	\$3.99
91823245	12/23/2007	\$3.99
88363680	11/23/2007	\$3.99
84942620	10/23/2007	\$3.99
81674912	9/23/2007	\$3.99
78461981	8/23/2007	\$3.99
75291387	7/23/2007	\$3.99
72316146	6/23/2007	\$3.99
69316912	5/23/2007	\$3.99
66132418	4/23/2007	\$3.99
63263681	3/23/2007	\$3.99
60545470	2/23/2007	\$3.99
57780071	1/23/2007	\$3.99
55356065	12/23/2006	\$3.99
53124392	11/23/2006	\$3.99
50877142	10/23/2006	\$3.99
48726768	9/23/2006	\$3.99
46623877	8/23/2006	\$3.99
44608800	7/23/2006	\$3.99
42757461	6/23/2006	\$3.99

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
www.uspto.gov

OFFICE ACTION / ELECTRONIC MAIL

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE. You may respond via regular mail to the address listed above, or via e-mail to [the e-mail address listed below](#). In the body of the response, please clearly state the applicant's name, mark, serial number, Law Office and Examining Attorney. Also, e-mail responses must (1) include the entire response as e-mail text, not as an attachment; (2) list the serial number in the "Subject" line; (3) be signed electronically (using the same format accepted for electronically filed applications - the signatory must enter any combination of alpha/numeric characters that has been specifically adopted to serve the function of the signature, preceded and followed by the forward slash (/) symbol. Acceptable "signatures" could include: /john doe/; /jd/; and /123-4567/. (See 64 FR 33056, 33062 (June 21, 1999))); (4) include any specimens or evidence in JPG or GIF format only, and (5) address every issue raised.

APPLICANT'S ELECTRONIC MAIL ADDRESS: bonnietseng@mindspring.com

Serial Number: 78/070108

The assigned examining attorney has reviewed the referenced application and determined the following.

No Conflicting Marks Noted

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

Recitation of Services

The wording in the recitation of services is unacceptable as indefinite. The applicant must amend the recitation to specify the common commercial name of the services or to indicate their nature. TMEP section 1301.05.

The *Acceptable Identification of Goods and Services Manual* sets out acceptable language for identifying goods and services of various types. Utilizing identification language from the Manual may enable trademark owners to avoid problems relating to indefiniteness with respect to the goods or services identified in their applications for registration; however, applicants should note that they must assert actual use in commerce or a bona fide intent to use the mark in commerce for the goods or services specified. TMEP Section 804.04.

The applicant is strongly encouraged to consult the *Acceptable Identification of Goods and Services Manual*. The Manual is available on the PTO's "homepage" on the Internet, which can be accessed at <http://www.uspto.gov>. The Manual may also be purchased, along with other trademark information, in a CD-ROM format from the Office of Electronic Information Products Development of the Patent and Trademark Office (703) 306-2600. See notice at 1190 TMOG 67 (Sept. 17, 1996). In addition, the Manual is available in hard copy on a subscription basis from the Government Printing Office. TMEP Section 804.04.

Please note that, while an application may be amended to clarify or limit the recitation, additions to the recitation are not permitted. 37 C.F.R. Section 2.71(b); TMEP section 804.09. Therefore, the applicant may not amend to include any services that are not within the scope of services set forth in the present recitation.

The applicant may adopt the following recitation of services, if accurate:

Promoting the goods and services of others by preparing and placing advertisements in an electronic magazine accessed through a global computer network, in International Class 35.

Multi-Class Application

If the applicant prosecutes this application as a combined, or multiple-class, application, the applicant must comply with each of the following:

- (1) The applicant must specifically identify the services in each class and list the services by international class with the classes listed in ascending numerical order. TMEP section 1113.01.
- (2) The applicant must submit a filing fee for each international class of services not covered by the fee already paid. 37 C.F.R. Sections 2.6(a)(1) and 2.86(b); TMEP sections 810.01 and 1113.01. Effective January 10, 2000, the fee for filing a trademark application is \$325 for each class. This applies to classes added to pending applications as well as to new applications filed on or after that date.

2001 USPTO TESS Record for BEAUTV

TESS - Document Display

9/20/01 5:25 PM



U.S. Trademark Electronic Search System (TESS)

TESS was last updated on Thu Sep 20 04:24:38 EDT 2001

[PTO HOME](#) [TRADEMARK](#) [TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [BOTTOM](#) [HELP](#)

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

Record 1 out of 1

Check Status *(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)*

Typed Drawing

Word Mark BEAUTV

Goods and Services IC 041. US 100 101 107. G & S: Any or all of the following: a static or moving visual image with or without narration, and sometimes accompanied by a written article all with the intent to provide entertainment & information to the viewer presented via a global computer network or by other broadcasting means. FIRST USE: 19990000. FIRST USE IN COMMERCE: 19990000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 78070108

Filing Date June 20, 2001

Owner (APPLICANT) Tseng, Bonnie, M INDIVIDUAL UNITED STATES 3020 LaVista Court Decatur GEORGIA 30033

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

[PTO HOME](#) [TRADEMARK](#) [TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [TOP](#) [HELP](#)

2006 USPTO TARR verification of Trademark status

Latest Status Info

4/15/06 12:07 PM

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2006-04-15 15:06:51 ET

Serial Number: 78070108

Registration Number: 2659515

Mark (words only): BEAUTV

Standard Character claim: No

Current Status: Registered.

Date of Status: 2002-12-10

Filing Date: 2001-06-20

Transformed into a National Application: No

Registration Date: 2002-12-10

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-01-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Tseng, Bonnie, M

Address:

Tseng, Bonnie, M
3020 LaVista Court
Decatur, GA 30033
United States

Legal Entity Type: Individual

Country of Citizenship: United States

Phone Number: 404-915-2359

Fax Number: 240-250-5542

GOODS AND/OR SERVICES

International Class: 044
PROVIDING INFORMATION ABOUT BEAUTY
First Use Date: 1999-00-00
First Use in Commerce Date: 1999-00-00

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2002-12-10 - Registered - Principal Register
2002-09-17 - Published for opposition
2002-08-28 - Notice of publication
2002-05-14 - Approved for Pub - Principal Register (Initial exam)
2002-05-13 - Communication received from applicant
2001-09-10 - Non-final action e-mailed
2001-08-24 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent
Tseng, Bonnie, M
3020 LAVISTA CT
DECATUR GA 30033-1102

Phone Number: 404-915-2359
Fax Number: 240-250-5542

Certificate of Incorporation 2000

Secretary of State

Corporations Division

315 West Tower

**#2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530**

CONTROL NUMBER: 0004224
EFFECTIVE DATE: 01/24/2000
COUNTY : DEKALB
REFERENCE : 0077
PRINT DATE : 01/25/2000
FORM NUMBER : 311

BONNIE M. TSENG
3020 LAVISTA COURT
DECATUR, GA 300331102

CERTIFICATE OF INCORPORATION

I, Cathy Cox, the Secretary of State and the Corporations Commissioner of the State of Georgia, do hereby certify under the seal of my office that

**BEAUTV, INC.
A DOMESTIC PROFIT CORPORATION**

has been duly incorporated under the laws of the State of Georgia on the effective date stated above by the filing of articles of incorporation in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on the date set forth above.



Cathy Cox

Cathy Cox
Secretary of State

Incorporation Fees Invoice 2000



STATE OF GEORGIA 2000 CORPORATION ANNUAL REGISTRATION

CATHY COX
Secretary of State

Corporations Division
P.O. Box 105607
Atlanta, Georgia 30348-5607

WARREN H. RARY
Director

CORPORATION NO. 0004224 BEAUTV, INC. 3020 LAVISTA COURT DECATUR, GA 300331102	Information on record as of: 01/25/2000 <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: auto;"> Registered Agent: BONNIE M. TSENG 3020 LAVISTA COURT DECATUR, GA 300331102 </div>
--	--

AMOUNT DUE: \$15.00

MAKE CHECK PAYABLE TO:
"SECRETARY OF STATE"

NEW THIS YEAR - REGISTER ONLINE!!!

Registrations may be filed via the Internet at our web site, <http://www.sos.state.ga.us/corporations>. Click "Renew Online." Payment may be made by credit card or GeorgiaNet account.

1. The Annual Registration is due by April 1, 2000. Corporations that do not file are subject to administrative dissolution/revocation.
2. Verify information at web address above or as printed below. If correct and complete, file registration online or detach coupon below and return to above address along with appropriate fee. If changes are necessary, enter and file online or enter on coupon below and return to above address along with appropriate fee.
3. Allow one business day for processing of registrations filed online. Allow 3 to 4 weeks for processing of registrations received by mail. Choose only one filing method.

Visit our web site for more information on annual registrations, including answers to frequently asked questions! Or, call our Customer Service Group at (404) 656-2817.

REVIEW, UPDATE AND FILE INFORMATION ONLINE. OR, REVIEW AND UPDATE INFORMATION ON FORM BELOW AND DETACH AND MAIL WITH PAYMENT TO ABOVE ADDRESS. FILE ONLY ONCE.

CORPORATION NAME	ADDRESS	CITY	STATE	ZIP
BEAUTV, INC.	3020 LAVISTA COURT	DECATUR	GA	300331102
CEO:	**NO NAME ON FILE ENTER BELOW**	**PLEASE ENTER ADDRESS BELOW**	**ENTER CITY BELOW**	****
CFO:	**NO NAME ON FILE ENTER BELOW**	**PLEASE ENTER ADDRESS BELOW**	**ENTER CITY BELOW**	****
SEC:	**NO NAME ON FILE ENTER BELOW**	**PLEASE ENTER ADDRESS BELOW**	**ENTER CITY BELOW**	****
AGT:	BONNIE M. TSENG	3020 LAVISTA COURT	DECATUR	GA 300331102

IF ABOVE INFORMATION HAS CHANGED, TYPE OR PRINT CORRECTIONS BELOW:

CORPORATION ADDR:				
CEO:	Bonnie M. Tseng	3020 Lavista Court	Decatur	GA 30033
CFO:	Bonnie M. Tseng	3020 Lavista Court	Decatur	GA 30033
SEC:				
AGT:	Bonnie M. Tseng	P.O BOX NOT ACCEPTABLE		
		3020 Lavista Court	Decatur	GA 30033
I HEREBY CERTIFY THAT I AM AUTHORIZED TO SIGN THIS FORM AND THAT THE INFORMATION IS TRUE AND CORRECT.		FEIN:	FEIN CORRECTION:	
		* Enter correction here ->		
AUTHORIZED SIGNATURE:	DATE:	COUNTY OF REGISTERED OFFICE:	COUNTY CHANGE OR CORRECTION:	
TITLE:	PHONE #	DEKALB		

BR201 (12-99) 2000 CORPORATION ANNUAL REGISTRATION

FEE: \$15.00 GA 01/24/2000 DP 0004224



0000042240015008BEAUTVINC

Incorporation Receipt 2000

SOSFORM

Page 1 of 2



CATHY COX
Secretary of State

STATE OF GEORGIA
2000 ANNUAL REGISTRATION
CORPORATIONS DIVISION
Office of Secretary of State
(404) 656-2817

WARREN H. RARY
Director

Thank you for registering online.

Your Tracking Number is: 20000401162417752

Please PRINT this receipt for your records.

ENTITY-CONTROL-NUMBER: 0004224

TOTAL CHARGED: \$15.00

ENTITY INFORMATION

ENTITY-NAME: BEAUTV, INC.
PRINCIPAL-ADDRESS: 3020 LAVISTA COURT
PRINCIPAL-CITY: DECATUR
PRINCIPAL-STATE: GA
PRINCIPAL-ZIP: 300331102
REGAGENT-NAME: BONNIE M. TSENG
REGAGENT-ADDRESS: 3020 LAVISTA COURT
REGAGENT-CITY: DECATUR
REGAGENT-STATE: GA
REGAGENT-ZIP: 300331102
REGAGENT-COUNTY: DEKALB
FEDERAL-EMPLOYER-ID:

CEO INFORMATION

NAME: BONNIE M. TSENG
ADDRESS: 3020 LAVISTA COURT
CITY: DECATUR
STATE: GA
ZIP CODE: 300331102

CFO INFORMATION

NAME: BONNIE M. TSENG
ADDRESS: 3020 LAVISTA COURT
CITY: DECATUR
STATE: GA
ZIP CODE: 300331102

SEC INFORMATION

Incorporation Receipt 2001

sosform

3/26/01 2:50 PM



CATHY COX
Secretary of State

STATE OF GEORGIA
2001 ANNUAL REGISTRATION
CORPORATIONS DIVISION
Office of Secretary of State
(404) 656-2817

WARREN H. RARY
Director

Thank you for registering online.

Your Tracking Number Is: 20010326194900662

Please PRINT this receipt for your records.

ENTITY-CONTROL-NUMBER: 0004224

TOTAL CHARGED: \$15.00

ENTITY INFORMATION

ENTITY-NAME: **BEAUTV, INC.**
PRINCIPAL-ADDRESS: **3020 LAVISTA COURT**
PRINCIPAL-CITY: **DECATUR**
PRINCIPAL-STATE: **GA**
PRINCIPAL-ZIP: **300331102**
REGAGENT-NAME: **BONNIE M. TSENG**
REGAGENT-ADDRESS: **3020 LAVISTA COURT**
REGAGENT-CITY: **DECATUR**
REGAGENT-STATE: **GA**
REGAGENT-ZIP: **300331102**
REGAGENT-COUNTY: **DEKALB**

CEO INFORMATION

NAME: **BONNIE M. TSENG**
ADDRESS: **3020 LAVISTA COURT**
CITY: **DECATUR**
STATE: **GA**
ZIP CODE: **300331102**

Incorporation Receipt 2002

sosform

3/28/02 12:11 PM



CATHY COX
Secretary of State

STATE OF GEORGIA
2002 ANNUAL REGISTRATION
CORPORATIONS DIVISION
Office of Secretary of State
(404) 656-2817

WARREN H. RARY
Director

Thank you for registering online.

Your Tracking Number Is: 20020328170800026

Please PRINT this receipt for your records.

ENTITY-CONTROL-NUMBER: 0004224
TOTAL CHARGED: \$15.00

ENTITY INFORMATION

ENTITY-NAME: BEAUTV, INC.
PRINCIPAL-ADDRESS: 3020 LAVISTA COURT
PRINCIPAL-CITY: DECATUR
PRINCIPAL-STATE: GA
PRINCIPAL-ZIP: 300331102
REGAGENT-NAME: BONNIE M. TSENG
REGAGENT-ADDRESS: 3020 LAVISTA COURT
REGAGENT-CITY: DECATUR
REGAGENT-STATE: GA
REGAGENT-ZIP: 300331102
REGAGENT-COUNTY: DEKALB

CEO INFORMATION

NAME: BONNIE M. TSENG
ADDRESS: 3020 LAVISTA COURT
CITY: DECATUR
STATE: GA
ZIP CODE: 300331102

CFO INFORMATION



Georgia Secretary of State *Karen C. Handel*

Archives • Corporations • Elections • News Room • Professional Licensure • Secur

Annual Registration

Annual Registration

Payment status: Filing Accepted

Control Number: 0004224

Amount: \$55.00

Date: 4/17/2009 5:01:51 PM

Invoice number: 6610969

Invoice: [6610969](#) 

(Click on the number or icon to print the invoice.)

Filed Application: [0004224](#) 

(Click on the number or icon to print the filed doc

Your payment has been processed.

Click the links above to print your invoice and Annual Report before leaving this screen

Exit



Incorporation Receipts: 2010 indicating consistent Registration

Georgia Secretary of State

Page 1 of 1



Georgia Secretary of State
Brian P. Kemp

Archives • Corporations • Elections • News Room • Professional Licensure • Securities • State Capitol

Annual Registration

Annual Registration

Payment status: Filing Accepted

Control Number: [0004224](#)

Amount: \$30.00

Date: 3/30/2010 2:20:27 AM

Invoice number: [7238902](#)

Invoice: [7238902](#)

(Click on the number or icon to print the invoice.)

Filed Application: [0004224](#)

(Click on the number or icon to print the filed document.)

Your payment has been processed.

Click the links above to print your invoice and Annual Report before leaving this screen.

Exit





Georgia Secretary of State Brian P. Kemp

Archives • Corporations • Elections • News Room • Professional Licensure • Securities • State Capitol

- Search
- ▶ [By Business Name](#)
 - ▶ [By Control No](#)
 - ▶ [By Officer](#)
 - ▶ [By Registered Agent](#)
 - ▶ [Verify Certification](#)
 - Verify
 - New Filing
 - ▶ [Click here to file online for:](#)
 - ▶ [New Limited Liability Company \(LLC\)](#)
 - ▶ [New Business Corporation](#)
 - ▶ [New Non-Profit Corporation](#)
 - ▶ [New Professional Corporation \(PC\)](#)
 - Annual Registration
 - ▶ [Annual Registration](#)
 - Name Reservation
 - ▶ [File Name Reservation](#)
 - Online
 - Online Orders
 - ▶ [Register for Online](#)
 - ▶ [Orders](#)
 - ▶ [Order Certificate of Existence](#)
 - ▶ [Order Certified Documents](#)

[View Filed Documents](#)

Date: 3/31/2011 (Annual Registration History etc.)

[File Annual Registration Online](#)

or

[Print A Paper Annual Registration Form](#)

PLEASE NOTE: To download your Annual Registration forms you will need Adobe Reader to view and/or print. If you do not have Adobe Reader installed on your computer, click the "Get Adobe Reader" button on the right to download the reader free of charge from the Adobe website.



Annual Registrations

The Georgia Code only requires the Office of Secretary of State to retain annual registrations for a period of five years from the date in which it was filed. Annual registrations older than five years may no longer be available for certification or viewing on the web.

Business Name History

Name	Name Type
BEAUTV, INC.	Current Name

Profit Corporation - Domestic - Information

Control No.: 0004224
 Status: Active/Compliance
 Entity Creation Date: 1/24/2000
 Jurisdiction: GA
 Principal Office Address: 3020 LAVISTA CT
 DECATUR GA 30033-1102
 Last Annual Registration Filed Date: 3/31/2011
 Last Annual Registration Filed: 2011

Registered Agent

Agent Name: [BONNIE M. TSENG](#)
 Office Address: 3020 LAVISTA COURT
 DECATUR GA 30033-1102
 Agent County: DEKALB

Officers

Title: CEO
 Name: BONNIE M. TSENG
 Address: 3020 LAVISTA COURT
 DECATUR GA 30033-1102

Title: CFO
 Name: BONNIE M. TSENG



Georgia Secretary of State Brian P. Kemp

Archives • Corporations • Elections • News Room • Professional Licensure • Securities • State Capitol

Annual Registration

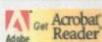
Annual Registration

Payment status: Filing Accepted
Control Number: 0004224
Amount: \$50.00
Date: 2/29/2012 5:17:34 AM
Invoice number: 8462518  *(Click on the number or icon to print the invoice.)*
Filed Application: 0004224  *(Click on the number or icon to print the filed document.)*

Your payment has been processed.

Click the links above to print your invoice and Annual Report before leaving this screen.

Exit



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

In the Matter of Application Serial No. 85/155593
Filed: October 19, 2010
Mark: BEAUTV
Published for Opposition: March 22, 2011

UNITED GLOBAL MEDIA GROUP, INC.,

Opposer.

v.

BONNIE TSENG,

Applicant.

Opposition No. 91200786

**OPPOSER'S OBJECTIONS AND RESPONSES TO APPLICANT'S
FIRST REQUEST FOR ADMISSIONS DEFINITIONS [sic]**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and TBMP 407

Opposer United Global Media Group, Inc. ("UGMG") hereby objects and responds to Applicant Bonnie Tseng's ("Applicant") First Request For Admissions Definitions [sic] ("Applicants RFAs") as follows.

GENERAL OBJECTIONS

UGMG sets forth the following objections of general applicability to Applicant's RFAs, including specific objections to the definitions and instructions set forth therein.

1. UGMG objects to Applicant's RFAs to the extent that they seek to impose upon UGMG obligations different from those set forth in the Federal Rules of Civil Procedure, the Trademark Trial and Appeal Board, applicable case law, or any order entered in this action. In responding to Applicant's RFAs, UGMG will assign to each word its everyday meaning and has construed the language of each request in light of the scope of discovery permitted by the Federal Rules of Civil Procedure and the rules of the Board.

2. UGMG objects to Applicant's RFAs to the extent that they call for the disclosure of attorney-client privileged communications, attorney work product, information otherwise privileged or protected by Rule 26 of the Federal Rules of Civil Procedure, or information otherwise protected from discovery by any other applicable statutory or common law privilege or immunity. Any information disclosed is subject to the reservation that the disclosure of privileged or otherwise protected information is not intended to be, and should not be construed as, a waiver of any privilege or protection that otherwise would be afforded such information.

3. UGMG objects to Applicant's RFAs to the extent that they seek information which contains, reflects, references, or relates to confidential business or proprietary information or trade secrets.

4. UGMG objects to Applicant's RFAs to the extent that they seek the disclosure of information or documents that are not relevant to the subject matter involved in this action or are not reasonably calculated to lead to discovery of admissible evidence.

5. UGMG objects to Applicant's RFAs to the extent that they are not reasonably calculated to lead to the discovery of admissible evidence.

6. UGMG's answers to Applicant's RFAs are not intended, nor should they be construed, as an acceptance of, or agreement with, any of the instructions, definitions, characterizations, or purported descriptions contained in Applicant's RFAs.

7. UGMG's objections and responses to Applicant's RFAs are based only upon such information as is available to UGMG at the time of this response. Further investigation in this action may disclose additional information that is requested by JFW. UGMG reserves the right to modify or supplement any of its objections and responses to Applicant's RFAs as additional information is obtained or becomes available or known to UGMG.

8. UGMG objects to Applicant's reference to "definitions" in the first paragraph of

Applicant's RFAs as Applicant has not served Interrogatories to Opposer, hence no such definitions exist.

9. UGMG objects to the Applicant's RFAs to the extent that they are vague and ambiguous. When attempting to respond to a vague and ambiguous request, UGMG will respond to the extent that it understands the request.

10. UGMG objects to each request to the extent it purports to require UGMG to disclose information in violation of a legal or contractual obligation of nondisclosure to a third party. UGMG will not disclose such information without the consent of the relevant third party.

11. UGMG objects to these requests to the extent they call for legal conclusions.

12. UGMG objects to each request to the extent that it is premature. UGMG has yet to complete its investigation or receive full discovery from JFW and relevant third parties, and thus bases its responses on the information available to it at the present time. UGMG expressly reserves the right to amend, supplement, or change any and all of its responses based on additional discovery and any other evidence uncovered by UGMG.

SPECIFIC OBJECTIONS AND ANSWERS TO REQUESTS

UGMG hereby incorporates by reference, as if fully set forth therein, each of the foregoing General Objections in its objections below to each of the individually numbered requests for admissions propounded by Applicant. Subject to and without waiving the foregoing objections, UGMG further objects and responds to the individually numbered requests as follows:

Request No. 1

Admit that Applicant's mark, BEAUTV, web site, www.beautv.com, and business entity BeauTV, Inc. registered in Georgia all existed unopposed prior to Opposer's Trademark applications.

Response to Request No. 1

Denied.

Request No. 2

Admit that Applicant's web site, www.beautv.com, and business entity BeauTV, Inc. have been continuously registered since 1999 and 2000 respectively.

Response to Request No. 2

Denied.

Request No. 3

Admit that no party has ever named specific confusion with BEAUTV and Opposer's marks.

Response to Request No. 3

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG admits that it is not aware that any "party has ever named specific confusion with BEAUTV and Opposer's marks."

Request No. 4

Admit that Opposer did not contact Applicant to indicate any opposition to Applicant's mark, BEAUTV when registering for any of Opposer's marks.

Response to Request No. 4

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG further objects to this request to the extent it characterizes BEAUTV as Applicant's "mark." Subject to and without waiving these objections and the General Objections set forth above, UGMG denies that it did not contact Applicant to indicate any opposition to Applicant's BEAUTV designation.

Request No. 5

Admit that Applicant's web site, www.BeauTV.com is not materially similar to Opposer's web site www.beautytv.me in name or content.

Response to Request No. 5

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. UGMG objects to this request to the extent that the www.beautv.com website is devoid of content. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies that the domain names www.beautytv.me and www.beautv.com are not "materially similar in name."

Request No. 6

Admit that Opposer was aware of Applicant's BEAUTV mark prior to adopting Opposer's marks.

Response to Request No. 6

Denied.

Request No. 7

Admit that Opposer did not contact Applicant between 1999-2009 to indicate any confusion with Opposer's marks.

Response to Request No. 7

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG admits it “did not contact Applicant between 1999-2009 to indicate any confusion with Opposer’s marks.”

Request No. 8

Admit that the mark BEAUTV is different in appearance to the mark BEAUTY TV.

Response to Request No. 8

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it asks for a legal conclusion. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies this request.

Request No. 9

Admit that the mark BEAUTV is different in sound to the mark BEAUTY TV.

Response to Request No. 9

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it asks for a legal conclusion. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies this request.

Request No. 10

Admit that Applicant's BEAUTV mark is not similar to Opposer’s BEAUTY CHANNEL mark.

Response to Request No. 10

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it asks for a legal conclusion. Subject to and without waiving

these objections and the General Objections set forth above, UGMG denies this request.

Request No. 11

Admit that Applicant's mark, BEAUTV was not invented by Opposer.

Response to Request No. 11

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG is unable to answer this request as trademarks are not "invented." Subject to and without waiving these objections and the General Objections set forth above, UGMG admits it did not "invent" BEAUTV.

Request No. 12

Admit that Opposer's marks utilize general terms used in the English language, BEAUTY, CHANNEL, and TV.

Response to Request No. 12

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG admits that its marks utilize the terms "beauty," "channel," and "TV," but denies that these are "general terms used in the English language."

Request No. 13

Admit that the words BEAUTY, TV and CHANNEL are commonly used terms in the English language.

Response to Request No. 13

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. UGMG objects to this request to the extent that UGMG has no knowledge

of the frequency of usage of any “terms” in English. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies “that the words BEAUTY, TV and CHANNEL are commonly used terms in the English language.”

Request No. 14

Admit that the words BEAUTY, TV and CHANNEL are common words found in the English dictionary which are not solely used for the purposes of Opposer’s marks.

Response to Request No. 14

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies “that the words BEAUTY, TV and CHANNEL are common words found in the English dictionary which are not solely used for the purposes of Opposer’s marks.”

Request No. 15

Admit that Applicant’s BEAUTV word is unique without prior definition in the English dictionary

Response to Request No. 15

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies this request.

Request No. 16

Admit that Applicant’s BEAUTV mark was previously granted Trademark protection, unopposed prior to Trademark applications for Opposer’s marks.

Response to Request No. 16

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies this request.

Request No. 17

Admit that Applicant's BEAUTV mark has been in continuous use by Applicant since 1999.

Response to Request No. 17

Denied.

Request No. 18

Admit that Applicant's BEAUTV mark has prior Trademark protection to Opposer's marks.

Response to Request No. 18

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies this request.

Request No. 19

Admit that Opposer cannot state any known incidents of confusion of Opposer's marks with Applicant's mark, BEAUTV.

Response to Request No. 19

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of

admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG admits that it is not aware of “any known incidents of confusion of Opposer’s marks with Applicant’s” BEAUTV designation.

Request No. 20

Admit that Opposer cannot provide evidence of confusion of Opposer’s marks with Applicant’s mark, BEAUTV.

Response to Request No. 20

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. UGMG objects to this request to the extent it calls for a legal confusion. UGMG objects to this request to the extent it misstates the applicable standard for likelihood of confusion. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies that it cannot provide evidence of a likelihood of confusion between Opposer’s marks and Applicant’s BEAUTV designation.

Request No. 21

Admit that Opposer’s www.beautytv.me web site has never received any communication of confusion with Applicant’s www.beautv.com web site.

Response to Request No. 21

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. UGMG objects to this request to the extent it calls for a legal confusion. UGMG objects to this request to the extent it misstates the applicable standard for likelihood of confusion. UGMG cannot answer this request as it is unintelligible, and therefore denies the same.

Request No. 22

Admit that Applicant's www.beautv.com web site is different in content and appearance from www.beautytv.me

Response to Request No. 22

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. UGMG objects to this request to the extent that websites are dynamic. Subject to and without waiving these objections and the General Objections set forth above, UGMG admits that on November 14, 2012 at 4:20pm EST, beautv.com and beautytv.me displayed different content, mainly due to beautv.com being devoid of content.

Request No. 23

Admit that Applicant's www.beautv.com web site does not provide any information that confuses BEAUTY TV with BEAUTV.

Response to Request No. 23

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies this request.

Request No. 24.

Admit that Applicant denied intent to confuse or harm Opposer when first contacted by Opposer in 2010.

Response to Request No. 24

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of

admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies this request as Opposer did not contact Applicant in 2010.

Request No. 25

Admit that an online search of Applicant's mark BEAUTV does not produce results of BEAUTY TV or any of Opposer's marks.

Response to Request No. 25

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. UGMG objects to this request as "online search" is vague and ambiguous. UGMG is unable to answer this request without further specificity, and therefore must deny the same.

Request No. 26

Admit that Opposer did not attempt to resolve confusion concerns prior to filing Opposition.

Response to Request No. 26

UGMG objects to this request as being vague, ambiguous, irrelevant, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies this request.

Request No. 27

Admit that Opposer was provided information from Applicant and the USPTO web site that indicates Applicant's use of BEAUTV mark dates back to 1999.

Response to Request No. 27

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies this request.

Request No. 28

Admit that Opposer has no rights or implied entitlement to the Applicant's mark, BEAUTV.

Response to Request No. 28

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies this request to the extent Applicant's BEAUTV is likely to be confused with Opposer's pleaded marks.

Request No. 29

Admit that searching the term BEAUTY TV in various formats online or other does not produce results of Applicant's mark, BEAUTV.

Response to Request No. 29

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. UGMG objects to this request as "searching the term BEAUTY TV in various formats online or other" is vague and ambiguous. UGMG is unable to answer this request without further specificity, and therefore denies the same.

Request No. 30

Admit that many other web sites which utilize the words BEAUTY and TV, not belonging to the Opposer exist, including but not limited to www.beautytv.com and www.beauty.com.

Response to Request No. 30

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies this request.

Request No. 31

Admit that none of Opposer's marks were found to be similar to BEAUTV when Opposer applied for trademark protection.

Response to Request No. 31

UGMG objects to this request as being vague, ambiguous, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections and the General Objections set forth above, UGMG denies this request.

Request No. 32

Admit that Applicant has never expressed intent to harm Opposer or benefit from Opposer's marks on the basis of confusion with any of Opposer's marks.

Response to Request No. 32

UGMG objects to this request as being vague, ambiguous, irrelevant, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. UGMG is unable to answer this request without further specificity.

Request No. 33

Admit that Opposer did not address confusion concerns with Applicant's mark BEAUTV prior to applying for Trademark protection for any of Opposer's marks.

Response to Request No. 33

UGMG objects to this request as being vague, ambiguous, irrelevant, and unintelligible. UGMG objects to this request to the extent it is not reasonably calculated to lead to discovery of admissible evidence. UGMG is unable to answer this request without further specificity, and therefore denies the same.

Dated: November 14, 2012

UNITED GLOBAL MEDIA GROUP, INC.

By its attorneys,



Aaron Silverstein
Saunders & Silverstein LLP
14 Cedar Street, Suite 224
Amesbury, MA 01913
978-463-9130 (direct)
asilverstein@massiplaw.com

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2012, a true and complete copy of the foregoing **OPPOSER'S OBJECTIONS AND RESPONSES TO APPLICANT'S FIRST REQUEST FOR ADMISSIONS DEFINITIONS [sic]**, has been served on Applicant Bonnie Tseng by email and First Class Mail, postage prepaid, to:

Bonnie Tseng
3020 Lavista Court
Decatur, GA 30033
beautv@mindspring.com
bonnietseng@mindspring.com



Aaron Silverstein